

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

**MINUTES OF SEPTEMBER 7, 2013**

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

# ELDER LAW & DISABILITY RIGHTS SECTION MEETING OF SEPTEMBER 7, 2013

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# Matter One - Introduction

## Matter 1.01      Location

Caroline Dellenbusch's office, located at 2944 Fuller Avenue, NE, Suite 100, Grand Rapids, Michigan 49505.

### Physically:

\* Rosemary Buhl (Chair-elect)  
Caroline M. Dellenbusch  
\* Cynthia J. Goodell  
Ellen Hoekstra (Capital Services)  
\* Michael A. Mestelle  
\* Kelly J. McNerney Quardokus  
\* Beth A. Swagman

\* = Council Member

### Telephone:

\* Jane A. Bassett  
\* Patrick J. Bond (Secretary)  
\* Christine Caswell  
Dolores M. Coulter (Past Chair)  
Patricia Kefalas Dudek  
\* Michele P. Fuller  
\* John B. Payne (Treasurer)  
\* Sara Ann Schimke  
\* Christopher William Smith  
\* James B. Steward  
Paul A. Sturgul  
Angela M. Swanberg  
\* Erma S. Yarbrough-Thomas

\* = Council Member

## Matter 1.02      Approval of Minutes

Motion by John Payne to approve August Minutes. Minutes approved.

## Matter 1.03      Treasurer's Report – John Payne

John Payne reported. Ending fund balance is \$87,113.72.

## Matter 1.04      2013 Fall Conference

Beth Swagman gave status report. Beth is collecting the speaker-material, which was due yesterday. Enrollment appears to be just as high as last year.

Motion made that compensation to the four Fall Conference committee members be for both lodging, and conference fees, which is in addition to the one \$2,500 payment to the Committee (as an honorarium to those members). Vote passed unanimously. The four committee members abstained.

## **Matter 1.05      2014 Spring Conference**

Harley Manela had tentatively scheduled 2014 Spring Conference for March 14, 2014. Beth Swagman moved to approve the date. Motion approved unanimously. No abstentions.

## **Matter 1.06      2014 Fall Conference – Mackinac Island, Michigan**

Rosemary Buhl began the discussion.

The 2014 Fall Conference is slated for Wednesday October 1<sup>st</sup> to Friday, October 3<sup>rd</sup>. Mission Pointe has blocked a set of rooms beginning on the 30<sup>th</sup>. The contract with Mission Point Resort, where the conference will be held, has been approved.

Rosemary discussed the large time commitments needed to plan for the Fall Conference. And to be mindful that the current committee members cannot be expected to continue their commitment for the rest of their career. Committee Chair, Beth Swagman, asked that if Section Members can help, even in little ways, or have some unique contacts for speakers for instance, to please consider, for future conferences, donating their time or knowledge.

John Payne suggested he, or someone from Council, eventually send an email to the ELDRS email list, in contemplation of future conferences, asking for people, if possible, to donate their time or experience, in an effort to help support committee members of the 2014 Fall Conference.

## **Matter 1.07      Legislative Update – Capitol Services**

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

### **(a)      Medicaid Expansion Wins Passage, Loses Immediate-Effect Vote**

House Bill 4717, which expands Medicaid to cover Michigan residents with income between 100% and 133% of the poverty level, was passed. The bill has been sent to the Governor for his signature.

Legislation passed into law does not take effect until 90-days after the last day of the legislative session. In this case, the 90-day period ends on March 2014. But the federal time-frame for the States to set up Medicaid expansion is January 1, 2014. So it is unsure what type of problems this will cause. Or how much Michigan may be losing in federal funding as DCH estimates the State will miss out on \$7 million in federal funding each day implementation is delayed.

### **(b)      Pooled Trust Bill May Get House Vote Soon**

HB 4013 is a bill that clarifies that pooled trusts can be funded by those disabled individuals who are sixty-five years or older. Even though federal law permits the use of the pooled trust for any disabled individual, regardless of age, DCH is strongly against HB 4013.

A House vote on 4013 is expected soon.

**(c) Mental Health and Wellness Commission Holding Final Hearings**

The Mental Health Commission is traveling around the state to hold public meetings, to obtain information for its report.

The final two meetings will be at:

Where: Pine Rest, Postma Center  
Spruce Room  
300 68<sup>th</sup> Street SE  
Grand Rapids

When: Thursday, September 12  
6:00 to 8:00 p.m.

Where: Wayne State U. School of Medicine  
Scott Hall  
540 East Canfield  
Detroit

When: Thursday, September 19  
5:00 to 7:00 p.m.

Capital Services indicated that the commission is expecting to complete its final report before the end of the year.

See also, Matter 3.05.

**Matter Two -  
New Business**

**Matter 2.01 Nomination Committee**

These committee members are charged with nominating individuals to replace those Council members whose term is ending.

Committee consists of Erma S. Yarbrough-Thomas, Caroline Dellenbusch, and Rosemary Buhl.

Current Council members, whose terms are ending—that being Jill Goodell, David Kerr, and Sara Schimke—all are serving their first term, and all are willing to continue for another term.

**Matter Three -  
Committee Reports**

**Matter 3.01 POST Committee – Bob Anderson**

Issue tabled.

**Matter 3.02 Litigation Committee – Sandy Mall**

Issue tabled.

### **Matter 3.03      Newsletter – Jane Bassett**

Jane is calling for articles, which are due next month (October).

And we are looking for a Council Member to summarize the upcoming 2013 Fall Conference for submission in the following newsletter.

### **Matter 3.04      Unauthorized Practice of Law – Bob Anderson**

Issue tabled.

### **Matter 3.05      Mental Health Issues – Christine Caswell**

The Mental Health Commission is traveling around the state to hold public meetings, to obtain information for its report. One such meeting, held by Senator Bruce Caswell, met in Jackson, which Christopher W. Smith and Christine Caswell attended.

## **Matter Four - Announcements**

Planning ahead, Rosemary Buhl asked for volunteers to host the November 2013 Council meeting.

Jim Steward spoke about bylaw changes, suggested by David Kerr at the August meeting, regarding having to wait three days before a vote can be made by an email-generated motion. And this issue is now ready to be voted upon at the October 4<sup>th</sup> meeting at the 2013 Fall Conference.

## **Matter Five - Future Meetings & Adjourn**

Next meeting is on Friday, October 4, 2013, at 8:30 a.m. at the 2013 Fall Conference, Crystal Mountain Resort & Spa, 12500 Crystal Mountain Drive, Thompsonville, Michigan.

Meeting adjourned at 11:36 a.m.