

**ELDER LAW AND DISABILITY RIGHTS SECTION
COUNCIL MEETING
STATE BAR OF MICHIGAN**

JANUARY 6, 2007

MILLER, JOHNSON, SNELL & CUMMISKEY, PLC

COUNCIL MEMBERS PRESENT: Roxanne Chang*, Dolores Coulter, Caroline Dellenbusch, Konrad Hittner, Sandy Mall*, Harley Manela*, John Payne*, Don Rosenberg*, Paul Sturgul*, Amy Tripp, Brad Vauter*

SECTION MEMBERS PRESENT: Josh Ard, Daniel Blauw, Rosemary Buhl, Susan Wideman*

ALSO PRESENT: Laura Davis, Susan Meier, Todd Tennis

*Participated Via Conference Call

The meeting was called to order by Chair Elect, Dolores Coulter.

1. Introductions

The members introduced themselves.

2. Approval of Minutes

Motion was made by Brad Vauter and seconded by Paul Sturgel to approve the minutes of the December 2, 2006 meeting. Motion carried, minutes were approved.

3. Treasurer's Report

The State Bar is still not caught up. As of October, 2006, the ending balance was \$61,977.42. The Treasurer's report was accepted as presented.

4. Legislative Update

See Capitol Services Report that was posted and distributed at the meeting. Todd Tennis reported that we managed to get through one more session without an Estate Recovery Law. However, the Governor and staff are still wanting to do something and estate recovery is being driven because of budget constraints. Todd is hopeful that they will be able to shift the

discussion to estate preservation and, once again, encouraged members to contact their state representatives. Todd presented some discussion regarding the health policy standing committee and indicated that Capitol Services would be contacting and calling on members to make contact with the senators participating on that committee.

Single Point of Entry (Public Act 634) was passed and signed into law on January 4, 2007. Representative VanderVeen's bill regarding the long term care partnership has not yet been signed into law but it appears that it will be. A package of bills regarding the privacy of medical records was signed into law by the Governor in late December

On February 8, 2007 Governor Granholm is tentatively scheduled to release her budget recommendations.

Don Rosenberg reported that he has been communicating with Logan Dreasky regarding the implementation of DRA. Logan has communicated to Don that he believes DRA will happen in two steps. First, the citizenship will become effective on April 1, 2007 and, second, DRA itself will become effective July 1, 2007. According to Logan they do not want to make the changes retroactive and they are currently looking at other states and have noted and observed that other states have also avoided making the DRA retroactive. Don further reported that Logan would welcome our input regarding the proposed changes. They would like to try to avoid any unnecessary litigation. Don stated that a request for a meeting with the State should be top priority for January. Dolores commented that the changes regarding rental property have a dramatic effect on Michigan's middle class given that there are a high number of Michigan families that own second homes in our state. The Council agreed that the previous Committee, which included Don Rosenberg, Brad Vauter, Doug Chalgian, Josh Art, Caroline Dellenbusch and Alison Hirschel, would request a meeting with the State to discuss, at this time, only the proposed changes (rental property and irrevocable funerals). Todd Tennis suggested that the Committee have a pre-meeting before the actual meeting to organize and discuss their thoughts.

5. Old Business

A. Fall Conference Summary

No report.

B. Spring, 2007 Conference

Harley confirmed that the date is set for March 30, 2007 at the Inns at St. Johns. The following is a list of tentative topics: Medicare patient advocacy (Sandy and Harley), Medicare Part D (Norm), Medicare and hospice (Steve Larkin), Medicare home health, DRA 2005 (Don, George, Doug and Paul) and qualified retirement plans. Konrad requested that

we consider getting a speaker from Veteran's Affairs that would discuss some of the new issues that Veterans are currently facing. Paul Sturzel suggested that we consider a broader VA topic which would include other VA benefits for the fall conference. Council agreed that the fees for the spring conference would be the same as last year, \$125 for non-members, \$100 for members, plus the cost of lunch.

6. New Business

A. DHS Rule Changes

This was discussed in detail during the legislative report.

B. Sandy reported on a fairly recent Private Letter Ruling regarding an inherited IRA which was transferred to a D4A trust therefore avoiding an accelerated taxable event. This is also a potential topic for the spring conference.

The next meeting is scheduled for February 3, 2007 at the Mall Malisow Firm, PC in Farmington Hills. There being no other business the meeting was adjourned at 11:10 a.m.

Minutes Respectfully Submitted by:

Amy R. Tripp
Secretary