

ELDRS Section Meeting  
June 1, 2019  
State Bar of Michigan Office, 306 Townsend, Lansing, MI 48933

**Attendance:** In person - Christopher Smith\*, Christine Caswell\*, Ray Harris\*, Nick Ryan\*, Caroline Dellenbusch\*, Robert Mannor\*, Nick Ryan\*, Kelly Quardokus\*, Todd Tennis, Jean Doss, Erin Mortenson; by phone – Lisa Anderson, , Andrew Byers, Krystal Danielak, Kevin Gilhool, Catherine Jacobs, David Kerr, Ryan Long, Terry Mullens, Angela Hentkowski\*, Kimberly Parks, Don Rosenberg, Tracey Rowens\*, Jackie Rygiel-Sprague\*, Charlotte Shoup, Jim Steward, Buzz Suuppi, Beth Swagman, Erma Thomas, Terri Winegarden\*, Brad Vauter, Liz Vincent\*, Tracey Rowens\*, Maria Messina Wiersma\*, Paul Sturjel

Chair Chris Smith called the meeting to order at 10:10 a.m.

**Agenda** – Bob Mannor moved and Kelly Quardokus seconded to adopt the agenda with the change of adding POST to the agenda. Motion passed.

**Minutes** – Caroline Dellenbush moved and Nick Ryan seconded adopting the minutes with corrections. Motion passed.

**Treasurer's Report** - Bob Mannor reported that the monthly Bar statement was included with the agenda items.

**Fall Conference Committee** – Angela Hentkowski reported that normally registration would have been out by now, but with last minute changes with *Hegadorn*, it will probably be a week and a half before registration is open. The ombudsman received some funding to attend the conference.

**Membership Committee** - Maria Messina Wiersma reported there will be two webinars in June and that they are currently scheduled through September. Kelly Quardokus stated that the *Hegadorn* webinar was a “mini-dive” so people knew the decision was out with a word of caution on SBO trusts.

**Legislative Committee** – Susan Chalgian reported that the ELDRS legislative day was a big success. Chris Smith sent a letter on HB4260, generally opposing the rebuttable presumption for transfer of \$10,000 or more and opposing the definition of vulnerable adult as anyone 65 or older. Todd Tennis reported that there already are a few legislative rebuttable presumptions. Susan Chalgian and David Shaltz are drafting proposed legislation to focus on DHHS's ability to change policy without listening to comments or giving instruction as to what they are doing. Kelly Quardokus brought up the change in HCAM payments, and Jean Doss will follow up on this.

Todd Tennis reported that no-fault reforms were signed into law, undoing the mandatory lifetime benefits. The concern is whether this will actually reduce premiums. One of the

insurance lobbying groups is saying it isn't going to lower premiums by that much. It will allow at-fault drivers to be sued and opt out of PIP coverage. It's changing the entire landscape. Bob Mannor pointed out there will be fewer people paying into the pool, so coverage costs will go up. Insurance companies may argue against a reduction in PIP. The legislation eliminated zip codes, but insurers can still use other territorial ratings to determine rates. Todd expects there may be a backlash when this goes into effect. He had no idea how this is going to affect people who are already injured.

Todd reported that \$8 million was eliminated in the proposed budget for the MI-Choice waiver. One of the controversial cuts is hospice room and board. Chris Smith said there will be a session at the fall conference on how the money is distributed to understand why it's not currently being spent.

**Elder Abuse Task Force** – Chris Smith reported that the task force is looking at guardianship certification, the family rights act, and mandatory reporting. The debate is over who would have to get the certification. If you have more than two wards, you would need to be certified, including attorneys. The focus of this is on legally incapacitated adults, not DDA. If someone is getting compensated as a guardian, that person would need certification.

The family rights group is where ELDRS can have the most influence, requiring the court to have conclusions of law and clear and convincing evidence as to why it is not appointing a family member as a guardian. The visitation bill takes the guardianship act and narrows it down quite a bit, allowing wards to express who they don't want to visit. The isolation bill from the end of last year is back; other than some tweaks, no one has expressed opposition.

**Administrative Committee** – Sara Schimke reported that DHHS issued a policy bulletin that goes into effect July 1 regarding promissory notes being countable. The committee wants to send a letter to CMS regarding this but needs a public policy position.

Sara Schimke moved and Kelly Quardokus seconded drafting a letter to CMS consistent with the letter to DHHS. The motion carried with 13 supporting and 6 not voting.

**POST Committee** – Christine Caswell reported on a POST update.

**Litigation Committee** – Ray Harris reported that the webinar on *Hegadorn* shows what effective advocacy accomplishes.

The meeting adjourned at 11:43 a.m.