

ELDRS Section Meeting

Sept 15, 2018

State Bar of Michigan Office, 306 Townsend, Lansing, MI

Chair Sara Schimke opens the meeting and welcomes participants

1. Roll call and attendance:

Members present: Sara Schimke*, Christine Caswell*, Kelly Quardokus*, Ray Harris*, Nick Ryan, Todd Tennis, Molly Pettijean, Beth Swagman* (* denotes council member).

On the call: Christopher Smith*, Bob Mannor*, Howard Collens*, Theresa Rich*, Tracey Rowens*, Jackie Rygiel-Sprague*, Krystal Danielak, Ryan Long, Paul Sturgul, James Steward, Terri Winegarden (* denotes council member). Caroline Dellenbusch* joined the call after roll call.

2. Motion to adopt Agenda: Motion by Beth S, seconded by Ray H; Passed

3. Secretary's report: August 4, 2018 minutes were moved by Beth S; seconded by Christine C; passed.

4. Treasurer report: Kelly Quardokus. More funds in the council budget this year than last year at this time. Two of three vendor checks deposited. Although funds deposited, SBM does not include the amounts in the budget statement until the event occurs.

5. Fall conference: Angela Hentkowski - not able to report. Sara reports there are still rooms at Mission Point under ELDRS block. If anyone registered for a room other than at Mission Point, or registered at the Point but outside of the room block, they need to inform Mission Point so ELDRS gets credit for the room. If ELDRS doesn't meet the room block requirement, ELDRS pays for unused rooms. Current registration at 106 which is higher than at this point last year. Sara also reports that speaker Howard Krooks had a scheduling conflict so the schedule for fall conference has been re-arranged to accommodate Mr. Krooks. See the revised schedule online.

6. Spring conference: Harley Manela: no report.

7. Membership committee: Maria Messina Wiersma: no report

8. Newsletter Committee: Christine Caswell: Next edition of the newsletter is due Oct 5. Todd Tennis assist Christine with copy for this edition.

9. Litigation Committee: Ray Harris reports. Committee has provided advice to Bob Mannor's appeals case brought by Geraldine Brown. Oral arguments for Hegadorn/Lolloar/Ford SBO cases are scheduled for Tuesday, October 9, 2018. Section members invited to attend and lend support to this important matter.

Briefs regarding Hagadorn and Vansach put on the ELDRS Section website on SBM for everyone to use. Jim Schuster's memo points out that MSC seems focused on reinterpretation of policy

and its retroactive effect. Jim Steward adds that court needs to look at interpretation of federal statute and how those rules apply. MDHSS action violates federal statute. The retroactive effect of MDHSS action violates MI rules as well because MDHSS was required to wait 45 days. The NAELA amicus supports Jim's arguments on these issues. Jim reports that Ron Landsman from NAELA is coming to Lansing to argue the case with Jim.

10. Administrative committee: Sara Schimke. Bulletin from MDHHS regarding proposed changes to Waiver came out on August 31 *before* the comment period ended. Sara submitted the comments ELDRS section approved despite the bulletin. Sara also sent letter to MDHHS re publication of changes before close of comment period. Sara will also send note to CMS re publication of changes prior to close of comment period. Paul S. is sending bulletin to David Goldfarb alerting him of changes to Waiver. Beth reports Kent County Waiver agent already implementing Waiver changes although bulletin states changes take effect October 1.

Sara reports on the annual task of nominating officers for the council and new council members. Beth is stepping down from the rotation so there is a vacancy in vice-president role and a new treasurer is needed. With retirement of members who have served their maximum years of service, new council members are needed as well. Provide suggestions for all these roles to Sara. Section will also receive nominations from the floor at the fall meeting and vote will be taken then.

Committee chair positions are coming open. Kelly Q is leaving position as chair of the legislative committee. Angela H is leaving position as chair of fall conference planning committee after 2019 event. She would like someone to learn the ropes this next year with her who will then take the reins for the 2020 event.

With a quorum present, Sara presented the stipends to be awarded to speakers at the fall conference: Howard Krooks (Elder Law Associates PA) - \$2500; Amy Dixon - \$250; Bryan Mortenson - \$250; Dr. Joseph Anderson - \$250. The Volunteer Award gift of \$200 was also presented. Beth S moved that stipends and award be approved; Christine C seconded; passed with no objections and no abstains.

11. Legislation committee: Kelly Q. The committee met on Aug 27th to review new draft of Marleau bill (re-draft of SB713 Casey Casem isolation bill). The new draft is shrunk down and only seeks to change the social welfare act's definition of elder abuse. Continuing work on this bill will be through Todd and Jean who have good working relationship with Marleau's office.

Senate bills 1037-39 have to do with changes in MDHHS administrative process and billing procedures for payment to nursing homes. Nursing home lobby is working on this bill. Medicaid attorneys have many similar payment issues as nursing homes. Nursing home lobby is trying to get MDHHS to be more responsive for payment issues. Advice is to let nursing home lobby to do their work and not involve ELDRS at this time.

HB 5813 – patrol officers and elder abuse. The form being presented to help identify elder abuse is several pages long and a challenge to use for overworked patrol officers. Association of

Chiefs of Police opposes it and prosecutors association has taken neutral position on it. Committee does not propose action at this time.

Todd T presents: Legislature only in session for a couple of days until October 1 when everyone leaves to campaign. The nursing home bills (above) are out of committee but if a bill is not through one house or the other by October 1, hard to get it passed by the end of the year. The Marleau bill (above) needs work as it moves through committee.

Anyone's guess as to what the new legislature is going to look like. Legislature Day – held the early part of the new year when newly elected officials are coming in. Good time to let them know about ELDRS and its issues. Once committees set up, introduce ELDRS to them so they know who we are and what issues we are concerned about. 63 out of 110 seats in house will turn over; 23 new seats in the senate.

Todd advises that candidates more responsive to you right now before election.

VA new proposed rules for A & A coming out this next Tuesday. Maybe do an update at fall conference.

12. **October 19** is the next ELDRS council meeting at the ELDRS fall conference on Mackinac Island.
13. Adjourned.