

## Elder Law and Disability Rights Section Meeting minutes

March 17, 2012, The Inn at Saint John's

Present in person: Dolores Coulter, Todd Tennis (Capitol Services), John Payne\*, Sara Schimke\*, Caroline Dellenbusch\*, Rosemary Buhl\*, Christopher Smith\*, Patrick Bond\*, Paul Sturgul\*, Kelly Quardokus\*, Patti Dudek, Rob Longstreet\*, Jill Goodell\*, Beth Swagman\*, Michael Mestelle\*, Bob Mannor

Present via telephone: Sandy Mall, Harley Manela\*, Brad Vauter\*, Will Lucius\*, Christine Caswell

\*Indicates voting council members.

1. Meeting began at 10:00 am. Introductions were made for those present, and via telephone.
2. Minutes:
  - a. Approval of February Minutes. Motion made by John Payne, Seconded by Pat Bond, correction was suggested regarding the fall conference committee. Vote held, passed with unanimously with corrections
3. The Treasurer's report was provided by the Section Treasurer.
  - a. February Year to date balance is \$100,661.17
  - b. Payment has been made for the funds earmarked for litigation as well as for the Payment to Neighborhood Legal as previously approved.
4. Legislative Update (For complete analysis of the legislation, and other activity reported on, please see March 2012 Legislative Report prepared by Capitol Services)
  - a. Autism coverage—the bills passed, which mandates coverage for the diagnosis and treatment of autism spectrum disorders. Despite active lobbying to have more parity, the bills passed without.
  - b. Budget—Items of interest include:
    - i. *Aging Services to support community living: \$500,000 earmarked to expand community living options counseling, \$100,000 to extend elder abuse prevention programs, \$250,000 for community support for persons providing care to family members with Alzheimer's or dementia, \$250,000 for elder abuse in 2012-2013—to have more outreach and education to law enforcement.*
    - ii. *Dual Eligibles. Moving from fee for service to managed care.*
    - iii. *Including Behavioral Health Drugs on Preferred Drug list. (Savings were removed on Pharmaceutical savings line as result of this addition)*

- iv. *Medicaid Estate Recovery. Still in there-references strengthening statutory changes to existing ER program.*
  - v. *MI CHOICE—increase, emphasis on transition, and reducing waiting lists.*
  - vi. *PACE—increasing funds.*
  - vii. *Autism Spectrum Disorder Coverage—Increase of \$34.1 in budget to fund treatment.*
  - viii. *Traumatic Brain Injury Treatment Project—funding restored*
  - ix. *Mental Health Services for Special Populations—One time funding included.*
  - x. *Children with Serious Emotional Disturbance Waiver—increase of funding.*
- c. DHS Budget also discussed
  - d. Alzheimer’s check off –passed in senate earlier in session, stalled in house—they want to reform the overall check off system. May be moving again, as just reported out of House.
  - e. Vulnerable Adult Package—
    - i. *Senior Alert update—Committee reported out SB 466, which creates “Amber Alert” for vulnerable Adults.*
    - ii. *Testimony taken on SB 455,459 and 465. Crime to fraudulently obtain the signature of a vulnerable adult for the purpose of financial exploitation, and increase criminal penalties for perpetrators of financial abuse on vulnerable adults.*
    - iii. *Testimony will be taken on SB 461 and HB 5441 to address GAL, Guardianship issues.*
  - f. Pooled Trusts—Rep Cotter has said he can’t take this one right now. Looking for a new sponsor. Kurt Heise (R-Plymouth) good candidate, attorney, knows what they are. A meeting will be scheduled.
  - g. Health Exchange—Waiting for USSC to make a decision. Interstate Compact may be an alternative, legislation was introduced.
  - h. SB 92: our Amendments were reported and the bill was partially rewritten. Probate Council Committee is satisfied with changes. Final substitute will be taken up with the house. Todd & Ellen will get final substitution to us.
  - i. Peace of Mind—ELDRS didn’t take a position, still not.
  - j. Arbitration—Todd trying to get more info from Jules for concrete examples of problems to be able to use. Patti offered to send Todd Info. Bob Mannor added helpful comments as well. Brad Vauter to assist by attending a meeting.
5. Old Business
- a. Spring Conference 2012— (great conference. Record attendance)
  - b. Fall Conference –

- i. Discussion was held about the scholarship criteria. Sample application was handed out and changed suggested.
    - ii. Kelly Quardokus made a motion to approve the application for scholarships as amended. Seconded by John Payne. Vote Held, passed.
    - iii. Speakers were discussed. Committee to send out call for national speakers. Several were suggested.
    - iv. Theme is “Lost in Translation” October 3-5, we will start with Lunch
  - c. Estate Recovery FOIA—no update. Tabled until April meeting.
  - d. By-law Changes—conversation tabled until April meeting.
  - e. Litigation Budget—
    - i. have paid on CS retirement benefit, Pooled Account Trust and dual eligible.
    - ii. Annual Budget recommended not to exceed 50% of treasury as of march 1st
      - 1. Motion made by Paul Sturgul that the council adopt a policy where the funds earmarked for litigation are not to exceed 50% of funds in the treasury as of March 1<sup>st</sup> of the year. Seconded by Michael Mestelle. Vote held, passed unanimously.
  - f. BEM 405 Pooled Trusts –see Cap. Services report.
  - g. Collaboration with Health Care section—Joint webinar/ or other collaboration with Healthcare section and ADR section suggested by HCS. Suggestion by council to have a collaboration at fall conference with HEC and Consumer law Section.
- 6. New Business—
  - a. List serv discussion of forms on website. Many complaints by members of the probate section, Janet Welch getting involved. Forms may be out of date. Access was always ELDRS goal.
    - i. Joint project suggested to update and get approval from Medical Association.
    - ii. Will follow up with this topic. Patti offered to assist on getting web page up to speed.
- 7. Committee Reports
  - a. POLST—no report
  - b. Litigation Committee—no report
  - c. Health Care Reform Committee—Dolores—no report
  - d. Legislative Committee—Brad Vauter—discussion of Alzheimer’s check off.
  - e. Newsletter—John Payne –no report

- f. Unauthorized Practice of Law—Amy Tripp (not present) reported to chair, Caroline Dellenbusch, that the State Bar has created a definition of the unauthorized practice of law and wants us to support it. Council wanted more information; further discussion was tabled until Amy can be present.
- 8. Announcements—none
- 9. Upcoming meetings:
  - a. April meeting will be held on Saturday April 7, 2012 at Chalgian & Tripp Law Offices, PLLC , East Lansing
  - b. May meeting will be held on Saturday May 5<sup>th</sup> meeting at the office of Dellenbusch & Swagman, Grand Rapids.
- 10. Motion made by Kelly Quardokus to Adjourn, seconded by Paul Sturgul. Passed unanimously.

Meeting ended at 12:00pm

Respectfully submitted by Rosemary H. Buhl