

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

PROPOSED MINUTES OF MARCH 7, 2015

TAKEN BY:
MICHELE P. FULLER, SECRETARY
ELDER LAW & DISABILITY RIGHTS SECTION
STATE BAR OF MICHIGAN

Matter One - Introduction

Matter 1.0 Location

Bond Estate Planning & Elder Law PC

Meeting convened at 10:05 a.m.

Matter 1.2 Attendance

Voting Council members present: Patrick Bond (chair), Michele Fuller (Secretary), Robert Mannor, John Payne (chair-elect), Sara Schimke (Treasurer), Christopher Smith, Maria Messina,

Section members present: Amy Peterman, Robert Lewandowski

Non-section members present: Todd Tennis

Voting Council members on phone: Christine Caswell, Kelly Quardokus, Jill Goodell, David Sprague, David Kerr, Jane Bassett, Angela Hentkowski

Section members on phone: Amy Tripp, Don Rosenberg, Dolores Coulter, Kelly, Kaare, Paul Sturgyl, Howard Collens, Garcia, Ray Harris, Casy-Daniella, Harley Manela, Brad Vauter, Sanford Mall, Erma Thomas,

Non-section members on phone: none

Matter 1.3 Approval of Minutes

Approval of the minutes for February 2015 was moved by Schimke and seconded by Smith. The motion passed unopposed. There was no meeting in January 2015.

Matter 1.4 Treasurer's Report – Sara Schimke

She is still looking into issues raised at the last meeting.

Matter Two - Old and New Business

Matter 2.1 Legislative Report-Todd Tennis

The legislative report was circulated to the Council. There are 44 new members of the house. The budget for the Alzheimer's home help pilot was cut due to the overall budget shortfall. Newest in, first out rule applies.

Matter 2.2 Jenson case update: Kaare

Transfers to a non-relative caregiver were treated as a divestment, including reimbursement for documented expenses. The ruling is a devastating loss. Every caregiver-even contracted outside vendors-must comply with BEMS. Todd will be facilitating a meeting with Finton and coordinate policy makers.

Matter 2.3 VA proposed changes-Robert Mannor

He submitted copies of naela comments. He asked that each of us pick three ideas and comment on them. There is a risk that comments will be all grouped together. He created rough draft and asked for feedback.

Matter 2.4. ABLE Act-Chris Smith

He reviewed basis for legislation for new people on the call. No new action since last meeting. DCH is giving a presentation on it Monday.

Matter 2.5 FADA legislation-Howard Collens

He gave a review of the legislation. Discussed the meeting with policy makers and corporate representatives. Rep. Forlini wants to dig into the issues and find a compromise. Corporations position is that it will be an administrative burden they don't want.

Matter 2.6 Spring Conference-Harley Manela

140 registered and 17 walk-ins. Largest attendance ever. Everything went very well.

Matter 2.7 Council vacancy-Pat Bond

Bond wants to create a committee to nominate someone to fill the vacancy left by Will Lucius comprised of Fuller, Peterman and Bond.

Matter 2.8 SBO Litigation-Sanford Mall

We still have one viable plaintiff. Rene was working on a draft Complaint for review on the federal litigation. On the state side, we have several cases through the ALJ process.

Matter 2.9 Ketchum Estate-Sanford Mall

We have to be careful of what is in the record. Everything is being reviewed now. We should know more by the next meeting.

Matter 2.10 MI health link-Quardokis

MI health Link will auto enroll all dual eligible unless they opt out in writing by the deadline, or they will be passively enrolled. July 1st. They can potentially lose the employee or union coverage where the resident is the employee and their community spouse. Then they drop the community spouse. March 1st they have to opt out if they are in that situation. There are two pilots right now; the upper peninsula and 8 counties in MI – passive enrollment May 1st. The next wave is Macomb and Wayne counties beginning July 1st. Some potential problems are that spouses can potentially lose their health care and prescription coverage where the resident is the employee and has union or retirement plans covering their community spouse. If auto enrolled in MI health, then they drop the community spouse and cannot get the benefits back. Open enrollment starts March 1st but they have to opt out before May 1 if they are in that situation. This also presents issues for Medicaid waiver clients.

Matter 2.11 ELDR ICLE institute Sept 10-11 at Inn at St. John

ICLE wants ELDR section to sponsor it. Members expressed concerned about the financial liability of our section for the fall conference and might have ICLE sponsor as well. Some members expressed concern about sponsorship.

Matter 2.12 Newsletter-Caswell

April 25th deadline for submission for newsletter articles

Matter Three – Future Meetings & Adjourn

Smith moved to adjourn. Fuller seconded.

Next Council meeting:

10:00 a.m., April 4, 2015 at Bond Estate Planning and Elder Law PC., St. Clair Shores, Michigan.