

**Elder Law and Disability Rights Section Council Meeting
Barron Rosenberg Mayoras & Mayoras PC
1301 West Long Lake Road
Suite 340
Troy, MI 48098**

**March 7, 2009
10:00 am-11:50 am (est)**

1. Introductions:

Don Rosenberg, Vice Chairman presiding, read roll call. Those present were Don L. Rosenberg, Rachael Holmes, Jacquelyn Rygiel-Sprauge, Rosemary Buhl, Dolores Coulter, Roxanne Chang, Konrad Hittner, Patrick Bond, Sherri Frame and Priscilla Cheever. Those present via telephone were John Payne (both via telephone and in person) , Kevin Cotter, Amy Tripp, Michele Fuller, Douglas Chalgian, Ward Wilson, Arthur Malisow, Joshua Ard, Bradley Vauter, Kate White, Harley Manela, Sanford Mall and Paul Sturgul.

2. Approval of Minutes:

Motion by Konrad Hittner and seconded by Rosemary Buhl to approve the February minutes as amended (Michele Fuller was present by telephone and corrected spelling for David Shaltz). Motion passed.

3. Treasurer=s Report:

The treasure=s report was received reflecting the payment of the Homestead bill for the 2008 fall conference and the expenses for the spring 2009 conference. As of January 31, 2009, we have \$89,054.64.

4. Committee Reports:

a. Litigation Committee

Bob Anderson, Chairperson, discussed the ongoing progress of the litigation committee. The last meeting of the litigation committee was held on Friday, March 6, 2009. At that time, the committee recommended that the fee for Rene Reixach=s services be capped at \$25,000.00 because the committee will also be hiring Attorney Bill Goodman who is licensed in Michigan and who does class action lawsuits in Federal Court in Michigan, at a cap for \$10,000.00. Don Rosenberg commended the action of the committee and its chairman, Bob Anderson, for their work on this issue; i.e. adjusting the patient pay amount to pay for past due medical expenses. Moved by Michele Fuller, supported by Konrad Hittner to approve the recommendation of the litigation committee. Chairperson

Don Rosenberg conducted a roll call vote, all council members present approved it, except for John Payne abstaining.

Bob Anderson noted that we need more plaintiffs who have not been able to have their patient pay amount adjusted once they were approved for Medicaid. Bob said we are looking for plaintiffs who did not engage in divestment before they became eligible for Medicaid.

b. POLST Committee: (Physician Orders for Life Sustaining Treatment)

Bob Anderson discussed this issue. Committee has not met but, it was noted that in the current issue of The ElderLaw Report, the lead article is entitled APOLST: An Emerging Model for End-of-Life Care Planning@ by Patricia Bomba and Charles P. Sabatino. Bob will report back to us at the next meeting.

5. Old Business:

a. 2008 Fall Conference:

The 2008 Fall Conference bill has been paid with Brad Geller having obtained a reduction in our bill from Homestead.

b. 2009 Spring Conference:

Harley reported that 62 people have registered, not counting the participants. Last year we had approximately 110 and Harley believes this year we will have 100-120 which is good considering the state of the economy. We have exceeded our 40 minimum, which is the minimum the Inn at St. John=s requires for the conference without charging us more.

c. 2009 Fall Conference:

Brad Geller is working on this. Robert Fleming will be our nation guest speaker, he will be staying at the condo which is rented by Doug Chalgian and Amy Tripp. We hope to have him present 2 general and 2 break-out sessions.

d. Database for ALJ Decisions:

Brad Vauter is asking for decisions to be sent to him.

e. DHS Policy re: reconsideration and rehearings:

David Shaltz sent a letter to the State objecting to the State being able to get a second vote when the department loses a fair hearing decision. Members of the council have received a copy of David=s letter.

6. Legislative Update: Capitol Services:

Ellen Hoekstra and Todd Tennis presented the Capital Services report. Much of the discussion again centered around the renewed Blue Cross/Blue Shield proposed Legislation.

Todd Tennis noted that a bill has been introduced to require the holder of a durable power of attorney to deposit a copy of said document in Probate Court. Several of those present indicated their opposition to this proposal.

Discussion also about mortgage foreclosure relief-it appears there will legislation addressing this issue at both the Federal and State levels.

7. New Business:

a. Policy re: Charitable requests:

Discussion such as making a contribution to the National Citizens Collision for Nursing Home Reform (NCCNR) tabled for next meeting.

b. Legislative Issue re: Funeral arrangements:

Bob Anderson discussed the need for a burial designation statute in Michigan so that individuals can preplan their funeral arrangements. Bob noted that Wisconsin adopted such a statute this past year. Paul Sturgul stated that he wrote an article about the new Wisconsin statute for the Wisconsin ElderLaw news section which will also appear in the NAELA Healthcare Decision Making Special Interest Group (up-coming issue). Paul will send to section members and to Kate White a copy of his article and the Wisconsin statute. Brad Vauter noted that the Michigan Law concerning this is found at 700.3206 and 700.3207 MLA.

c. Nursing Home Contracts:

Roxanne Chang will report on this issue at later meetings.

d. Veterans:

Don Rosenberg commented that he has seen a number of individuals and a

number of situations where people have been advised by a group known as the American Association of War Time Veterans to convert assets into gold coins and annuities as a way of obtaining Medicaid eligibility. He is concerned about these practices and wants to bring them to the attention of the Council.

Bob Anderson noted that he has seen a lot of electronic and mail scams and is hoping that Michigan can have strong consumer protection laws, similar to those of Wisconsin.

e. Long Term Care Committee:

John Payne noted that he is a member of the Long Term Care Committee of the State of Michigan and that resources involving it can be found at AMILongtermcare.org.

Meeting adjourned at 10:50 am est

NEXT MEETING: April 11, 2009 at 10 am EDT at Chalgian & Tripp Law Office, 1019 Trowbridge Road, East Lansing, MI 48823

Conference call number: 800-270-1153; Participant Code: 123910

Respectfully submitted

Paul A. Sturgul
Secretary

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PAUL/TIME/Elder.dis-rts.MI 3-7-09