

**ELDER LAW AND DISABILITY RIGHTS SECTION  
COUNCIL MEETING  
STATE BAR OF MICHIGAN**

**May 12, 2007**

**State Bar of Michigan**

**COUNCIL MEMBERS PRESENT:** Roxanne Chang\*, Dolores Coulter, Caroline Dellenbusch, Tom Hartwig\*, Konrad Hittner, Art Malisow\*, Judge Allen Nelson, Sandy Mall, Harley Manela\*, John Payne\*, Paul Sturgul\*, Amy Tripp

**SECTION MEMBERS PRESENT:** Josh Ard, Rosemary Buhl, Susan Cancelosi\*, Valerie Rice, Kate White, Susan Wideman\*

**ALSO PRESENT:** Ellen Hoekstra, Todd Tennis

\*Participated Via Conference Call

The meeting was called to order by Chair, Sandy Mall.

**1. Introductions**

The members introduced themselves.

**2. Approval of Minutes**

Minutes were approved.

**3. Treasurer's Report**

As of April 30, 2007 the ending fund balance was \$74, 296.72.

**4. Old Business**

**A. Review status of Council assignments**

- The letter regarding duel certification is scheduled to be mailed next week.
- The grassroots information/campaign was posted on the website.
- Flowers were sent to Senator Deb Cherry.
- All DRA comments were received and forwarded.

**B. Fall, 2007 Conference Update**

No report.

**C. Estate Recovery Opposition Coalition Update.**

Dolores reported that the Coalition met on April 23, 2007. The Alzheimer's Association was not present at the meeting. The most active group, so far, has been NASW. Ellen Hoekstra also reported that the AFL/CIO was glad to be contacted and receive information regarding estate recovery.

**D. Other Issues.**

Susan reminded the group that she agreed to collect information and complaints about various caseworker mistakes and the inconsistency in the application of the PEM rules. So far she has only received about six responses. The suggestion was made that Susan contact Brad Geller and request a breakout session at the fall conference regarding caseworker inconsistency. At that time people can bring their stories and complaints and the Section could compile more information.

**5. New Business**

**A. Section Membership Fees**

Council discussed increasing the Section membership fees. This request needs to be submitted to the Commissioners by June 15, 2007. Sandy was going to contact Susan McMann regarding the increase in the dues and the paperwork that needs to be completed.

**B. Partnering with NCCNHR**

Doug had suggested that the Elder Law Section support and partner with NCCNHR. Sandy reported that Alison Hirschel has been elected to serve as president of NCCNHR. He suggested that we support Alison and write a congratulation letter from the Council. There was discussion as to what type of support the Section should provide which included a suggestion of sending officers to the annual conference. Motion was made by Paul Sturgul and seconded by John Payne for the Section to make a \$100 donation to the NCCNHR organization. Motion carried with none opposed. Council had further discussion regarding a more significant contribution. This discussion will be tabled for the next meeting and Alison Hirschel was going to be asked when she could provide the Section with more information as to what would be most helpful for the group.

**C. Partnering with Citizens for Better Care (CBC)**

CBC requested a list of elder law attorneys from the Detroit area. After discussion the Section concluded that they would support CBC but would not provide a mailing list for solicitation purposes. Dolores suggested that each attorney should develop a relationship with their local ombudsman. Kate White reported that Elder Law of Michigan and the Ombudsman's office were discussing establishing a panel of attorneys who would volunteer to deal with discharging guardianship issues. Kate agreed to follow up with Sara Slocum regarding how to assist the local ombudsman with the current issues. There was also discussion regarding trainings for panel attorneys. Roxanne suggested that CBC do

a presentation at the fall conference. Roxanne agreed to set up a meeting with Sandy and Helen from CBC.

**D. EDLRS Annual Report**

Sandy reported that the annual report will include comments regarding the conference, public policy advocacy and the lifetime achievement awards.

**E. American Arbitration Association**

The American Arbitration Association requested to present to our section on ADR. Discussion followed. Josh was going to draft a response to the arbitration group.

**6. Legislative Update**

See Capitol Services written report that was posted and distributed at the meeting. The legislature and the governor continue to be in current negotiation regarding the provider cuts. Provider cuts may be reduced to 3%. Ellen reported that Senator Cherry has been approached on three different occasions regarding her "amendments" on the Estate Recovery Bill. The concern is that the Estate Recovery Bill will get wrapped up in a leadership agreement. Senator Cherry has also prepared a draft of the Estate Preservation Bill. Unfortunately it is a voluntary program and the money is not specifically designated to Medicaid or the Waiver Program. Money could go to the general fund. Todd suggested that the Section compose a letter. After discussion it was decided that Dolores would have a meeting with Deb Cherry regarding Estate Recovery.

**7. DHS Computerized Program**

Kate White reported that DHS is looking at a completely new computerized program which may bring more significant changes to the eligibility and application process. There was much discussion and concern regarding an all computerized program which could eliminate written PEM and PAM rules and convert to "BEMs and BAMs". This would result in the caseworkers inputting all of the information in the computer and calculating eligibility issues based on the input data. After discussion our concern was due process and the negative impacts that this could have on the applicants. Kate and Sandy were going to further discuss and prepare a draft letter regarding these changes.

The next meeting is scheduled for June 2, 2007 at the Mall Malisow firm. There being no other business the meeting was adjourned.

Minutes Respectfully Submitted by:

Amy R. Tripp  
Secretary