

Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan  
Section Meeting – December 7, 2019  
State Bar of Michigan Office, 306 Townsend, Lansing, MI 48933

Attendance: In Person: Christine Caswell,\* Susan Chalgian,\* Shannon DeWall,\* Raymond Harris,\* Robert Mannor,\* Erin Mortenson,\* Kelly Quardokus,\* Nick Ryan,\* Jean Doss, John Roy Castillo, Michael Bartnik, Beth Swagman

By Phone: Howard Collens,\* Angela Hentkowski,\* Catherine Jacobs,\* Amanda Murray,\* Jacquelyn Rygiel-Sprague,\* Christopher Smith,\* Terri Winegarden,\* James Steward, David Kerr, Jacob Spear, Kara Jennings and Lisa Anderson

[\*ELDRS Council Member ]

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Chair Kelly Quardokus called the meeting at approximately 10:00.

**[A] ROUTINE BUSINESS**

Agenda- John Roy Castillo Requested that a discussion about the Master Lawyers Section be added to new business. Kelly Quardokus requested that a discussion about service animals be added to legislative committee. With the additions, Susan Chalgian moved and Nick Ryan seconded to adopt the agenda. Motion passed.

Minutes- Susan Chalgian moved and Nick Ryan seconded to adopt the minutes with corrections. Motion passed.

Treasurer’s Report- Angela Hentkowski reported the State Bar of report which was attached to the agenda.

Conference Update- Updates were given on the Spring Conference and the Fall Conference. Harley Manela is finalizing speakers for the Spring Conference. Angela Hentkowski reported that the Fall Conference made a profit of about \$6,000.00.

**[B] ACTION ITEMS:**

- 1. Re-affirm Motion supporting letter to Detroit Leadership -ADA issues with Coleman A. Young Building Center. Final Edits made - Changes to letter resubmitted for comment and approval. ELDRS Approved draft letter addressing the ADA compliance issues at 11/2/2019 meeting.**

Shannon DeWall moved and Nick Ryan seconded that the Elder Law and Disability Rights Section of the State Bar of Michigan (ELDRS) support the letter written (with edits discussed) by Attorney Michael Bartnik addressing the ADA compliance issues with the Coleman A. Young Municipal Center. A vote followed, and the motion passed unanimously.

## **2. Motion to Support Substitute for SB77: (Draft 2) Nursing Home Resident Requested Surveillance. (S)Runestad**

Raymond Harris moved and Nick Ryan seconded that that ELDRS support the Substitute (Draft 2) of SB 77.

A roll call vote was held and the following council members voted in favor of the policy position: Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Catherine Jacobs, Robert Mannor, Erin Mortenson, Amanda Murray, Kelly Quardokus, Nick Ryan, Christopher Smith, Jackie Rygiel-Sprague and Terri Winegarden. There were no opposing votes. Motion Passes.

## **3. Motion to Support Federal Legislation "HR 4334: Dignity in Aging Act (Reauthorization Older Americans Act)**

Susan Chalgian moved and Nick Ryan seconded that ELDRS encourage our federal legislators to reauthorize The Older Americans Act/Dignity in Aging Act.

A roll call vote was held and the following council members voted in favor of the policy position: Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Catherine Jacobs, Robert Mannor, Erin Mortenson, Amanda Murray, Kelly Quardokus, Nick Ryan, Christopher Smith, Jackie Rygiel-Sprague and Terri Winegarden. There were no opposing votes. Motion Passes.

## **4. Motion to Support SB 647/648: Crime to Display fictitious name/number on caller ID w/intent to commit fraud.**

Robert Mannor moved and Nick Ryan seconded that ELDRS encourage our federal legislators to reauthorize The Older Americans Act/Dignity in Aging Act.

A roll call vote was held and the following council members voted in favor of the policy position: Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Catherine Jacobs, Robert Mannor, Erin Mortenson, Amanda Murray, Kelly Quardokus, Nick Ryan, Christopher Smith, Jackie Rygiel-Sprague and Terri Winegarden. There were no opposing votes. Motion Passes.

## **[C] COMMITTEE REPORTS**

1. Disability Rights Committee - Shannon DeWall reported on the work of the committee.
2. Legislative – Christopher Smith / Capitol Services \*
  - a) SB 77 - Action Item above

- b) Federal Legislation Support Reinstatement of Older American Act/ Dignity in Aging Act- Action Item above
- c) AG Office - Robo Call Initiative Update (SB 647 & 648)- action item above
- d) Proposed legislation on emotional support animals – a discussion ensued about the issues. No position was adopted at this time. Patti Dudek has prepared a letter opposing the legislation that is available for the Council’s review.
- e) Jean Doss from Capitol Services discussed the written report they submitted.

3. Litigation – Ray Harris

Raymond Harris reported on the activities of the Litigation Committee.

4. Membership and Education – Maria Messina Weirsma

Our Back to Basics Webinar series continues as an exclusive benefit to ELDRS members. Adding even more to the value of your membership, this benefit extends to your assistants and paralegals as well. The following upcoming webinars are scheduled:

- 1/09/20 – Noon - PACE Program, Erin Majka, Chalgian & Tripp Law Offices PLLC, Kalamazoo, Michigan,
- 3/12/20 – Noon, Caregiver Contracts, Lisa H. Beatty, Nawrocki Center for Elder Law, Special Needs & Disability Planning, PLLC

We are working on finalizing the 2020 webinar schedule.

Upcoming topics include:

- MI Choice Waiver
- Hospital Discharge Planning – What to do when you get that call at 4 pm on Friday.
- Mental Health Services
- Name that Medicaid Program: A primer on non-long-term care Medicaid

As a reminder, we have moved to an every-other-month webinar schedule.

5. Administrative – Gregory Kish and Sara Schimke

The Committee is working on a letter to CMS on promissory notes.

6. Bylaws – Howard Collens – No report

**[D] CONTINUING BUSINESS**

1. Christopher Smith and Kelly Quardokus discussed the upcoming meeting with representatives of DHHS, ELDRS Section and legislators,
  - Next Meeting December 10, 2019

- Concentration on Caregiver Contract Policy Revisions and DHHS Ombudsman request for technical issues regarding applications
2. Christopher Smith discussed the ongoing activities of the Governor's Task Force on Elder Abuse Update-

**[D] NEW BUSINESS**

John Roy Castillo discussed the changes to the Master Lawyers Section.

**[E] "UN-MEETING "Q & A**

Members weighed in on recent issues brought up on the listserv.

The meeting adjourned at approximately 12:30 PM.