

Northeast Michigan Regional Council on Aging
Annual Meeting
Monday, January 24, 2022 at 1:00 pm
Virtual Zoom Meeting

The meeting was called to order by Chair D. Fay at 1:01 pm

Roll Call

Darlene Huff, Cyndi Sabin, Roberta Matelski, Lorelei King, Carol Wilder, Cindy Fleming, Terry Dutcher, Julie Kendrick, David Burdine, Eileen Howell, John Paulus, Connie Messina, Mitzi Downs, Dennis Fay,

Excused: Jerry Broad, Tammy Emig Unexcused: Mike Maturen,

Guests: Emil Bellenbaum, Lacey Charboneau, Chuck Corwin, Dave Bisgrove

AAA Staff: Laurie Sauer, Yvette Smigelski, Kelly Robinette, Kitty Glomski, Connie McQuarrie and Brooke Mainville

Quorum - Yes

Approval of Agenda – A motion was made by T. Dutcher with support from C. Wilder to approve the agenda as presented. Motion carried.

Approval of Minutes – A motion was made by T. Dutcher with support from C. Wilder to approve the minutes of 11-22-2021. Motion carried.

Nominating Committee Report

Reappointments – C. Sabin reported Roberta Matelski has been reappointed as the Delegate for Cheboygan County. Dennis Fay has been reappointed as the Member-at-Large for Presque Isle County and Eileen Howell has been reappointed as Member-at-Large for Ogemaw County. A motion was made by T. Dutcher with support from C. Messina to approve the vacancies. Motion carried. C. Sabin also reported vacancies continue in Alcona, Arenac, Cheboygan, Montmorency, Otsego, Region 9 Directors, and there is no representation for either position for Roscommon County.

Annual Meeting Schedule – A copy of the proposed annual schedule was distributed previously. A motion was made by T. Dutcher with support from C. Messina to accept the 2022 meeting schedule as presented. Motion carried.

Election of officers – A motion was made by T. Dutcher with support from M. Downs to close the meeting and open it up for the election of officers. Motion carried.

Chairperson – C. Sabin reported T. Dutcher is interested in the position of Chair and current Chair, D. Fay, has expressed interest in stepping into the Vice Chair position. C. Sabin called three times for further nominations from the floor. There being no further nominations or expressed interest, she asked the Council for a motion to accept the nomination by

acclamation. A motion was made by C. Messina with support from C. Wilder to accept the appointment of T. Dutcher as Chair. All ayes, no opposed. Motion carried.

Vice Chairperson – Dennis Fay has agreed to run as Vice Chair. C. Sabin called three times for further nominations from the floor. There being no further nominations she asked for a motion to accept the nomination of Dennis Fay as Vice Chair by acclamation of the Council. A motion was made by C. Messina with support from T. Dutcher to accept the nomination. All ayes, no opposed. Motion carried.

A motion was made by C. Sabin with support from C. Wilder to close the election of officers and open the meeting. All ayes, no opposed. Motion carried. The meeting was turned over to Vice Chair Dennis Fay for the remainder of the meeting at the request of Chair T. Dutcher.

Appointment of a Nominating Committee for 2022 – Current members are: Cyndi Sabin, Carol Wilder and Connie Messina. There being no further interest expressed by the Council members, a motion was made by D. Fay with support from T. Dutcher to accept the appointment of the 2022 Nominating Committee. Motion carried. C. Sabin agreed to act as Chair of the committee.

Appointment of a By-Law Review Committee for 2022 – The current members of the By-Law Review Committee are Dave Burdine, Cyndi Sabin, Carol Wilder and Dennis Fay. There being no further interested members, a motion was made by T. Dutcher with support from C. Messina to reappoint the current By-Law Review Committee for another year. Motion carried.

Speaker – Dave Bisgrove – Legal Services of Northern Michigan

Dave reported he is one of four attorneys at Legal Services of Northern Michigan that serve Region 9. He wants to talk on some issues he calls maturing revocable living trusts and touch a bit on deeds as it relates to those trusts. Deeds alone could be the topic for another meeting. In 2021 everyone was dealing with Covid and not getting out as much. At Legal Services they handled calls and visits dealing with people 60 and older who wanted to talk about estate plans, real estate issues, domestic violence, and senior divorces. Interestingly, we did not see senior debt collection issues with old repos, credit cards, medical bills, etc. The dept is typically sold to debt buyers as a portfolio for .03 to .16 cents on the dollar. Those debt buyers then claim to own the dept and file suit against our clients to try to recover same. Forget the fact that our clients may only have social security, or live in subsidized housing, they don't own an expensive vehicle, etc. They file the suits more or less robotically. His guess is the decline in senior debt collection issues is due to some new fair debt collection practices that took effect in December. The portfolio buyers are working to digest those and figure out how they want to proceed with collections if at all. Their office also received a lot of calls about estate planning and the first thing is they want to do a deed to avoid probate. There are pitfalls of having this as a stand-alone goal. He talked to this group on past occasions about the pitfalls of using all kinds of deeds as a substitute for probate.

Maturing, Irrevocable Living Trusts – For about 23 years there has been a busy business for a group he calls "Trust Salesmen". These people come to community centers and senior centers, church groups, etc. to sell attendees a revocable living trust. These are not individual attorneys consulting with a client on their needs and future planning, they are salespeople selling a one size fits all packaged trust. One size fits all is not good. One of their long-term

pitches was “it will help you qualify for Medicaid in the event your husband or wife had to go into a nursing home on a long-term basis”. The pitch was you could put your house in the irrevocable living trust and hide it. DHHS could not get an estate recovery lien on it or count it against qualifying you for Medicaid. Unfortunately, the salespeople did not tell people that in Michigan, your home is not a countable asset when applying for Medicaid for long term care. Last year the value of your house could be worth up to \$603,000. What is wrong with putting your house in an irrevocable living trust is that you are conveying ownership of the property to a separate legal entity (the trust). DHS looks at it that way so now the value of the house is countable and can disqualify or put a barrier to Medicaid eligibility. There are some exceedingly rare circumstances where it would be advisable to do that to boost the value of other assets. It is very individualized and not thought of for a trust. So here we are, ten to twenty years later and people are in those situations. What happens now if your house is in a trust and you need to apply for Medicaid? The house can be taken out of the trust but, that is never done on a planning basis. When that happens, it is typically when there is an emergency because dad had a stroke, etc. so now try to find an attorney to revise the trust, record the deed, and redo the Medicaid application. So now it barred them from Medicaid for about a month, depending how fast the attorney can act which now costs the client attorney fees and in the meantime they are accruing a nursing home bill at the private pay amount. The nursing home rate in Michigan last year was approximately \$9,560 per month. So, all of this cost was incurred to solve a problem they did not have to begin with. Trusts can be useful but it’s an individual thing. Another pitch used was for tax savings; inheritance, estate, etc. For the last several years the estate tax threshold has been well over \$11 million before you pay taxes. These trusts would not have done anything to help with taxes.

What happens when the trust itself fails – The salesperson trusts are valid and perfectly legal. They can be used as a trust and used to do some of the things the trust itself says but not all the things the salesperson said it would do. Failed trusts were typically sold as a package deal that included an irrevocable living trust, a pour over will that says anything left over I give to my trust, and a general durable power of attorney. If the main goal was to protect the house from being counted, the package never included a certificate or affidavit of trust existence to record at the Register of Deeds in the county the house is located. It does not render the trust or deed invalid, but it makes it unusable in certain ways until it is recorded. The deed conveys interest in the home to the trust. The most common way the trust fails is that the deed is unrecorded by the client. If the owner died, DHS has estate recovery on the probate estate of the survivor. If faced with a situation where Medicaid was not an issue, the heirs face a dilemma. The dilemma now is, do we not record the deed and not offer the will for probate, which is common. They can do an informal probate, sell the house, and divide the proceeds equally. Another approach is to probate the pour over will. This is an option in cases where equally dividing the assets simply will not work well for one or more of the heirs. For example, it could disqualify someone on SSI (Supplemental Security Income) or affect someone who has child support issues. Now we must probate the house to the trust and follow what the trust says to do with it. Now the whole purpose of the trust to avoid probate has failed. This happens often enough where trusts that were sold 10 or 20 years ago start to mature. It no longer serves the current needs of the client. Having your own estate planned for your needs is much better than a one size fits all document that may not be beneficial 10 or 20 years from now. Discussion followed.

C. Wilder – We had an irrevocable trust done with a lawyer a few years ago in Roscommon County because it is a second marriage with children on both sides. We have since moved from Roscommon to Crawford County. Do we need to record the trust in Grayling? Dave – No, the trust is okay in Roscommon County. If you have acquired any real estate in Crawford County, it would be a good idea to either record the trust or the certificate of trust existence, but there is nothing wrong with the trust. C. Wilder – When we bought our house in Grayling we were told not to put it in the trust. Should we keep it out? Dave – That depends on what your goals are now, how do you want to see the trust disposed of after both of you are gone, after one of you are gone? What happens if one of you becomes disabled? Did you want to later think about a reverse mortgage? These are all questions to consider and what your lawyer would want to know about to give you an answer.

C. Sabin – Do you recommend registering a will at the County Clerk's Office? Dave – No I do not unless maybe if you were an active-duty service man going into a combat theatre. The service that the probate courts all over Michigan used to offer wasn't a registration at all but keeping your will in a fireproof vault. After a death when someone petitions to open the estate, the court is required to look in their vault first to see if there is a will. These days they charge upwards of \$60 for that service. You can purchase your own fire box to keep at home.

C. Sabin – Here is the problem we ran into when my dad passed away and he had the will. I was the executor and all three of us kids were aware of what was to be done. His second wife burned the will, so we had no record of anything. They were married 10 months and she and her family got everything. Dave – So if you had any expectation that something like that might happen then yes, registering it would be wise. C. Sabin – All we had was a preliminary will they made out before they went to their lawyer. The court was not willing to accept that document and the judge ruled in their favor even though they were only married for 10 months. So, I encourage my relatives to register their wills at the county office so nobody can question it. You cannot predict what people will do. Dave – This is a circumstance where registering it would have been useful.

Director's Report

Just so you are all aware, Legal Services of Northern Michigan is one of our grantees as part of our annual implementation plan and they have been for several years. They provide a great service. Their phone number is always at the bottom of the agenda. Terry Dutcher currently represents us on their board.

Staff Updates – We celebrated a milestone anniversary recently for one of our staff. Patty Rings, our Director of Business and Financial Resources for the Aging Division has been with NEMCSA for 45 years. She does a fantastic job for us and plans to retire this summer. We also lost one of our social workers from the West Branch office, Sarah Parrot, for another job opportunity. Gina Bey, AAA Associate Director is leaving on February 4th. She has been with us almost 12 years and has done a fabulous job. Gina is going back to school. We are currently interviewing for her position as well as the Financial Services Analyst under Yvette. Those jobs are posted on the website. We have two new social workers starting next week, Stephanie Prow in Gaylord and Heather Morris in West Branch. We are happy to welcome them. Recruitment has been difficult.

The Caring Place – The adult day center at District Health Department #4 in Alpena, The Caring Place, recently closed their doors due to lack of staffing and participation. Other adult day centers in our region are still up and running and doing well. A new one is being developed in Alcona.

MMAP Navigator Award – Region 9 took the second-place award. It recognizes the MMAP team that served the highest percentage of their Medicare population in a quarter. This speaks highly to the efforts of our counselors. First place went to Region 2 AAA.

Annual Day of Training – The AAA will host a free training for staff, our community partners, and MMAP counselors on Thursday, April 28th. This will be an all-day boot camp on long term care services, navigating the system, surrogate decision making, Medicaid basics and planning. Chalgian and Tripp, a legal firm out of Lansing will provide the training. They are really invested in the long-term care process and will provide this invaluable training for free, which is incredible. CEUs (continuing education units) will be offered for Social Workers.

Multi-Year Plan – The process for development of the 2023-2025 Multi-Year Plan has begun. As part of the process, we have developed a needs survey which will be out soon. This is used to help us set our goals for the coming years. The survey targets those age 60 and older, but those under 60 can take it as well. Their input is also valuable. An electronic version and paper form will be available.

KN95 Masks – We received a shipment of 10,000 masks from the state office. They will be divided and distributed to the COAs. NEMCSA also received a large shipment which are being made available along with Covid rapid tests at commodity distribution sites in the region.

Critical Home Repair Program – The Alpena Habitat for Humanity of Northeast Michigan received a grant from the Alpena County Older Persons Committee to provide the Critical Home Repair Program to qualified residents of Alpena County. The program can provide funding for projects that include the installation or repair of handicapped ramps, heating equipment, wells and septic systems, and the replacement of roofs, gutters, downspouts, siding, windows, exterior doors, and more. Each project is limited to \$7,500 per household. Applicants must own and live in their house and own the land it sits on. Mobile homes are generally not eligible. Applicants must have a household income less than 60% of the area median income; for a family of two the limit would be \$30,720. A family of four would be \$38,340. The program is designed to help senior/veteran low-income homeowners who struggle to maintain their homes due to limitations related to income, age, disability, or other circumstances. For more information call Kristen LeSage, Program Coordinator at 989-354-5555 or klesage@habitatnemi.org. The program is also available in other counties as well. Check with your local Habitat for Humanity.

CARES Funding – NEMCSA still has funds available from the Coronavirus Aid, Relief and Economic Security Services for assistance with home repairs, car insurance and repairs, transportation (gas cards), funeral assistance, water, and sewer, rent and mortgage and school-based assistance. For more information click on the CARES tab on the NEMCSA website or call central intake at 989-358-4700.

ARP Funds – We are still waiting to hear from the state on the American Recovery Plan funding that is supposed to come to the aging network. The proposal passed the House and is now in the Senate for a decision. We did receive the funding for the direct care worker premium payments. Those are \$2.35 per hour this year plus an additional amount for taxes.

New NEMCSA Address – Just a reminder that our address has changed to 2569 US-23 South, Alpena, MI 49707. Please be sure to update all your information. Forwarding with the postal service will end soon.

Conflict of Interest Statement – This is a compliance issue with the state. Please fill it out and return it to Connie as soon as possible.

Elder Abuse Taskforce – Laurie will be sending out information from the Attorney General's Office. There is a newsletter and great information on initiatives they are undertaking related to elder abuse prevention. To report abuse call 1-855-444-3911. Our staff and all COA staff are mandatory reporters and required to report any suspected abuse, neglect, or exploitation to the state.

Coming Events – Starting today through February 16th is a Matter of Balance class. There is still time to join. February 16th, 2022 is the Countdown to Medicare training that Kitty has put together. May 11th is Older Michiganians Day. It will be in person this year in Lansing and held in conjunction with Senior Action Week. This is a time for the aging network and seniors to meet with their legislators. May 23rd is one of our public hearings on the multi-year plan. This will be held as part of our regularly scheduled Regional Council on Aging meeting, so it is very important that we have a quorum that day. We will also host two input sessions and one other public hearing in the region. Notices will be sent out for these events for you to participate. We plan to hold all of them in person.

Program Reports

Legal Services Board – Terry Dutcher – No report.

Region 9 Directors Report – We still have no representative from this group.

Long Term Care Ombudsman Report – Maija Aikens – Maija reported the ombudsmen are still being advised not to frequent the nursing homes. Calls and video chats are preferred. She has a new volunteer that recently started in Alpena. She is working with Brooke to develop an elder abuse webinar for later this year. Good news, the nursing homes will receive doses of the vaccine and booster that can be administered at the nursing homes. They are now mandated to offer them on site.

Planning and Volunteer Coordinator Report – Kitty Glomski – Kitty reported during open enrollment for Part D Prescription Plans from October 15 through December 7, 2022, MMAP coordinators served 2,330 clients and saved \$1.26 million in prescription copays. We no longer record other savings. Open enrollment for Medicare Advantage Plans is January through March. There is a lot of marketing out there. Virtual monthly meetings for our counselors continues the first Wednesday of the month and New to Medicare Presentations are held the second Wednesday of the month.

We have a new MMAP counselor training scheduled for February 14-15-16. Kitty has three new counselors participating, one in Otsego, Alcona, Cheboygan counties and one new application for Iosco County. We are always looking for new counselors.

Kitty and Brooke have developed a pod cast entitled "Let's Talk About Aging" to talk about aging issues. We received a small grant from state MMAP office to increase our virtual presence. The pod cast will be held bi-monthly, and the format will include identifying active scams and fraud throughout Region 9 to encourage local reporting, a calendar of events, and Kitty will discuss Medicare topics and events and Brooke will discuss Region 9 services and events. This is new for us so we are really looking forward to it.

Also scheduled is a Count Down to Medicare Zoom training for beneficiaries preparing to start Medicare. It will be held Wednesday, February 16, 2022 from 10 am to 2pm. Featured presenters include the Alpena Social Security Administration, Krystal May from the Michigan Department of Health and Human Services, Bill Stypick from Alpena County Veterans Affairs, and Kitty from MMAP. Call 989-358-4612 to register.

C. Messina – Will the podcast be available through the website? Kitty – Yes, we are also looking at tagging to others.

Special Projects Coordinator Report – Brooke Mainville – Our elder abuse webinar series will be held on the 15th of June, July, and August from 1:00pm – 2:00pm. Topics will include scams, social isolation, and elder abuse. Please let us know if you have any topic suggestions. Brooke also has some Evidence Based Disease Prevention Programs scheduled. Powerful Tools for Caregiver May 3, 2022 – June 7, 2022 from 3:00pm – 4:00pm. Two Creating Confident Caregiver workshops; March 1 – April 5 from 3:00pm – 4:30pm and May 5 – June 9 from 10am to Noon. One Matter of Balance is scheduled for March 2 – April 20 from 1:00pm – 3:00pm.

Caregiver Newsletter – Topics this quarter include Hospice Care, Malnutrition in Older Adults, MiCafe, Skin Care: Recognizing Changes, Technology and Caregiving, and Assistive Technology. To view the newsletter, go to:

<https://www.nemcsa.org/userfiles/filemanager/oh03ge9o2v28gwj9k85k/>

Services Coordinator Report – Kelly Robinette – Kelly reported February is Heart Health Month. People who eat more generous amounts of fruits and vegetables as part of a healthy diet are likely to have a reduced risk of chronic diseases which include type 2 diabetes, stroke, heart disease, high blood pressure and some cancers.

Only 1 in 10 adults meet the fruit and vegetable recommendations set by the Dietary Guidelines for Americans. 11.9% of adults meet the daily fruit intake recommendations and 7.7% of adults meet the daily vegetable intake recommendations. Scientists are reporting new health benefits associated with fruits and vegetables. Also, eating a variety of different colors of fruits and vegetables has added health benefits of antioxidants and phytochemicals.

How many servings of fruits and vegetables are adults over 60 supposed to eat every day? Two cups of fruit and 2 ½ cups of vegetables. When we are eating our fruits and vegetables it is important that we eat a variety of colors. Every week we need to eat: 1 ½ cups of dark

green veggies, 5 ½ cups red/orange veggies, 1 ½ cups peas-beans or lentils, 5 cups starchy vegetables (potatoes, corn, etc.) and 4 cups other veggies (cucumbers, eggplant, onions, green beans).

Think of a roll of lifesavers - red, orange, yellow, green, and white or rainbow. Why do we need to eat a rainbow of colors? Eating a rainbow of colors will provide a variety of nutrients, fiber, and vitamins. Red-orange-yellow fruits and veggies are colored by a pigment called lycopene or anthocyanins. They may reduce the risk of several cancers and protect the cells from damage. Green fruits and veggies – are colored by a pigment called chlorophyll. They also, contain lutein, zeaxanthin, and indoles. Together these chemicals help reduce cataracts, macular degeneration, some cancers. Blue or purple fruits and veggies are colored by pigments called anthocyanins. They may help reduce the risk of cancer, stroke, and heart disease. Eating more blueberries is linked with improved memory function. White fruits and veggies are colored by pigments anthoxanthins. They contain health promoting chemicals such as allicin which may help reduce the risk of stomach cancer and heart disease.

Advocacy Reports

MSAC – Lorelei King reported the group will meet this Wednesday. She will have a report for our next meeting.

State Advisory Council – C. Corwin reported the final draft of their Aging in Place report is finished and being sent to the Commission on Aging for final review. It will also be sent to the AAA and COAs. Representatives from the State Advisory Council also met with the Commission to ask for our charge for 2022.

State Updates

ACLS Bureau (Administration for Community Living Supports) – Lacey Charboneau reported that it is anticipated they will begin referring to themselves as the ACLS Bureau instead of HASA. Official guidance on the change will be coming soon. The ARP funds have been approved and should be released this week or next, so we are one step closer to receiving the funds. She is excited to be involved with our multi-year plan process and hear about the needs assessment. The state office is finalizing the instructions for the plan and will do a little training on the process and how to access demographic information for the AAAs and any staff involved in the process. The 2020 census data is still not official so basic demographic information will be provided in late February or early March.

Local Updates from Council Members

C. Fleming – For the first three months of the fiscal year, the Iosco COA served 3,412 congregate meals and 14,545 home delivered meals. We currently have a cook and four in home provider positions open. The activity at the Oscoda center is ramping up. Hale is struggling. They have a new host site coordinator so we anticipate the activity will improve. An Operations Coordinator will also be hired. We are working on our ballot proposal for the August 2022 vote.

Action Items

None

Questions or Comments

None

Adjourn

The meeting was adjourned at 2:34 pm. Our next meeting is scheduled for Monday, March 28, 2022.