

ELDRS Update

Winter Edition 2020, Volume IX, Issue 4

This is a publication of the Elder Law & Disability Rights Section of the State Bar of Michigan. All opinions are those of the respective authors and do not represent official positions of the Elder Law & Disability Rights Section or the State Bar of Michigan. Comments or submissions should be directed to Christine Caswell, Editor, at christine@caswellpllc.com.

Save the Date

- **Fall Conference**, October 7-9, 2020 at the DoubleTree by Hilton Hotel in Bay City

ELDRS Spring Conference

Following is the itinerary for ELDRS 18th Annual Spring Conference at The Inn at St. John's in Plymouth on Friday, March 20, starting at 9 am. Registration is now available on the Bar [site](#). The costs are listed below.

- 8:30 a.m. – 9:00 a.m.
- 9:00 a.m. – 9:45 a.m.

- 9:45 a.m. – 10:30 a.m.

- 10:30 a.m. – 10:45 a.m.
- 10:45 a.m. – 11:30 a.m.

- 11:30 a.m. – 1:00 p.m.

- 1:00 p.m. – 2:30 p.m.

- 2:45 p.m. – 3:00 p.m.
- 3:00 p.m. – 4:30 p.m.

Registration

Mental Health Advocacy

Julie McCowan – Attorney

How to Negotiate with Difficult People

Sanford J. Mall – Attorney

Break

Probate Litigation – New Discovery Rules

Douglas Chalgian – Attorney

Harley D. Manela – Attorney

Lunch – Aging in Michigan

Dr. Alexis Travis, Senior Deputy Director of Aging and Adult Services Agency, Michigan Department of Health and Human Services

Elder Abuse Task Force

Christopher Smith – Attorney

Georgia Callis – Professional Guardian

Alison Hirschel – Attorney

Break

Medicaid, Universal Caseload, and SBO Updates...Oh MI!

Kelly Quadorkus – Attorney

Rosemary Buhl – Attorney

Robert Mannor – Attorney

David Kerr – Attorney

Ryan Reck – Attorney

Audra Woods - Attorney

There will be a reception following conclusion of the conference.

Registration Fees

Section Member:	\$150.00
Non-Member:	\$200.00
Patron	\$150.00
Legal Aid	No Charge except to pay for lunch

New Lawyer (P81800 or above) - Password required to register, contact Maria Wiersma at 248-799-2711, Limited to First 10 applicants

Lunch Fee

\$30.00 per person

Join the Elder Law & Disability Rights Section and save \$50.00 on the registration fee.

Make a \$150.00 donation to the Elder Law & Disability Rights Section and be recognized as a Patron of the section at the Spring Conference.

Legislative Updates

By Todd Tennis, Capitol Services, Inc.

2020 Hindsight

We are only halfway through the 2019-2020 Michigan Legislative session. Last year seemed like a whirlwind as a new governor and new legislative leaders experienced some growing pains in their working relationship. Although the budget process was slow, it eventually resulted in compromises and avoided a government shutdown. In this age of partisanship, that counts as a win. The Michigan legislature and Gov. Whitmer also accomplished a massive reform of the No-Fault Auto Insurance System, although the jury is still out as to whether this will be a win.

Bill to Address Isolated Adults Becomes Law

Senate Bill 110, sponsored by Sen. Peter Lucido (R-Shelby Twp.), amends the Estates and Protected Individuals Code to allow a court to appoint a limited guardian to supervise visits with an incapacitated adult. If a court found by clear and convincing evidence that a person who has the care and custody of an incapacitated individual denied access to that individual to a person with whom the incapacitated individual desired contact, the court would have the option to appoint a limited guardian to supervise visits with the incapacitated individual. On December 31, 2019, the bill was signed into law as Public Act 170 of 2019.

Physical and Financial Abuse Bills

A package of legislation seeking to increase penalties for perpetrators of physical and financial abuse of vulnerable adults was the focus of much of the ELDRS Council's efforts in 2019. In particular, House Bill 4280 was concerning due to the inclusion of "elder adults" as victims. The

bill originally defined “elder adult” as a person aged 65 or older. ELDRS, working with representatives from the Michigan Prosecutors Association and the Michigan Elder Justice Initiative, agreed to a compromise version that changed the definition of “elder adult” to persons aged 80 or older. The compromise also eliminated a controversial provision in the original bill, one that would have included a rebuttable presumption of guilt for anyone who received funds over \$10,000 from a vulnerable or elder adult. The amended bill is now awaiting further action in the House Judiciary Committee.

ELDRS has also been active on legislation that would allow nursing home residents or their representatives to place electronic monitoring devices in their rooms. The legislation was sparked by numerous incidents of abuse caught on video by hidden cameras. Sen. Jim Runestad (R-White Lake) sponsored Senate Bill 77 requiring long-term care facilities to allow patients to voluntarily place cameras in their rooms. The ELDRS Council supports the principle but acknowledges the need to protect residents’ rights. The bill had a hearing in the Senate Health Policy Committee, and the next step may be more discussions with the bill sponsor, patient advocates, and the nursing home industry.

Working with DHHS

In addition to work on specific pieces of legislation, ELDRS has had regular meetings with DHHS staff to discuss improving policies concerning Medicaid and disability eligibility. One example is that applicants who spend money for personal or home care must have written and notarized care contracts. It is our hope that the department will be amenable to easing that requirement. ELDRS is preparing proposed language that we will deliver to DHHS leaders in February.

We expect the legislature to focus the early part of 2020 on the budget process for 2021. After July, the bulk of their attention will be on the November election, followed by the lame duck session in December. Before we know it, it will be 2021.

Back to Basics Webinar Series

By Maria R. Messina Wiersma, Chalgian & Tripp Law Offices, PLLC, Southfield

Our Back to Basics Webinar series continues as an exclusive benefit to ELDRS members. Adding even more value to your membership, this benefit extends to your assistants and paralegals as well.

We are working on finalizing the 2020 webinar schedule. The next webinar is scheduled for March 12 at noon. Join Attorney Lisa H. Beatty, Nawrocki Center for Elder Law Special Needs & Disability Planning PLLC, as she discusses caregiver contracts. Register at <https://attendee.gotowebinar.com/register/8149779599094834445>

Upcoming topics include:

- MI Choice Waiver
- Hospital Discharge Planning – What to do when you get that call at 4 pm on Friday.
- Mental Health Services
- Name that Medicaid Program: A primer on non-long-term care Medicaid

As a reminder, we have moved to an every-other-month webinar schedule.

ELDRS Exchange

Worried about missing out during the months we don't have a webinar scheduled? The Membership & Education Committee is excited to announce a new initiative to fill the gap. The ELDRS Exchange promises to be a collaborative roundtable discussion giving practitioners, experienced and new, the opportunity to establish new connections in an intimate, informal setting while sharing current ELDRS issues, case conundrums, and practice management tips. The first meeting is set for February 20, 2020 from 6 to 7:30 pm at Chalgian & Tripp Law Offices, 26211 Central Park Blvd., Ste. 200, Southfield, MI 48076.

Have a great webinar topic? Interested in trying out your presenting skills? Want to learn more about ELDRS Exchange? Want to join the committee? Contact Maria R. Messina Wiersma at messina@mielderlaw.com or Tracey Rowens at traceyrowens@gmail.com.

Calendar of Events

By Erma S. Yarbrough-Thomas, Neighborhood Legal Services Michigan Elder Law & Advocacy Center, Redford

ELDRS – www.michbar.org/elderlaw

- March 7 - ELDRS Council Meeting, State Bar of Michigan, 306 Townsend Street, Lansing at 10 a.m.
- March 20 - ELDRS Spring Conference at The Inn at St. John, Plymouth
- April 4 - ELDRS Council Meeting, State Bar of Michigan, 306 Townsend Street, Lansing at 10 a.m.
- May 2 - ELDRS Council Meeting, State Bar of Michigan, 306 Townsend Street, Lansing at 10 a.m.
- June 6 - ELDRS Council Meeting, State Bar of Michigan, 306 Townsend Street, Lansing at 10 a.m.
- July - No meeting
- Aug. 8 - ELDRS Council Meeting, Steward & Sheridan PLC, 205 S Main St, Ishpeming at 10 a.m.
- Sept. 12 - ELDRS Council Meeting, State Bar of Michigan, 306 Townsend Street, Lansing at 10 a.m.
- Oct. 7-9 - Fall Conference, Double Tree Hilton, 1 Wenonah Park Place, Bay City

NAELA – www.naela.org

- Apr. 28-May 1 - 2020 Annual Conference and Pre-Workshop, Hyatt Regency Seattle, Seattle, WA

Michigan NAELA

- July 17 - Michigan NAELA's Summer Summit, Kellogg Center, East Lansing

ICLE/SBM – www.icle.org

- Feb. 18 - Drafting Estate Planning Documents, 29th Annual, Plymouth (Live)
- March 3 - Essential Technology Tools for Every Law Office 2020, Plymouth (Live)
- March 19 - Drafting an Estate Plan for an Estate Under \$5 Million, Plymouth (Live)
- March 26 – 2020 Masters in Litigation - The Science of Persuasion: Using Cognitive Science and Behavioral Economics in the Courtroom, Plymouth (Live)
- April 30 - Medicaid and Health Care Planning Update 2020, Plymouth (Live)
- May 13 - Experts in Estate Planning: Tools and Techniques for a Prosperous Practice, Acme (Live)
- May 14-16 - Probate & Estate Planning Institute, 60th Annual, Acme (Live)
- June 18-19 - Probate & Estate Planning Institute, 60th Annual, Plymouth (Live)