

Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan
Section Meeting – December 5, 2020
Webinar / Conference Call Only

Attendance by Phone: Christine Caswell*, Susan Chalgian*, Howard Collens*, Shannon DeWall*, Raymond Harris*, Antonia Harbin-Lamb*, Angela Hentkowski*, Catherine Jacobs*, Sanford Mall*, Maria Messina Wiersma*, Erin Mortenson*, Amanda Murray*, Theresa Orlaske-Rich*, Kelly Quardokus*, Tracey Rowens*, Nick Ryan*, Jacquelyn Rygiel-Sprague*, Nadia Vann*, Terri Winegarden*, Todd Tennis, Jean Doss, Paul Sturgul, Don Rosenberg, Harley Manela, Kimberly Parks, Sara Whalen, Kevin Gilhool, Sean Ziadeh, Sara Schimke, David Shaltz, Kelli King-Penner, and Beth Swagman

[*ELDRS Council Member]

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Chair Christine Caswell called the meeting at approximately 10:04 AM.

[A] ROUTINE BUSINESS

1. Attendance / Roll Call
2. Agenda- Kelly Quardokus moved, and Jacquelyn Rygiel-Sprague seconded, a Motion to adopt the Agenda. Motion passed.

Christine Caswell led discussion regarding informal Hearts & Flowers Fund. Motion to fund formal Hearts & Flowers Funds for \$500, line item, by Susan Chalgian supported Catherine Jacobs. Motion passed.

3. Minutes- Nadia Vann moved, and Kelly Quardokus seconded, a Motion to adopt the minutes. Motion passed.
4. Treasurer’s Report- No report, State Bar of Michigan wrapping up end of year.

[B] COMMITTEE REPORTS

1. **Spring Conference** – Harley Manela led discussion on the Spring Conference. The conference will be held on March 19, 2021 by zoom, and will be 4 sessions from approximately 11:00 am – 3:00 pm.
2. **Fall Conference** – Susan Chalgian had no formal report, waiting to see if it looks like the conference will be held in person or virtual.
3. **Disability Rights Committee** – Nadia Vann gave brief update.
4. **Legislative Committee** -
 - a. Todd Tennis gave the Capitol Services Legislative Report.
 - b. Todd Tennis provided an update on HB 5795 – Electronic Wills. Members are asked to contact senators to express concern and opposition to HB 5795.
 - c. Todd Tennis provided an update on SB 77 – Cameras in the Nursing Home
 - d. Todd Tennis and Kelly Quardokus provided an update on SB 464. Discussion on the need of an appeal process for customers. Kelly Quardokus moved, and Terri Winegarden seconded a motion to “Support in Concept” SB 464 but with amendments. The amendments would address 3 issues: Amendments

should: 1) Return the new Draft S-1 timeline that a Financial institution can freeze/ hold accounts if a financial institution suspects financial exploitation to the original bill's 5 business day timeline. (The new change to up to 10 business days in reality is 14 days or nearly 1/2 a month which is an excessive amount of time to allow the freezing of accounts based upon if a financial institution "suspects" financial exploitation); 2) Remove or amend and address the no limit extended time frame that accounts can continually be held /frozen after financial institutions are notified by law enforcement / APS that investigation is dismissed or the financial institution reasonably believes there is no continued risk of covered exploitation or the targeted individual, whichever is later; 3) Include a provision in the statute itself or as a policy requirement for financial institutions to provide an "appeal" process for customers if the customer believes a mistake has been made freezing their account. Roll Call – motion passes with 19 voting in favor, there were no votes opposed or abstaining. Motion passes.

- e. Motion supports SB 1186 through 1189. Howard Collens moved, and Theresa Orlaske-Rich seconded, to support in concept SB 1186 to 1189 that:(a) Ratifies acts of notarization and witnessing made under Executive Orders on those topics, as well as those that were intended to have complied with those orders;(b) Allows remote witnessing of legal documents under EPIC; and,(c) Allows remote notarization by individuals using an "other audio and visual communication technology" in addition to a "remote electronic notarization platform" approved under section 26b of the Michigan Law on Notarial Acts, by amending Michigan's current law on notarial acts. The approved motion includes a grant of authority to the co-chairs of the Legislative Committee, Catherine Jacobs and Kelly Quardokus, and/or the co-chair of joint workgroup, Howard Collens, to work with our lobbyist and the Bills' sponsors to modify, or approve modifications to, the final proposed Bills in accordance with the position taken by Council, outlined above Roll Call – motion passes with 19 voting in favor, there were no votes opposed or abstaining. Motion passes.
- f. Kelly Quardokus briefly discussed Surrogate Consent.

- 5. **Litigation** – Angela Hentkowski had no report.
- 6. **Newsletter** – Christine Caswell reported that she will be contacting people individually to write articles.
- 7. **Membership and Education** – Amanda Murray reported that she will be contacting people to present upcoming webinars.
- 8. **Administrative** – Erin Mortenson reported on the various administrative issues, and sending a letter to CMS and others regarding our issues. Kelly Quardokus made a motion, and Terri Winegarden seconded, to approve letter re communication issues and specific policy concerns re failure to adhere to federal law to Robert Massey and Robert Gordon and allowing the administrative committee to make modifications. Roll Coll - motion passes with 19 voting in favor, there were no votes opposed or abstaining. Motion passes.

9. Bylaws – Howard Collens will try to get the Bylaws updated this year.

Meeting adjourned at approximately 12:02 PM.