

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

**June 2, 2007  
Mall Malisow & Cooney, PC**

**COUNCIL MEMBERS PRESENT:** Roxanne Chang, Priscilla Cheever, Dolores Coulter, Caroline Dellenbusch, Patricia Dudek, Konrad Hittner, Art Malisow, Sandy Mall , Harley Manela\*, John Payne, Paul Sturgul\*, Amy Tripp, Brad Vauter\*

**SECTION MEMBERS PRESENT:** Josh Ard\*, Stacey Lott, Susan Wideman\*

**ALSO PRESENT:** Ellen Hoekstra

\*Participated Via Conference Call

The meeting was called to order by Chair, Sandy Mall.

**1. Introductions**

The members introduced themselves.

**2. Approval of Minutes**

Minutes were approved.

**3. Treasurer's Report**

No report.

**4. Old Business**

**A. Report on activities carried over from last month**

(i) Elders support of NCCNHR – the following suggestions were made:

- John Payne moved that the Section become a member of NCCNHR. Motion was seconded by Caroline, motion carried.
- There was discussion regarding providing the legislatures copies of "Getting Good Care". Council decided to table this discussion and to further this discussion by list serve.
- Sandy suggested a \$250.00 membership contribution. In addition, if Alison Hirschel were to attend the spring conference the Section could provide an additional honorarium. Motion was moved by John Payne, seconded by Caroline Dellenbusch. Motion carried.

(ii) Letter to DHS regarding implementation of new policies consistent with Bridges software

- There was discussion that the new computer policy would eliminate the online or paper policy manuals. Denying access to the written policies would be a due process violation. Council considered looking for additional support. Contact will be made to the Center for Civil Justice, Michigan Protection and Advocacy and Michigan Poverty Law Program.

(iii) Status of PEM changes

- DCH acknowledged receiving our comments and stated that they were looking at the comments and are considering them

(iv) Letter regarding Social Security appeals

- Patti is reviewing draft letters and will continue to collect letters that other clients send. Patti also continues to provide other organizations with the information regarding the delay in the Social Security appeals.

(v) Section Dues

- There was discussion regarding an increase in the dues. Art Malisow moved to increase the dues \$5.00. John Payne seconded, motion carried with one opposed.

**B. Fall, 2007 Conference Update**

Brad Geller is currently communicating with Crystal Mountain. Sandy will personally contact Brad for more information and a full update at the next meeting.

**5. New Business**

**A. Elder Abuse Task Force Recommendations and Discussion**

Roxanne Chang gave a complete report regarding the Elder Abuse Task Force Recommendations. The full report can be found on the MI Seniors.net. She requested that the Council consider supporting some of the following recommendations:

(i) Guardianship/Conservatorship

- Defining the rights of the incapacitated person
- Clarifying the roles of the guardian and conservator
- Implement the recommendation to provide more resources to assist guardian and conservators and promote alternatives

(ii) Educate the public on false claims act and fraudulent billing regarding Medicaid and Medicare

(iii) Roxanne emphasized that one of the biggest areas of attention was preventing financial exploitation. There was a discussion on how we can develop relationships with corporate and financial institutions to assist in reducing financial exploitations. The Section may assist banks in providing written disclosures regarding an explanation of how joint bank accounts work. The task force also spent a considerable amount of time discussing the treatment of variable annuities and recommended that they be treated as securities. Ellen indicated that new legislation was

introduced last week as the prior legislation regarding the treatment of variable annuities as securities had died.

- (iv) The task force also looked at and examined a transfer on death statute. If a transfer on death statute was enabled it could eliminate confusion regarding the law.
- (v) The Council discussed mandatory reporting and agreed that all nursing home employees should be mandatory reporters. Currently there is no real penalty for a failure to report.

Upon the conclusion of Roxanne's report Sandy indicated that the Section should assist with those priorities and suggested that we create a committee. Roxanne is to continue to present priority issues that the Section can support. Roxanne is to chair the committee. Committee members consist of Brad Vauter, Josh Ard and John Payne. Monthly reports were requested.

**B. Long Term Care Supports and Services Advisory Commission Workgroups**

The following are a list of Council members who are participating on workgroups:

- Conrad and Caroline – Finance Workgroup
- Patti – Person centered planning
- John – Public education
- Roxanne – Workforce

**C. Gift**

Motion was made by John Payne to provide a gift to Kathy and Roger Harris. Motion was seconded by Priscilla, motion carried.

**6. Legislative Update**

Ellen Hoekstra provided the Council with the legislative update. In addition, see Capitol Services written report that was posted and distributed at the meeting.

The next meeting is scheduled for August 4, 2007 at Brad Geller's home. There being no other business the meeting was adjourned.

Minutes Respectfully Submitted by:

Amy R. Tripp  
Secretary