

ELDER LAW AND ADVOCACY SECTION ANNUAL REPORT 2005-2006

The Section held its annual fall inter-disciplinary conference at the Treetops Resort in Gaylord on October 6-8, 2005. The conference attendees included long-term care ombudsman, service providers, social workers, and court personnel as well as Section members. The conference focused on issues related to the “continuum of care”, from independent living to nursing homes, as well as other timely topics such as Medicare Part D and the Governor’s Elder Abuse Task Force. The Section’s lobbying firm, Capitol Services, presented a legislative update and several legislators participated in a public policy forum.

The Section’s spring conference was held on April 7, 2006, at the MSU Management Center in Troy. The spring conference focused on changes to the Medicaid eligibility rules that were included in the Deficit Reduction Act signed by the President on February 8, 2006 and the implications for Medicaid planning. The luncheon session featured a panel discussion by several legislators on current legislation of interest to elder law practitioners.

The 2006 fall inter-disciplinary conference will be held at Mission Pointe Resort on Mackinac Island on September 13-15.

Council member Roxanne Chang was appointed by Governor Granholm to the state Elder Abuse Task Force in spring, 2005. The Task Force was charged with preparing a report with recommendations on improving the response to incidents of elder abuse, increasing public awareness, and developing strategies for prevention. The Section reviewed several proposed recommendations and forwarded comments to the Task Force.

The Section continued to work with its lobbying firm to promote an “estate preservation” program as an alternative to a Medicaid estate recovery program. An estate recovery program would require the state to seek recovery of the cost of providing nursing home services from the estates of deceased Medicaid recipients. In most cases the only asset of any value in the estate is the recipient’s home. The experience of the 49 other states that have an estate recovery program is that it generates an insignificant amount of revenue (slightly more than 1/10 of 1% of total Medicaid spending) and is viewed as unfair and arbitrary. An estate preservation program would operate as a form of long term care insurance that would generate revenue for the state in return for a guarantee that the person’s homestead would not be seized to recover the costs of Medicaid-funded nursing home services. Homeowners would pay a premium in the form of a small monthly fee charged on each residential mortgage payment. The fee would be collected by the mortgagee and paid into a state fund to be used for long term care services. Alternate collection mechanisms would be developed for homeowners who are purchasing their home on a land contract or who own their home free and clear. The Section drafted legislation, which has not yet been introduced, and participated in numerous meetings with key legislators and Department of Community Health staff to discuss issues related to an estate preservation program.