

Minutes of the Elder Law and Disability Rights Section Meeting on March 1, 2008

Attendance:

Present at the meeting were: John Payne, Roxanne Chang, Caroline Dellenbusch, Dolores Coulter (Chair), Don Rosenberg (Secretary), Matt Joswick, Brad Vauter, Rosemary Buhl, Valerie Rice, Konrad Hitner, Patrick Bond, Priscilla Cheever, Sanford Mall and Michelle Fuller.

Attending by telephone conference were: Paul Sturgul, Harley Manela, Art Malisow and Amy Tripp (Vice Chair).

Also attending was Ellen Hoekstra from Capitol Services.

Approval of Minutes

1. The minutes from the previous meeting were approved.

Treasurer's Report

2. The treasurer's report is current through January 31, 2008. The section is solvent. The balance on the January statement was \$94,273.50. However, that does not take into account a deduction of \$9,850.00 that has been paid to Crystal Mountain which is not reflected in the January statement. As such, the current balance is approximately \$84,423.50.

Legislative Update - Capital Services

3. The next item of business was a legislative update by Capital Services. Elaine Hoekstra passed out a memo to the Section and it was posted to the section list serv.. The items discussed were:
 - *Guardianship Bills (HB5186, 5187, and 5188)
 - *Blue Cross Package
 - *Governor's proposed increases to Medicaid
 - *House Committee Reports on Vulnerable Abuse Bill
 - *Auto-Insurance Bill (HF 5453)
 - *Legislation to Disinherit Abusers (HB 5727)
 - *Codifying rights of individuals under guardianship (HB 5499)
 - *Joint Hearing on Carlyle Group

Old Business

4. **2008 Spring Conference** - the 2008 Spring Conference is March 14th. As

of today, 60 people have signed up. We are ahead of last years total at this time.

5. **2008 Fall Conference** - nothing to report on this.
6. **HB 5186** - It just passed the House and is being sent to the Senate. The Section did not take position on this Bill, which would require Guardian Ad Litem to also look into conservatorship issues at the time of Petition for Appointment of Guardian.
7. **HB 5282-5285 Re: Blue Cross** - The legislation is being pushed by Blue Cross of Michigan rather easily through the House going from introduction to final passage in a couple weeks. The Senate has taken a more deliberative approach. There is talk that there will be public hearings and that Blue Cross will back off their proposal to change from 6 to 12 months waiting period for coverage for people with preexisting conditions.

Some House members are already expressing misgivings over the votes in support of the Bill. Among labor groups, the UAW has now taken a position of being opposed to the Bills.

8. **Printing/Distribution of Spanish Language Advance Directives Booklet** - There was a unanimous approval by all voting to print 1,000 copies of Spanish language advance directives. We have been in contact with the Hispanic Bar Association regarding this. On March 12th at 6:00 p.m. at Opus One they are having a voter registration community event and have invited a member of the Section to come and talk.
9. **Pooled Income Trust: Persons over age 65** - The Department of Human Services has been inconsistent in it's application of the PEM regarding Pooled Income Trusts. Some offices have treated it as a divestment and some have not. Paul suggested that we contact Sara Busher, a Wisconsin Elder Law attorney to discuss Pooled Income Asset Trusts. Amy Tripp suggested bringing the Pooled Income issue to the Litigation Committee. There was also talk of appealing the issue to the Ingham County Circuit Court. Further, discussion was planned for the April meeting.
10. **The Section received a response from the DHS to our letter to them dated January 16, 2008.** The discussion is now that we have the response, how should we go about making it available to other section members? Brad Vauter suggested that we send it to all members and just redact the source. There was also discussion of posting it on the list serve. Don Rosenberg suggested releasing it at the Spring Conference. Ellen Hoekstra suggested that we send it to the guest speaker who is going to be at the Elder Law Conference. Ellen also suggested giving advance notice to the Department of Human Services so they are not blind sided by the release of this document. Dolores Coulter stressed that Michelle Best did not ask that it kept

confidential. It seems like what is going to be done on this is that we are going to use it as a teaser for the Spring Conference but not reveal the source of this response.

Committee Reports

11. Elder Law Abuse tax force recommendations by Roxanne Chang. Roxane was focusing on HB 5499 (codifying rights of individuals who have been placed in guardianship) which has received lots of support from ARC, etc. Roxanne also discussed the Meadows Elder Law Abuse package that would require a written summary of joint holders rights and making financial institutions mandatory reporters of elderly exploitation.

New Business

12. **Arbitration Association** - they have made an offer to present at one of our meetings regarding their initiatives. However, there seems to be no interest among the Section in this.
13. **HB 5669** - a Magistrate may not refuse to accept criminal complaint based on lack of signature by a vulnerable adult abuse victim. This Bill is awaiting action on the House floor.
14. **HB 5453** - permit waiver of PIP benefits by persons over age 65 who receive Medicare. This Bill would essentially remove the auto insurer from any liability for health care costs relating to an auto accident, even costs not covered by Medicare. One of the concerns the Bill creates is whether or not the federal government would approve such an arrangement.

The Section voted via e-mail to oppose House Bill 5453. The vote of the council was 17 in favor of opposing the bill, Zero voting in favor of the bill and no absetentions.

15. **HB 5727** - This bill would disinherit perpetrators of abuse, neglect and exploitation. This is similar to the current prohibition against those who are found guilty of murdering someone who they are the beneficiary of their estate. The Bill was reported the House Committee on Senior Health, Security and Retirement earlier this week.
16. **Home Caretaker Contract** - There was discussion that DHS has taken the position that they can make the requirements for a Home Caretaker Contract more restrictive then SSI. Sandy suggested filing a Petition for Protective Order regarding the Home Caretaker Contract prior to the application as a means of combating DHS's position.
17. The next meeting is on April 5, 2008; State Bar of Michigan Building, Lansing, MI.

Meeting adjourned.