

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Bar Year: 2008

Section Name: Elder Law and Disability Rights Section

Mission Statement: The mission of the ELDR Section is to advocate for the rights of elders and persons with disabilities and to educate members of the State Bar as well as the public so that all elders and persons with disabilities can have access to quality legal services.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Dolores M. Coulter	8341 Office Park Drive, Ste C, Grand Blanc, MI 48439	810-603-0801	coulterdm@sbcglobal.net
Chair-Elect	Amy Rombyer Tripp	2127 Spring Arbor Rd, Jackson, MI 49203	517-787-7600	tripp@mielderlaw.com
Secretary	Don L. Rosenberg	1301 W. Long Lake Rd, Ste 340, Troy, MI 48098	248-641-7070	rosedr@brmmlaw.com
Treasurer	Paul A. Sturgul	312 Silver St, Hurley, WI 54534	715-561-4600	passtu@aol.com

Member	Term	Member	Term
Susan L. Ball	2008	Konrad F. Hittner	2008
Patrick J. Bond	2010	Arthur L. Malisow	2008
Rosemary H. Buhl	2009	Sanford J. Mall*	2008
Roxanne J. Chang	2008	Harley D. Manela	2009
Priscilla Cheever	2008	Hon. Allen J. Nelson	2008
Caroline M. Dellenbusch	2009	John B. Payne	2009
Bradley H. Geller	2008	Bradley A. Vauter	2008
Rachel L. Holmes	2009	Susan G. Wideman	2010
		*immediate past chair	

Council Meeting Schedule:

Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
	11-10-2007	Farmington Hills
	12-1-2007	State Bar
	1-5-2008	Farmington Hills
	2-2-2008	State Bar
	3-1-08	Farmington Hills
	4-1-08	State Bar
	5-3-08	Grand Rapids
	6-7-08	Farmington Hills

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	8-2-08	Ann Arbor
	9-26-08	Glen Arbor (Fall Conference)

General Budget Information: The Section began the 2007-2008 year with a fund balance of \$57,731.41. The fund balance as of April 30, 2008 was \$78,039.57.

Events and/or Seminars:

The Section held its 6th Annual Spring Conference, dedicated this year in the memory of George A. Cooney, Jr., at the Inn at St. John in Plymouth on March 14, 2008. The conference included presentations on the uniform power of attorney act, Medicaid estate recovery, how to handle difficult long term care placements, recent changes in Medicaid policy, Medicaid planning issues, and a luncheon forum chaired by the Section's lobbying firm, Capitol Services, with participation from several legislators.

The Section's annual Fall Interdisciplinary Conference is scheduled for September 24-26, 2008 at the Homestead Resort in Glen Arbor.

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
6 th Annual Spring Conference	3-14-08	Plymouth
11 th Annual Interdisciplinary Conference	9-24-08 to 9-26-08	Glen Arbor

Legislative issues:

The Section has been actively involved in lobbying activities with the assistance of its lobbying firm, Capitol Services. The Section adopted a position opposing a package of bills passed by the House, HB 5282-5285, that made significant changes to the statutory provisions governing Blue Cross Blue Shield's duty to offer health care coverage to all Michigan citizens at fair and reasonable rates. The Section joined a coalition of other consumer advocates and interested parties to lobby for changes to the House-passed bills. After extensive discussion and hearings, the Senate passed substitute bills that preserved many important consumer protections and eliminated other provisions that would have adversely affected access to health care, such as a high risk pool and medical underwriting.

The Section also adopted a position supporting additional funding for the Medicaid Home and Community Based Waiver program; supporting proposed legislation that would define the rights retained by persons who

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are subject to guardianships and conservatorships; supporting HB 5187 that would require a conservator to obtain court approval to mortgage real estate; supporting HB 5188 which would require a conservator post a bond if the liquid assets subject to the conservator's control exceed the small estate limit, subject to certain exceptions. The Section adopted a position opposing HB 5453 that would amend the No-Fault Act to allow persons over age 65 who are enrolled in Medicare to waive personal injury protection (PIP) benefits.

The Section joined as a co-sponsor, with other state bar organizations and units, in support of a proposed resolution submitted by the New York State Bar Association to the ABA urging federal, state, and local governmental units to implement innovative long term care programs such as the "Compact for Long Term Care" developed by the NYSBA as a reasonable and fair solution to long term care funding.

The Section adopted a position opposing HB 4180 which would enact a Uniform Power of Attorney Act. The Section opposed the legislation because it believes that the positive changes to existing law contained in the legislation are significantly outweighed by provisions that are problematic and likely to create more problems than they solve. The Council believes that any proposed legislation affecting powers of attorney should await the recommendations of the Probate and Estate Planning Section's joint committee that has undertaken a comprehensive review of the Uniform Power of Attorney Act.

The Council met with representatives of the Department of Human Services and the Department of Community Health to clarify certain aspects of Medicaid policy affecting eligibility for long term care coverage. The Council also submitted comments supporting a proposed DCH policy change that would require dual certification (Medicare and Medicaid) of all nursing home beds and opposing certain aspects of proposed DHS policy changes implementing changes in Medicaid eligibility rules enacted by Congress in the 2005 Deficit Reduction Act.

Recommendations for next Council:

Other Information: