

Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan
Section Meeting – MARCH 7, 2020
State Bar of Michigan Office, 306 Townsend, Lansing, MI 48933

Attendance: In Person: Christine Caswell,* Susan Chalgian,* Howard Collens*, Raymond Harris,* Robert Mannor,* Erin Mortenson,* Amanda Murray,* Kelly Quardokus,* Tracey Rowens,* Nick Ryan,* Todd Tennis, John Roy Castillo, Beth Swagman

By Phone: Shannon DeWall,* Angela Hentkowski,* Catherine Jacobs,* Theresa Orlaske-Rich,* Jacquelyn Rygiel-Sprague,* Terri Winegarden,* Sara Schimke, Maria R. Messina Wiersma, Kara Jennings, David Kerr, Jacob Spear, Krystal Casey Danielak, and Harley Manela

[*ELDRS Council Member]

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Chair Kelly Quardokus called the meeting at approximately 10:05.

[A] ROUTINE BUSINESS

Agenda- Kelly Quardokus requested to add a discussion about additional payments for the Section newsletter. With the additions, Howard Collens moved and Nick Ryan seconded to adopt the agenda. Motion passed.

Minutes- Christine Caswell moved and Raymond Harris seconded to adopt the minutes. Motion passed.

Treasurer's Report- Angela Hentkowski reported on the financial report which was attached to the agenda. Howard Collens moved and Nick Ryan seconded to adopt the financial report. Motion passed.

Angela Hentkowski moved and Nick Ryan seconded to reimburse Chris Smith \$1,068.00 for the cost of the GoToWebinar that the Council uses. Motion passes.

Angela Hentkowski moved and Christine Caswell seconded to budget and allow \$50.00 per Council meeting for coffee and other refreshments for the meetings.

[B] ACTION ITEMS:

1) Disability Rights Committee – Detroit Wayne Joint Building Authority responded to our letter. They indicated that they do not have jurisdiction of the upper floor bathrooms. They will hire an engineering firm to see if lower level public bathrooms are compliant.

The person that originally brought issue to us was issued a key to an accessible bathroom on the floor that she works on in the courthouse.

Of the three letters that we sent (city, county and joint authority) to only one responded.

We will request the joint authority share the engineering report with city and county.

Robert Mannor moved and Shannon DeWall second a motion to allow the committee to craft a response to the letter and send to Detroit Wayne Joint Building Authority. Motion approved.

The next committee meeting on March 16.

2) Legislative Committee-

a. HB 4076 –

Howard Collens moved and Tracey Rowens seconded to support the bill as written. A discussion was had and the matter was tabled and sent back to the committee

b. HB 5131 - Oppose as written

Howard Collens moved and Nick Ryan seconded to OPPOSE the bill as written. Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Catherine Jacobs, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Tracey Rowens, Nick Ryan and Terri Winegarden voted in favor of the motion. There were no opposed.

3) Motion to set budget for Membership Committee ELDRS Exchange events for FY 2020 (thru October)

The Membership Exchange event occurred on February 20th. 16 people attended with a good mix of section members and non-section members and one law student. The feedback from the event was good. The next one will be a Shannon Dewall's office on April 2nd.

Howard Collens moved and Christine Caswell seconded to allocate up to \$100 to per session provide refreshments. Motion passed

[C] COMMITTEE REPORTS

1) Spring Conference Update (March 20, 2020) - Harley Manela

Conference Update- Harley Manela reported Elizabeth Hertel Deputy Director of DHHS is lunch speaker. 126 attendees are signed up. St. Johns will be increased capacity to 140. There will be 3 table sponsors and 2 snack sponsors.

Discussion was had regarding contingency for if coronavirus outbreak requires cancellation of the conference.

2) Fall Conference Update (October 7-9, 2020) - Angela Hentowski

3) Disability Rights Committee - Shannon DeWall

- (a) Response from Detroit- Wayne Joint Building Authority
- (b) Next Steps / Response letter **(ACTION ITEM)**
- 4) ***Legislative Committee - Christopher Smith (Written report)/ Capitol Services ***
 - (a) HB 4076-Soliciting Explicit Material from Vulnerable Adult
 - **See Above**
 - (b) HB 5131 - Brokers and Financial Advisors allowed to hold clients funds up to 25 days on "reasonable belief of suspicious behavior"
 - **See Above**
 - (c) Other legislative matters
- 5) **Litigation - No report/ No litigation**
- 6) ***Membership and Education - Maria Messina Weirsma**
 - (a) ELDRS Exchange Update
 - (b) Motion for refreshments for future ELDRS Exchanges - **(ACTION ITEM)**
- 7) **Administrative - Gregory Kish and Sara Schimke**

ELDRS will be meeting with DHHS on March 18th to discuss how to change the BEMS to be less punitive. Of Particular emphasis are the new BEMs on promissory notes. Kelly Quardokus suggested two work groups

Caregiver contracts – looking to redraft the caregiver rules with DHHS

Promissory notes- new BEMs hit this week – Greg Kish is leading that work group – Wisconsin had the same issue and we were able to coordinate with their bar. We have a draft of a letter to CMS which will be submitted

DHHS has been issuing changes with no advance notice or public comment period.

The change is unlawful. – Currently David Shultz has a case he is pursuing through hearing in February no decision yet. The other concern from David Shultz is that there is some concern that they will try to retroactively the Promissory Note Rules and apply to those already approved and deny the redetermination. Paul Sturgul was helpful in getting Wisconsin information.

8) **Bylaws - No Report**

[D] CONTINUING BUSINESS

- 1) **DHHS / ELDRS / LEGISLATOR Joint Meetings Update-- Christopher Smith/Kelly Quardokus**
 - Next Meeting tentatively scheduled for March 18, 2020 with DHHS , Representative Wozniak,
- 2) **Governor's Task Force on Elder Abuse Update- Christopher Smith (Written report)**

[D] NEW BUSINESS

Robert Mannor moved Tracey Rowens seconded to increase the payment to Christine Caswell to \$750 per issue of the ELDRS Newsletter for four issues per year. Motion passed. Christine Caswell abstained.

Adjourned Main Meeting

[E] EDUCATIONAL TRAINING

ELDRS Legislative Training with Jean Doss - Capitol Services Lunch/ and Legislative Advocacy Training 12:00- 2:00

REMINDER UPCOMING MEETING SCHEDULE DATES (SATURDAYS-10:00AM-12:00PM) APRIL 4,
2020 AUGUST 8, 2020 (in U.P)
MAY 2, 2020 SEPTEMBER 12, 2020
JUNE 6, 2020 OCTOBER 7-9, 2020/ FALL CONFERENCE