

Attendance: In person - Christopher Smith*, Christine Caswell*, Ray Harris*, Nick Ryan*, Caroline Dellenbusch*, Todd Tennis, Jean Doss, Erin Mortenson, Beth Swagman; by phone - Kelly Quardokus*, Robert Mannor*, Theresa Rich*, Howard Collens*, Angela Hentkowski*, Jackie Rygiel-Sprague*, Terri Winegarden*, Sanford Mall*, Liz Vincent*, Tracey Rowens*, Maria Messina Wiersma*, Greg Kish*, Lisa Anderson, Jim Steward, Erma Thomas, Kimberly Parks, David Kerr, Don Rosenberg, Kevin Gilhool, Paul Sturgel, Rob Longstreet

Chair Chris Smith called the meeting to order at 10:05.

Agenda - Caroline Dellenbusch moved and Nick Ryan seconded to adopt the agenda with the change of moving the administrative committee report to be first. Motion passed.

Minutes - Ray Harris moved and Nick Ryan seconded to adopt the minutes as presented. Motion passed.

Treasurer's Report - Bob Mannor reported that he had submitted last month's Bar report to the Council. Chris Smith asked Bob to have a proposed budget for the next meeting.

POST Committee – Chris Smith said that the Section submitted POST form comments no one has acknowledged receiving them. Caroline Dellenbusch said the Committee has until the end of the year to make decisions.

Mental Health Committee – Chris Smith reported that he sent the letter to Bar regarding the questions on the application on the Bar exam and mental health. At first the Bar said the letter was in conflict with its position, so Chris called a staffperson, and the committee is now asked to make tweaks to the letter, including a 10-year lookback period if an applicant has used a mental health defense for any previous behavior. Ray Harris made a motion and Nick Ryan seconded a motion to adjust the letter to conform with the Bar's stance. Motion carried with 16 ayes, no nays or abstentions, and three members not voting.

Administrative Committee – Greg Kish reported that the committee has been focused on preparing comments on the proposed promissory note policy with a focus on how it violates federal law and circulated a draft for revision and input. The committee also did a more in-depth review of the caregiver contract policy and expects to discuss this at the June meeting. They still looking for more members, but Greg noted that Catherine Jacobs has been doing quite a bit of work for the committee.

Caroline Dellenbusch moved and Ray Harris seconded ELDRS submitting comments to the Department of Health and Human Services regarding recent proposed changes to BEM 400 (Promissory Notes) as those comments are outlined in the Administrative Policy Committee report. Further, the Administrative Policy Committee is authorized to finalize those comments and submit them to DHHS upon final approval by the Chair. Passed with 16 ayes, no nays or abstentions, and three members not voting.

Legislative Committee – Chris Smith reported that council members had a meeting with legislative staff regarding the Family Rights Act. Rep. Vaupel has agreed to set up meeting between state representatives and DHHS to talk about various concerns. This is a joint effort between the legislative and administrative committee. If council members have concerns, email Chris and Greg.

Fall Conference Committee - Angela Hentkowski reported that she hoped to have the agenda and registration up for the conference by the end of May.

Membership Committee - Maria Messina Wiersma reported that the next seminar will be with Harley Manela on May 23. Chris said he got a lot of positive feedback on Rosie Buhl's presentation on pre-paid funerals.

Legislative Committee – Chris Smith presented the agenda for legislative day on May 21. The plan is to have people at the Michigan Municipal League at 8:30 to start going over the program for the day. At 9:15, Elizabeth Hertel from DHHS will be speaking, and between 10 a.m. to noon, attendees will meet with their House members. Lunch will be provided, then attendees will meet with their senators between 1 to 3 p.m. Chris said we have enough people to make this a go, but council members are expected to be there. It's a great way to get the ELDRS message out. Todd Tennis said the overall benefit from these events is attaching the section with legislative leaders and developing a relationship between the legislators and their constituents from the section.

Chris thanked David Shaltz for his draft legislation for DHHS and the Administrative Procedure Act. DHHS is currently exempt. David reported that the legislation is being drafted so the department has the burden to show it isn't deviating from federal SSI rules, and if it isn't in compliance, then there is standing to challenge the policy without having a plaintiff who has suffered specific harm.

Elder Abuse Task Force – Chris Smith reported that there are 73 members divided into committees. Chris is on the legislative committee and subcommittees. About 85% of the committee's work has to do with guardianships. ELDRS has a lot of influence right now. This is an opportunity to build a collaborative relationship with the AG. We want priority on the family care act and waiver. Right now, the committee is requiring probate courts to detail findings when a family member is determined not suitable as a guardian. The task force wants judges say why they are choosing a professional over family members and to revisit the appointment after six months.

For family visitation, the task force is looking at the Nevada act. The people who can petition for visitation are family members, but there is concern with defining relatives. Sen. Marleau's proposal added isolation to abuse and neglect, amending the Social Welfare Act.

HB4260, pg. 28 of the agenda, is part of the larger elder abuse bills that have been discussed. Todd reported that Council has been neutral because there was no consensus. This legislation creates a rebuttable presumption that if an elder or vulnerable adult gives \$10,000 or more to a non-relative—but has been amended to say relatives—this is elder abuse. Doug Wozniak doesn't think this will cause problems for people who are acting properly. Chris had a call with Doug. The legislation was introduced by Rep. Anthony. It goes against the presumption of innocence and the rights of competent people age 65 and over. The express intent is to have malicious actors charged. There's been no public opposition. Council members agreed that the legislation should keep the vulnerable adult language as opposed to being defined by age. Ray said he would have a criminal lawyer weigh in on rebuttable presumption. Howard Collens said the \$10,000 threshold is too low. How does this bill make it more likely that bad actors will be punished? Todd said the legislation is moving quickly. Ray is licensed in Florida, so he will check on Florida law.

Chris reported there is an issue with guests who overstay their welcome. A formal eviction is not needed for guests who stay over 30 days. Chris will take comments.

Todd reported that the Senate released its budget proposal. The Senate restored \$3 million of \$8 million cut for elder services. A DHHS subcommittee will make its recommendation for this change. The \$3 million reduction for PACE has been approved by the Senate.

Litigation Committee – Ray Harris met with Mark Cody of the Michigan Protection & Advocacy Service Inc., and the Section is going to do more collaboration with MPAS. The litigation fund match is still ongoing.

Bylaws Committee – Howard Collens reported that the committee is in the drafting stage of the project and expects to have proposed changes for the fall conference.

Promoting Disability Inclusion in the Legal Field Workgroup – Chris reported that he is putting a committee together for this workgroup as requested by the Bar.

Newsletter Committee – Christine Caswell reported that she would like to see more of the Council's activities being reported in the newsletter by Committee chairs.

Chris reported that the ListServ has been moved to the Modern Firm.

The meeting adjourned at 12:02 p.m.