

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

MINUTES OF MAY 4, 2013

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

ELDER LAW & DISABILITY RIGHTS SECTION MEETING OF MAY 4, 2013

TABLE OF CONTENTS

Matter One - Introduction	1
Matter 1.01 Location	1
Matter 1.02 Present at Meeting.....	1
Matter 1.03 Approval of Minutes	1
Matter 1.04 Treasurer's Report	1
Matter 1.05 Legislative Report.....	1
(a) Pooled Trust Legislation Reported from Committee.....	2
(b) Mental Health and Wellness Commission	2
(c) Guardian Authorized DNR Moves to Senate.....	2
(d) Medicaid Expansion Discussions Continue.....	2
(e) House Insurance Committee Takes Up No-Fault Auto Ins. Reforms ..	2
(f) Civil Service Commission Upholds Veterans Home Care Contract	2
(g) Other Bills of Interest.....	2
 Matter Two - Old Business	 3
Matter 2.01 Long-Term Care Ombudsman / Project Wildcat	3
Matter 2.02 Ad Hoc Bylaw Committee Report.....	3
 Matter Three - New Business	 3
Matter 3.01 Presentation: Angela Tripp - MiLegalHelp.org	3
Matter 3.02 Elder Law of Michigan Request for Sponsorship.....	3
Matter 3.03 Fall Conference.....	3
Matter 3.04 Pooled Trust Bill Update / Next Steps.....	3
Matter 3.05 ADR Section Joint Program Request.....	3
 Matter Four - Committee Reports	 4
Matter 4.01 POLST Committee – Bob Anderson	4
Matter 4.02 Litigation Committee – Sandy Mall	4
Matter 4.03 Health Care Reform Committee – Delores Coulter	4
Matter 4.04 Newsletter – Jane Bassett.....	4
Matter 4.05 Unauthorized Practice of Law – Bob Anderson	4
Matter 4.06 Public Outreach Committee – David Kerr.....	4
 Matter Five - Announcements	 4
 Matter Six – Future Meetings & Adjourn	 4

Matter One - Introduction

Matter 1.01 Location

Meeting took place at law office of Barron Rosenberg Mayoras & Mayoras PC, located at 1301 W. Long Lake Road, Suite 340, Troy, Michigan.

Matter 1.02 Present at Meeting

Physically:

Telephone:

* Rosemary Buhl (Chair-elect)
Dolores M. Coulter (Past Chair)
* John B. Payne (Treasurer)
Don L. Rosenberg
* Sara Ann Schimke
* Christopher William Smith
Todd Tennis (lobbyist)
*Erma S. Yarbrough-Thomas
Alison E. Hirschel
Angela Tripp

* = Council Member

Robert C. Anderson
* Jane A. Bassett
* Patrick J. Bond (Secretary)
* Christine Caswell
* Michele P. Fuller
* David J. Kerr
* Robert J. Longstreet
* William D. Lucius
* Michael A. Mestelle
* Kelly J. McNerney Quardokus
Jacquelyn A. Rygiel-Sprague
Paul A. Sturgul
* Beth A. Swagman
Amy Rombyer Tripp
* Bradley A. Vauter (Chair)

* = Council Member

Matter 1.03 Approval of Minutes

April Minutes approved with some additions.

Matter 1.04 Treasurer's Report

Treasurer John Payne reported. A motion was made to increase dues by \$5, but the motion did not pass.

Matter 1.05 Legislative Report

See report of May 2013 by Ellen Hoekstra and Todd Tennis, our lobbyists from Capitol Services, Inc. Some of the more pertinent issues are discussed below:

(a) Pooled Trust Legislation Reported from Committee

House Bill 4013 would allow medicaid applicants to enter into a pooled trust joinder agreement, and transfer their assets into it, even if they are over age sixty-five despite 42 USC 1396p(d)(4)(C) having no age restriction. But the DCH wants to prevent the bill as a CMS memo from 2008 indicated that such pooled trust can only be funded without penalty by medicaid applicants when they are under age sixty-five

Attorney Fuller, Trip, and Shaltz, along with Todd Tennis from Capital Services recently attended a meeting with DCH to address concerns DCH has about the bill. A lengthy discussion ensued but DCH did not sway from their opinion that transfer to pooled trust, if funded when the medicaid applicant is sixty-five or older, will be treated as a divestment.

(b) Mental Health and Wellness Commission

The commission met on April 23rd and took testimony from many organizations and individuals. More public hearing with come in the next few months.

(c) Guardian Authorized DNR Moves to Senate

Council voted to support the DNR bills HB 4382, 83 and 84 with 3 abstentions, and the rest voting aye. These bills reform guardian authorized do-not-resuscitate orders.

(d) Medicaid Expansion Discussions Continue

Motion made for Council to support Medicaid expansion. Motion passed unanimously—fifteen council members voted, of fifteen present for the vote.

(e) House Insurance Committee Takes Up No-Fault Auto Ins. Reforms

Motion to opposed House Bill 4612. Motion approved unanimously

HP 4612 would cap lifetime medical benefits at \$1 million, among other things that Council believes would of significant detriment to those needing benefits. House Democrats are universally opposed to the legislation. And many House Republicans have publicly opposed the bill.

(f) Civil Service Commission Upholds Veterans Home Care Contract

This concerns a recent decision to outsource health care at the Grand Rapids Home for Veterans.

(g) Other Bills of Interest

HB 4177 revises the reference to vulnerable adult abuse in the first-degree murder statute.

HB 4438 allows for automatic approval of medicaid benefits if the medicaid application is not approved or denied by DHS within 45-days under some circumstances.

HB 4558 allows electronic monitoring devices in adult foster care facilities.

Matter Two - Old Business

Matter 2.01 Long-Term Care Ombudsman / Project Wildcat

Nothing reported.

Matter 2.02 Ad Hoc Bylaw Committee Report

Rosemary Buhl reported she is holding an informal meeting up at Traverse City during the Fall Conference. Among other things, they will be discussing: adding language clarifying how the bylaws define disability, electronic voting language, consultant membership language and whether non-attorneys should be offered membership to the Section, and generally tweaking the bylaws to provide a bit more consistency-of-language language.

Matter Three - New Business

Matter 3.01 Presentation: Angela Tripp - MiLegalHelp.org

"The Michigan Legal Help website was created to help people who have to handle simple civil legal problems without a lawyer. There are articles you can read to learn about a specific area of the law and toolkits to help you prepare to represent yourself in court. Some forms are completed automatically once you answer simple questions." www.milegalhelp.org

Attorney Angela Tripp from milegalhelp.org and from the Michigan Poverty Law Program presented.

Matter 3.02 Elder Law of Michigan Request for Sponsorship

Motion approved to donate \$1,500 to Elder Law of Michigan.

Matter 3.03 Fall Conference

A committee was formed of Buhl, Schimke, and Mestelle, to look into venue for 2014.

Matter 3.04 Pooled Trust Bill Update / Next Steps

Michele Fuller and Amy Trip continue to keep an oversight on HB 4013, which would allow persons age 65 and older to transfer assets into a pooled trust account without penalty.

Matter 3.05 ADR Section Joint Program Request

Brad Vauter informed the group that the Council received correspondence from the ADR section offering to help with a training or other joint event in the future. I suggested we might want to take them up on a

presentation at the fall or spring conference especially if they can integrate with elder law issues and such, or the family dynamics of who will care for mom.

Matter Four - Committee Reports

Matter 4.01 POLST Committee – Bob Anderson

No report. Issue tabled.

Matter 4.02 Litigation Committee – Sandy Mall

No report. Issue tabled.

Matter 4.03 Health Care Reform Committee – Delores Coulter

No report.

Matter 4.04 Newsletter – Jane Bassett

Quarterly newsletter is ready. John Payne will work on the calendar section of the newsletter.

Matter 4.05 Unauthorized Practice of Law – Bob Anderson

No report. Issue tabled.

Matter 4.06 Public Outreach Committee – David Kerr

No report.

Matter Five - Announcements

None.

Matter Six – Future Meetings & Adjourn

Meeting adjourned at 12:59 p.m. Next meeting in June 1, 2013, at Chalgian & Tripp Law Offices PLLC, 1019 Trowbridge Road, East Lansing, Michigan.