

Minutes of June 6, 2015
Taken by Sara Schimke

Matter 1.0 Location
Bond Estate Planning & Elder law PC
Meeting convened at 10:00 a.m.

Matter 1.2 Attendance
Council members present:
 Patrick Bond (chair), Robert D. Mannor, John Payne (chair elect), Sara Schimke
(treasurer)

Others Present:
 Julie McGowan, Dan Kusmowski

Council members on the phone:
 Jane Basset, Rosemary Buhl, Christine Caswell, Jill Goodell, Angela Hentkowski,
 J. David kerr, Maria Messina, Michael Mestelle, Kelly Quardokus, David
Sprague,
 Christopher Smith, James Steward, Beth Swagman

Others on phone:
 Dolores Coulter, Chris Jackson, Paul Sturgal, Amy Peterman, Garcia, Jacquelyn
Sprague, R. Haris, Brad Vauter, Robert Anderson, Todd Tennis

1.3 Approval of Minutes
Caswell made motion to table approval of minutes until next meeting; Pat Bond
seconded motion. Motion passed unanimously.

Matter 1.4 Treasurer's Report
Sara Schimke made report.

Matter Two - Old Business & New Business

Matter 2.1 Legislative Report - Todd Tennis

- Alzheimers pilot project was restored
- No automatic cuts from the merger of DHHS - but expect savings
- SB64 - already passed, NH have to adopt some kind of nationally recognized, clinical process guideline. State does not approve. Issue is what does this mean for inspectors that have to go into facilities? Opposition is concerned that it will muddy the waters for facilities that have bad reviews. There is no single standard, so it will create more confusion. This also allows a defense against bad inspection and against injured patients. Opposition wants to make this optional. Bill sponsor is senator Lawson. Looks like this will pass, and there doesn't seem to be much we

can do about it at this point. Bill sponger doesn't believe it will have any impact on quality of care

- New Bill - Rep. Tom Lenard sponsored legislation HB 4674, designed at streamlining Kevin's law process. Probate Judges and Mental health advocates support it. Concern is that it tips the scale in favor of getting someone voluntarily committed.
- John Payne moved that council support changes in HB 4674. Bob Manor seconds. Schimke moves to table motion until next meeting. No objection to tabling motion; motion passed.
- Digital Assets - Noting moving right now. Google now involved. Howard met with sen schootmaker on behalf of ELDRS. She will introduce bill based on what EDRS and Probate section put together.
- Care Act legislation introduced SB352 - sets out practice and procedures so person going into hospital can designate a designated caregiver. This would put obligations on hospital to work with designated caregiver. Spearheaded by AARP. Unknown how fast this will be taken up. One of the concerns is that this doesn't really coordinate with existing law. AARP is willing to listen to us. Task force created: Robert Manor, Jill Goodell, Jane Basset, and Kelly Q.
- SB270 - passed the senate. Bing pushed by probate judges to make clarifications. purpose to clarify things that are superior to UGAPPA

Matter 2.2 ABLE Act - Todd Tennis & Christopher Smith
ABLE Act - many of the suggested changes were adopted in the proposed legislation. ABLE has passed the house overwhelmingly. Added: Spendthrift (although not enough), made it almost impossible for clients to overfund accounts, guardian can open and fund account without court approval. Biggest weakness is who has control over account; did introduce the concept of a designated representative of the account. This wasn't added, but the concern was brought to bill sponsor. We have had great influence on the bill over the last month, its not perfect, but much better. Many issues are at the federal level and maybe nothing we can do about it. There was an electronic vote on this, but it did not comply with the our amended bylaws regarding a waiting period for electronic votes. Chair deems that electronic vote fails. Motion to support ABLE with additional revisions made by Jim Steward; John Payne Seconds. Role-call vote passes unanimously for those present (17 in favor).

Matter 2.3 Fall Conference - Angela M. Hentkowski
Registration and scholarship information posted. People can now register for conference.
Location committee for 2016 conference established: Sara Schimke, Maria Messina, Michael Mestelle, and Amy Peterman.

Matter 2.4 Increased APS Funding - Maria Messina
Letter has been written to advocate for increased funding. Will be sent to counsel for comments/edits/vote. There is a new grant and want to encourage APS to apply for that additional funding. Deadline to apply for grant is July.

Matter 2.5 Unauthorized Practice of Law - Robert Anderson

Chair wrote letter to UPL committee. UPL Committee Responded to the stating that SBM doesn't issue advisory opinions in this area, would need to wait for MI SC to take it up. Robert Anderson recommends that we reach out to NH groups and advise of recent Florida case decision. Northwestern Mutual has issued warning to its agents not to get involved with MA planning. Note that the FL opinion expempted pure medicaid applications only by public agencies. Pat will right letter to the nursing home associations; content of that letter will be voted on in August.

Matter 2.6 CMH Issue - Sara Schimke
Issue regarding CMH's mass termination of services. Topic will be placed on August agenda for discussion.

Matter 2.7 Litigation Committee - Sandy Mall
Written report will be supplemented.

Matter 2.7 Announcements
July 27th is the deadline to submit articles for the newsletter
Next meeting is Saturday, August 1, 2015 at 10:00 a.m. at Jim Stewards office (UP).

Matter Three - Adjournment

Motion to adjourn made by John Payne; Seconded by Sara Schimke. motion passes unanimously.
Meeting adjourned at 12:11p.m.

Matter Four - council list-serve vote

Motion by John Payne July 18, 2015 via council list-serve: I move that we authorize the litigation committee to draft and file an amicus brief and motion to file amicus brief in the Ketchum case, at a cost of up \$5,000.00. The amicus brief should explain to the court why senior adults and adults with disabilities would be negatively and unfairly affected by a decision for the appellant. The litigation committee should also coordinate with the Probate Section in formulating our arguments.

Second by Michele P. Fuller.

Electronic vote monitored by Patrick Bond. Motion passes July 19, 2015