

ELDRS Section Meeting

June 2, 2018

Lansing, Michigan

1. Chair Sara Schimke opens the meeting and welcomes participants
2. Roll call: Sara Schimke\*, Christine Caswell\*, Kelly Quardokus\*, Todd Tennis, Beth Swagman\*, Christopher Smith\*, Susan Chalgian, Caroline Dellenbusch\*, Nick Ryan, Raymond Harris\*, John Castillo (\* denotes council member)

On the call: Jean Doss, Bob Mannor\*, Harley Manela, Howard Collens\*, Ryan Long, Theresa Rich\*, Maria Messina-Wiersma\*, Erma Thomas-Yarborough\*, Michele Fuller-Urbatsch\*, Paul Sturgul, Sandy Mall\*, Angela Hentkowski\*, Krystal Danielak, Kevin Gilhool, David Kerr, Gregory Kish\*, John Payne, Jacob Spear, Terri Winegarden (\* denotes council member)

3. Agenda: Motion by Caroline Dellenbusch; seconded by Ray Harris; Passed
4. Secretary's report: May 5, 2018 minutes: moved by Beth S.; seconded by Caroline D.; passed.
5. Treasurer report: Kelly Quardokus. Reminder of new policy at SBM that if bills not submitted within 60 days, checks will be recorded as income and not reimbursement of expense. Budget doing well. Christine C. questions whether sponsorships are the reason for increase in revenue in the budget. Membership, however, is down about 60 members. Webinars are intended to help raised membership. Howard C. raises the issue if increase to section costs had an impact on membership.
6. Fall conference: Angela Hentkowski. Registration went live on June 1. E-blast of the event scheduled for next week.
7. Spring conference: Harley Manela: no report.
8. Membership committee: Maria Messina Wiersma. The first webinar was held May 24. Well received. Trace and Theresa re-recorded event for attendees because of glitch. Future topics?
9. Newsletter Committee: Christine Caswell - no report at this time.
10. Litigation Committee: Ray Harris reports. Greg Kish joined the committee. Bob M. says Geraldine Brown is continuing her appeal of Bob's case re CSIA and probate court authority despite ruling in Vansach. Re-consider financial support to Bob on his case. Congratulations again to Don and David for big win in Vansach case. Hegadorn/Lollar/Ford SBO Trust cases are going before MSC.

Don R. raised issue of what may be the change in the standard for CSIA/CSRA cases going forward. If anyone has cases on this issue, let Don know. Clear and Convincing is present standard. More than just spouse's need; Vansach holding says consider the patient's needs.

Don't know if AG is going to MSC re COA decision in Vansach.

In the past, Patti D. had built a bank of cases with the outcomes of various probate courts. Maybe she will consider revising the list to make it current?

11. Legislative committee: Capitol Services report by Todd and Jean; Kelly Q with supplemental report.

Todd/Jean. Maybe 1-3 weeks remain for legislature before leave for summer break. Eager to being campaigning. Working on the budget currently. The process to approve budget is a conference committee that meets and makes decisions on the budget. Committee crams reports into two packages. There is no discussion or amendments. Vote yes or no. Less transparency to this process.

Back to SB 713 (Casey Casem bill) sponsored by Sen Marleau. Discussion includes changes in the Social Welfare Act as well as changes to EPIC which require a new bill to be introduced in the future. Goal is to try to get the best possible bill through the Senate and keep improving the House version of the bill in the fall. The current bill in its present form, however, needs to be changed. Josh Ard is helping the probate section subcommittee tasked with Guardianship and Conservatorship issues with changes to the bill. Josh's most recent version was May 22, 2018. ELDRS agree that changes need to be made to the current bill and supports the new language that Josh has been working on. The idea is to collaborate with Sen Marleau and probate section at this point and get something on the books before summer break regarding Josh's revisions. ELDRS legislative committee supports the revision of SB 713 and will work with probate section's subcommittee on their draft to incorporate new language in the bill for now, and continue to work on this with the House version which may occur this fall and hope to pass it during lame duck session. All parties support the concept. Probate judges won't sign off except for GAL changes. Essentially, the legislative committee would like permission to say to Sen. Marleau that ELDRS are in agreement with the changes in Josh's revision and they could move it forward. **Motion:** ELDRS approve the legislative committee to have authority to work with the probate council subcommittee to make changes and use language as may be incorporated into new version of SB 713 in order to share a collaborative draft with Sen. Marleau before the summer break. Kelly Q. moves; Caroline D. seconded. Discussion: changes come from Josh Ard's most recent version (see above). Existing draft of SB 713 needs to be scrapped and new package written because bill is moving towards revamp of Social Welfare Act and changes EPIC. After new bill comes out, then ELDRS will take official vote on that. What does Casem Coalition think? When discussed at the May legislative committee meeting, Bob Anderson said he could go with it. Josh's May 22 version not approved by probate council at this time. Latest version is a little different from earlier version. Probate council apparently approved earlier version but don't know their position on latest draft. ELDRS are behind this latest version but would like a few changes –specifically related to doctor's statements – but in general ELDRS can support it and work with probate council subcommittee for best version. It appears that Sen. Marleau thought ELDRS were behind the bill as written, but we weren't. ELDRS public position states we oppose it. Kelly needs our permission to represent us and/or have Capitol Services contact Sen. Marleau regarding our agreement with the probate council subcommittee and Josh Ard's version of the visitation bill.

Vote: Ayes –all. Oppose? No one. Abstains? No one. Passed.

Todd: spoke about bill re guardians to approve mental health treatment. Bill is going ahead. Goal is to give more latitude to get treatment. This is not to short cut involuntary hospitalization, but an emphasis on staying out of hospital with community based treatment. Passed out of committee. House Bill numbers are 5818, 5819, and 5820. HB5813 would create a standardized form for peace officers to follow when investigating elderly abuse. 4 page document. Peace officers may not know how to react to vulnerable adult situations. Give peace officers a checklist. May help discover issues of vulnerable adult abuse or financial exploitation. Hearing next week.

DHHS budget: 298 section, mental health integration plans. Governor wants to integrate behavioral services under managed care plan. Contract directly with CMH. Big use of time. Budget issue: section 298 - \$3M into services. PACE program: governor wants \$41M increase. Waiver program budget increase, too. Direct care wages may be increased 50 cents per hour under bills #1037, #1038, and #1039; these bills also address Certificate of Need issues. Re: nursing home bills – advise to contact Doug Chalgian because he was on the Certificate of Need board at one time and is familiar with board personnel and the policies.

12. No July meeting.
13. On Aug 3, just prior to ELDRS meeting will be a conference of the Elder Law community in the Upper Peninsula. Speaking at the conference will be Geraldine Brown, Steve Kiel from Connecticut.
14. August 4 meeting in UP. Jim Steward and Angela Hentkowski host this meeting with lunch and social time.
15. Adjourned.