

**ELDER LAW & DISABILITY RIGHTS SECTION
OF THE
STATE BAR OF MICHIGAN**

MINUTES OF MARCH 2, 2013

TAKEN BY:
JOHN B. PAYNE, FOR PATRICK J. BOND, SECRETARY
ELDER LAW & DISABILITY RIGHTS SECTION
STATE BAR OF MICHIGAN

Attended: Physically,

* Jane A. Bassett
* Christine Caswell
* Caroline M. Dellenbusch
* Michael A. Mestelle
* Kelly J. McNerney Quardokus
* Beth A. Swagman
* Bradley A. Vauter (Chair)
Konrad Hittner
Kelley James-Jura
William Lucius
Robert Mannor

Total: 11

* = Council Member

Attended: Telephone,

* Rosemary Buhl (Chair-elect)
* David J. Kerr
* Robert Longstreet
* John B. Payne (Treasurer)
* Christopher William Smith
* James B. Steward
Robert C. Anderson
Josh Ard
* Christopher Berry
Dolores M. Coulter (Past Chair)
Michele P. Fuller
Jacquelyn A. Rygiel-Sprague
Sara Ann Schimke
Angela Swanberg
David D. Sprague
Paul Sturgul
Todd Tennis (lobbyist)

Total: 17

* = Council Member

Called to order at 10:12 a.m.

Agenda: Brad emailed the agenda, but no one received it.

Approve minutes: Moved by Beth Swagman; Seconded by Mike Mestelle. Passed unanimously with corrections to attendance as circulated by email

Brad questioned how detailed we want the minutes regarding topics discussed.

Treasurer's Report: Accepted

Legislative Report – BCBSM bill passed by both houses.

Medigap endangered. Despite concerns about Medigap, bill got 92 votes.

David Kerr asked about the effect of reduced Medigap spending.

Hardcore conservatives are still resisting ACA and Medicaid expansion. Can state trust federal government to maintain 90/10 subsidy? Todd said that most provider groups support Medicaid expansion.

Fed-state exchange bill passed in House.

Budget proposal has good news regarding MI-Choice and expanded PACE.

Estate Recovery collections are not projected in new budget. Roger Cahn's office has not been pushing ER enhancements.

Additional bills – HB 4158, 4159 regarding change of ownership of nursing home; SB 176, 177, schedule hearing for minor guardianships when minor is within six months of age 18.

New SC Justice – closer to Kennedy than Scalia? Mixed reviews on MAJ website; Federalist Society member?

David Kerr brought up question of Jimmo v. Sebelius effect on Medigap coverage. Will Medigap coverage of skilled care coinsurance in days 21-100 go away?

Pooled Trust: Legislation is moving through the legislature according to Michele Fuller. Brad suggested asking Roxanne Chang to help lobby. Michele asked for suggestions to be emailed to her or Todd Tennis.

Spring Conference: No news on attendance. Re-broadcast of email announcement suggested. Depending on registration that may not be necessary. Law students and legal aid lawyers may register at \$35 reduced fee, plus \$20 for lunch, if desired.

Section Priorities for Capital Services: What do we want to do? In past priority concerns have been ER, APS, BCBSM, pooled trust legislation. Concerns offered:

Mental health and coverage parity. Todd says there is a task force.

Todd says they have been watching pooled trust issue, which is ongoing, and BCBSM bills, which are wrapping up.

Council members asked CS to keep an eye on banking issues, Waiver and MI-Choice funding, Medicaid expansion, mental health parity.

Discussion about sending letter to governor congratulating him on support for Waiver expansion. Point out the economy of Waiver expansion and greater choice. Brad will draft letter and circulate for comment. Moved David Kerr, Second by Michael Mestelle, passed with no objection.

Fall Conference: Speaker from UM Detroit Mercy to provide three-hour VA Accredited Advisor training session. Council has supported the Katherine Hunt Award by paying for plaque and presenter's expense in the past. Brad questioned the loosey-goosey approach to paying for an award from another organization. The KH Award is conferred by the Michigan Campaign for Quality Care. Further discussion regarding subsidized lodging for certain persons attending the Conference. Thinking of providing CE for various professionals. Working on the scholarship process. Jill has a spreadsheet of possible venues and will make suggestions for 2014 conference before the 2013 conference. –

Project Wildcat Discussion: Jim Steward's memo and letter. It was suggested to query Sarah Slocum about the Ombudsman's Office position on the Project Wildcat document. Jim is concerned that the document is being circulated by Brad Geller and is being offered as official state policy. Konrad Hittner

observed that the Ombudsman's office does not create or promulgate policy and is not a "state agency." It is a creature of the federal government under Title VII of the Older Americans Act. Konrad stated that Sarah Slocum should be approached privately before sending letters. Kelly Quardokus and others endorsed this approach.

Jane Basset moved and Michael Mestelle seconded that the Council request of the Ombudsman's Office to have document withdrawn, with specific concerns noted. Passed with no opposition. Brad will contact Sarah, with Rosemary Buhl, Jim Steward and Kelly Quardokus in support.

Posting on Website:

POST: Robert Anderson participated in the February 14 coalition meeting. None of the hospital regions has implemented POST, but are working on that. They are trying to develop a flowchart.

Newsletter: Jane says that the newsletter is on track. [ask for a recap of her report]

Question about consultant members : Not discussed.

Adjournment: Moved by Kelly Quardokus,
Seconded by John Payne

Next meeting at Basset & Associates PLLC, located at 2004 Hogback, Ann Arbor