

ELDRS Section Meeting

March 3, 2018

State Bar of Michigan; 306 Townsend, Lansing, Michigan

1. Chair Sara Schimke opens the meeting and welcomes attendees
2. Roll call: Sara Schimke*, Caroline Dellenbusch*, Raymond Harris*, Jean Doss, Nick Ryan, Christine Caswell*, Kelly Quardokus*, Todd Tennis, Beth Swagman*, Christopher Smith*, Susan Chalgian (in person).
3. Online: Bob Mannor*, Catherine Jacobs, Harley Manela, Howard Collens*, Sandy Mall*, Jim Steward, Paul Sturgul, Erma Yarbrough-Thomas*, Angela Hentkowski*, John Payne, Ryan Long, Krystal Danielak, David Kerr, Greg Kish*, Maria Messina Wiersma*, Theresa Rich*, Tracey Rowens*, Jackie Rygiel-Sprague*, Sandy Mall* (* denotes council member)
4. Agenda: Christine C. moved approval of agenda; Caroline D. seconded; passed.
5. Motion to adopt February 3, 2018 minutes made by Beth S; seconded by Kelly Q; motion passed
6. Treasurer report: Kelly Quardokus. January report shows double payment for Capital Services because of the new contract effective back to January 1, 2018. Kelly presented proposed budget which shows our expenses projected to be up by a small amount and our revenue up substantially because of conference revenues.
7. Fall conference: Angela Hentkowski. Warned that food expenses on the Island are always higher which reduces our revenue. Angela request recommendations for 2019 event. Best dates are last of Sept and first of Oct. Council didn't have ICLE dates for 2019. Discussion of fees: \$250 for section members, \$300 for non-members; \$175 for law students; \$25 late fee. Angela will do budget for the fall conference. Discussion of 2019 locations at April meeting.
8. Spring conference: Harley reports 81 have registered as of March 1; still looking for sponsorships – contact Harley.
9. Membership committee: no report. Maria Messina Wiersma back as chair.
10. Sara wants to set a date for first webinar; extends invitation to section members to be a speaker. She will make announcement at spring conference regarding first topic and date.
11. Technology issues: GoToMeetings start today! Thanks to all who worked to get the program launched! A new council list serve is coming under SBM Connect. Section members encouraged to start posting to SBM Connect website. Written instructions to access the site were provided and will be sent again. Question arose about archiving of the Modern Firm list serve items? Sara will ask about it. Note: August 1 is the end-date for Modern Firm and users to go with SBM Connect for ELDRS.

12. ADR Summit: discussion on participation in summit. Summit's purpose is to identify changing attitudes and practices since 2011; second purpose is to give recommendations for further development of adr in the trial courts. Need for mediation in Probate Court. The quality of mediators across the state is not even. Roxanne Chang's name suggested to rep ELDRS; Caroline Dellenbusch if Roxanne not able to attend. The summit is May 11; all day. At least one person from our section to attend. Theresa Rich agrees to attend mediation summit.
13. Newsletter: Christine. April 25th is the deadline for the spring issue.
14. Litigation committee: Ray distributed a report on line. No requests for litigation presently. Options for DHHS rejecting orders. Notify Ray if that happens to you.
15. CMS memo: Bob not on the call, but letter attached to agenda for members to review. MDHHS treatment of Promissory Notes. Litigation committee to review memo. One problem seems to be approval of prom note after application complete. Council members to review the memo and discuss at later date. Kelly Q motioned to send the letter after litigation committee reviews it. Christine C. seconded the motion. If you have a written rejection of prom note, send it to Sara or Ray. Vote on the motion: passed, no abstains.
16. Legislative committee: Capital Services report by Todd. Budget conversations moving quickly. Hard for groups to give input when events move so quickly.

SB713- update on Casem bill: Feb 13 hearing including Mickey Rooney's daughter, Glen Campbell's son, and Casey Casem's daughter present. Reported out of committee unanimously. Hoping for some compromises. Trying to get more stakeholders. Probate subcommittee working with ELDRS. Josh Ard to help. Talk to judges. Shape it a little more. Going to the house next. Probate judges agree to some changes to duties of GAL to protect vulnerable adults from isolation, but not going any further to intrude on their authority.

End of Life Bills: POST adopted last year. Right to Life behind HB 5075, 5076 that focus on w/d of life sustaining treatment. Stories of DNRs in file without consent. Disputes with family members who want life sustaining treatment. HB 5075 impacts EPIC and guardianship issues. HB 5076 proposes medical orders must have consent of patient, PAD or the guardian. Make sure POST document includes consent. There is less momentum for these bills presently.

New bills to respond to delays for mental health evaluations, especially for those who are awaiting trial or parole hearings. Bill aims to impose 45-day wait limit. DHHS says it does not have the resources to handle the problem. DHHS may contract with others in private sector, or with CMH.

Jean addresses several budget issues and noted that election issues are impacting budget, environmental issues, and reductions and eliminations to the budget. Medical parole issue has surfaced. Nearly 50-100 of the most medically fragile prisoners go into SNF and incur Medicaid costs. Raises trust and sentencing issues. Do/should SNF provide parole oversight? Prosecutors don't object – but they can challenge medical evaluations.

Jean also talks about the Nasser tragedy. How schools address assault. Mandatory reporting laws in place. Remove governmental immunity for schools? Eliminate the statute of limitations on sexual assault? New child porn bills being sponsored as well. Bills to address disabled person as victim and as abuser. Rep. Dingell brought up bill to follow the money. Council to thank legislators who help elderly and disabled. Kelly Q move that we send thank you. Christine C. second. "Thank you" to Dingell – passes. No objections. Sara to send letter.

17. Telephone meeting on April 7. No in-person meeting in Lansing. Be sure to register for the GoToMeetings. Sign up information will be sent out prior to meeting.