

Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan
Section Meeting – February 1, 2020
State Bar of Michigan Office, 306 Townsend, Lansing, MI 48933

Attendance: In Person: Greg Kish*, Kelly Quardokus*, Amanda Murray*, Susan Chalgian*, Nick Ryan*, Tracey Rowens*, John Roy Castillo, Jean Doss, Todd Tennis, Beth Swagman, and Kelli King-Penner

By Phone: Howard Collens*, Jackie Rygiel-Sprague*, Catherine Jacobs*, Christopher Smith*, Angela Hentkowski*, David Kerr, James Steward, Lisa Anderson, Rob Longstreet, Sanford Mall, Harley Manela, and Kara Jennings

[*ELDRS Council Member]

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Chair Kelly Quardokus called the meeting at approximately 10:08 am

[A] ROUTINE BUSINESS

Roll Call:

Agenda: Susan Chalgian moved & Nick Ryan seconded to approve the agenda. All in favor. Motion passes.

Spring Conference Update: Harley Manela gave update. Registration will be up this week. Kelly Quardokus put together a panel for the last session on Medicaid and other updates. An E-blast for sign-up will be sent in the next week. We expect over 100 attendees. The first ten new lawyers will receive a discount. Several sponsors have been confirmed. A reception will be hosted by Olsman, Mackenzie, Peacock & Wallace at conclusion of the Spring Conference.

Minutes- No corrections to Dec. Minutes. Susan Chalgian moved, and Nick Ryan seconded.

Treasurer's Report- Angela Hentkowski gave the Treasurer's report. Membership is down but that is true of every section this year. The Section account is up \$11,000 from last year at this time. The State Bar will likely tell us to start spending on new projects soon.

[B] COMMITTEE REPORTS

Disability Rights: A corrected letter will be sent to the City of Detroit with the required disclaimers required by the State Bar of Michigan. The letter addresses the lack of accessibility at the County Courts as discussed at previous meetings. Kelly Quardokus is going to create a template with the proper letter formatting for the future.

The Michigan Attorney General's office recently issued a press release on housing and ADA compliance. We also heard back from Greg Conyer, from the Diversity & Inclusion Committee of State Bar. He is open to collaboration on future projects with ELDRS.

Legislative Committee: Todd Tennis gave the legislative update, including on the State of State Address. The Governor laid out plans for road funding with bonds.

HB 4260 on elder abuse is likely to be substituted with the bill ELDRS helped negotiate. This is good news.

SB 77 on video monitoring in LTC facilities. Chris Smith provided testimony last week expressing ELDRS' support of this bill. The bill has some protections for other patients for privacy rights. Healthcare Association of Michigan came out strongly against the bill arguing this could allow family members to spy on family members in the facilities. Todd Tennis believes there is support for the bill. It will take some additional public pressure in order to move this bill forward. This is a good opportunity to form allies for issues important to ELDRS.

SB 110 Todd Tennis reported that this bill dealing with isolated adults is now signed into law. It allows a court to appoint a limited guardian for an adult if someone is denying access to someone the ward would like to see – PA 170 of 2019. MCL 700.5306.

ELDRS continues to work with DHHS staff to get movement on key issues including care contracts. Representatives from ELDRS plan to meet with DHHS representatives in February and provide suggested language with DHHS.

Chris Smith discussed HB 5043 and 5044 for community mental health and appeals. This bill would give consumers a mediation options before their hearings.

SB 464 & 465 regarding mandatory reporting by financial institutions have stalled. The big issue of contention is the current bill requires reporting in all instances and not just “vulnerable adults.”

Elder abuse task force just announced this week they are wrapping up 2019 initiatives and announcing 10 more initiatives for 2020. Specifically they plan to address the concern when no Healthcare Power of Attorney or Guardian is present and allowing for family consent. The task force also hopes to address abuses from appointed guardians and several other issues. Chris Smith hopes to have the task force address increasing acceptance of powers of attorney and ensuring they are less likely to be used as tool for exploitation. Uniform POA Act contains threat of attorney's fees as penalty for banks not accepting a POA. Kelly Quardokus indicated the Certificate of Trust statute has something similar and seems to work well.

HB4076 – makes it a misdemeanor if an individual solicits sexually explicit material from a vulnerable adult. A case example concerns a 19 year old from Oakland County with developmental disabilities who was exploited. Police investigators didn't think there were sufficient law to press criminal charges, which prompted the bill. A vote was tabled for this month but ELDRS may consider taking a policy position vote next month.

Litigation: No report. No current litigation.

Membership & Education: Tracey Rowens gave the report for the committee.

ELDRS Exchange – This is a networking and mentoring event. We hope to have one every other month. It is not intended to be structured; but more of a roundtable. Kelly Quardokus suggested meeting in locations around the state to present more opportunity and Tracey Rowens advised that is one of the goals. The first one is on Feb 20, 2020 at 5-6 pm at Chalgian & Tripp in Southfield. The committee may try a call-in feature as well. Chris Smith advised that he will pay for food at the February event. Kelly Quardokus advised the Council should consider requesting funds in the future.

ELDRS Webinars – We need a speaker for MI Choice Waiver Basics webinar. The previous webinar on PEME was successful. The committee requested ideas or contacts for future webinars. Kelly Quardokus suggested someone from DHHS and the other speakers from the ICLE Elder Institute Add-on Panel would be good resources and potential speakers. The committee is hoping to have the webinars scheduled to announce at Spring Conference. The next scheduled webinar is Lisa Beatty on Care Giver Contracts on March 12, 2020 at 12 pm. The goal is for the 2021 schedule to be determined by Fall Conference.

Spring Conference – The committee would like a table of members to sit with new lawyers. If there are council members who are willing to pair up with these new lawyers to talk and point them in the direction of potential mentors and point them towards the ELDRS Exchange. Howard Collens volunteered.

Administrative: Greg Kish– there will be a committee meeting by phone on February 7, 2020 at 9 AM regarding promissory notes. They would love more members. Call or email Greg Kish.

Bylaws: Howard Collens has no report.

[C] CONTINUING BUSINESS – Given as part of the Legislation Report – See Notes above.

1. DHHS/ELDRS/LEGISLATOR Joint Meetings Update
2. Governor’s Task Force on Elder Abuse:

[D] NEW BUSINESS

1. ELDRS Meeting Changes–

There will be no July meeting.

August Meeting will be on the 2nd Saturday in August in the UP.

September Meeting will be on the 2nd Saturday in September

2. SBM Section Correspondence Disclaimer: SC Admin Order #2004-01

This was addressed in the Disability Rights Committee report.

[E] EDUCATIONAL TRAINING

1. Fall Conference Update: Angela Hentkowski gave the report. The committee is looking for ideas for speakers. The conference will be in Bay City this year at Double Tree, Oct. 7-9, 2020.

2. ELDRS Legislative Training: Kelly Quardokus advised at March meeting we will go until 1:30 or 2:00 PM. Jean Doss and Todd Tennis will train how to be a good advocate and learn more about the legislative process. The Chair requested that council provide lunch for those that attend.

ELDRS second annual Legislative day will be planned for June. Will need a room paid for this day and lunch and snacks and refreshments.

Motion: Kelly Quardokus requested council allow the Legislative committee pick the day for members of the ELDRS Section to visit their legislators at the Capitol and to allocate up to \$1,500 to reserve the room for Legislative Day and lunch for legislative training for council at the March meeting. Howard Collens moved and Greg Kish seconded. All in favor. None opposed. Motion passed.

3. Save the Dates

MI NAELA Summit – July 17th at the Kellogg Center in East Lansing.

Angela Hentkowski gave the update. It is going to be more focused on practice. You do not have to be a NAELA member to come but it will be a closed session and there will be eligibility standards to attend. State employees are not eligible to attend this event. This is not an event sponsored by the ELDRS Section and the ELDRS Section has not specifically endorsed this event. If you have further questions, contact Angela Hentkowski or NAELA-MI President Jennifer Ackroyd-Fabris.

YOOPER Elder Law Conference – August 7th.

[F] OTHER

Senior Attorneys Section have reached out about doing some collaboration. This will be further discussed in March.

The meeting adjourned at approximately 11:58 am.