



Maryland Attorney General's COVID-19 Access to Justice Task Force

MINUTES

Life & Health Planning Committee Resource Sub-Committee Meeting

July 8, 2020 Meeting

Item	Subject	Time Allotted	Notes
1.	Call to Order, Introductions and Approval of Agenda	5 minutes - DC	<p>Committee Co-Chair Danielle Cruttenden called the meeting to order and explained the purpose of today's meeting.</p> <p>Danielle then went through each name and number appearing in the Google Meet's attendees list and asked that attendees briefly introduce themselves.</p> <p>Attendees present at the beginning of the meeting included:</p> <ul style="list-style-type: none">• Jordana Guzman• Jennifer Yeagle• Sharon Goldsmith• Ron Landsman• Danielle Cruttenden• Paul Ballard
2.	Review of Subcommittee Mission	5 minutes - DC	Paul Ballard opened the meeting by discussing with the subcommittee meeting what the focus of the subcommittee should be and who might be missing from the subcommittee that would need to be invited. He talked about the need for persons to be able to get good legal information without having to pay an attorney but acknowledged the potential pitfalls of not obtaining the guidance of

			legal counsel. He said his relevant background was primarily in the education of health care providers and consumers regarding advance directives, the Maryland MOLST form, and the Health Care Decisions Act. He noted he had learned that minority populations, especially in the Black community, may have a deep distrust of health care providers and thus the topic of potentially withholding life-sustaining treatments can deter their willingness to complete advance directives. He wanted to be sure that the subcommittee focused its efforts efficiently on certain tasks.
3.	<p>Discuss Resource Guide</p> <ul style="list-style-type: none"> • Status • Additions • Completion • Next Steps 	20 minutes – DC	<p>Danielle Cruttenden opened the floor to Sharon Goldsmith to discuss the Resource Guide.</p> <p>Sharon Goldsmith discussed the status of the Resource Guide.</p> <p>Sharon Goldsmith suggested that the subcommittee should divide tasks into developing resources for the short term and for the long term and that the subcommittee should first identify what already exists. These resources should allow a consumer to self-identify whether they need a lawyer and can afford one. She suggested looking at existing information resources such as are available in the Attorney General's Office and the Department of Aging. Once existing resources are identified, the subcommittee could work on the long-term development of resources. She suggested the subcommittee limit itself to manageable goals.</p>
4.	<p>Discuss Handouts & Forms</p> <ul style="list-style-type: none"> • Identify existing Forms • Concerns about Use • Improving/Addressing Concerns 	20 minutes –PB & DC	<p>Jordana Guzman talked about developing a spreadsheet of proposals. She is leery of just putting forms in consumer's hands without an attorney's guidance. She suggested that the subcommittee should develop resources identifying where they can obtain low-cost and discount estate law services. She noted the pitfalls of consumers using financial powers of attorney on their own without an attorney's guidance.</p> <p>Ron Landsman agreed that forms can be a trap but that the reality is that people will use them without an attorney's guidance. He advocates for the use of forms, but these forms should contain appropriate disclaimers related to the need to consult an attorney. He</p>

		<p>would like to see changes to Maryland's statutory limited power of attorney form.</p> <p>Danielle Cruttenden noted that having forms so readily available makes it easier for bad actors to coerce vulnerable adults to sign them. She believed it was important to include some warnings and advice with the forms.</p> <p>Sharon Goldsmith wondered how the task force was going to make resources available and possibly in different languages. Danielle responded that once the subcommittee came up with recommendations, the outreach subcommittee would be consulted on those issues.</p> <p>Someone mentioned the need for a standby guardian form.</p> <p>Danielle Cruttenden said there should be some explanation of what the documents do. She recommended that an information sheet be developed that covers estates, powers of attorney, and advance directives, which information sheet would provide reasons why making these legal preparations and having these documents in place is a good idea. She noted that an information form can also promote simple solutions like just appointing someone to be a health care agent in an advance directive. Paul Ballard agreed, noting that it is very important that the person talk with their health care agent about what quality of life is important to them in considering whether to accept life-sustaining treatments.</p> <p>Sharon Goldsmith said it is very important in the time of COVID-19 to inform people how they may pass on their homes to their kin to promote wealth being passed on to the next generation.</p> <p>Ron Landsman noted that there is a lot of misinformation about wills and probate, among other things.</p> <p>Danielle Cruttenden said that the information sheet could explain other options, e.g., beneficiary deeds ("life estate deeds") as ways to</p>
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			<p>avoid probate. She said that providing readable information on such a topic would be helpful.</p> <p>Jordana Guzman suggested a one or two-page information sheet that could cover various topics.</p> <p>Ron Landsman said that a group he works with has a brochure that would be good to look at. He said he would send it to the subcommittee.</p> <p>Sharon Goldsmith also noted that the Maryland Disability Trust should be reviewed.</p> <p>Danielle Cruttenden wondered whether it might be useful to develop a standard HIPAA authorization form regarding who can speak for the patient. Ron Landsman said he has a document he uses for that purpose that he could share with the subcommittee.</p> <p>Danielle Cruttenden said people could send proposals to her.</p> <p>Ron Landsman said that the subcommittee should look at changing statutory forms such as the financial power of attorney forms.</p> <p>Danielle Cruttenden said it would be good to develop a form answering basic questions about the probate process. She also said that there might be public broadcasts for which the subcommittee might be called upon to write a script. She recommended the committee focus on written information, and then recommendations for public outreach that could be given to the outreach subcommittee.</p>
5.	Identify other individuals who should be invited to the Sub-Committee	5 minutes - DC	<p>Sharon Goldsmith said she could talk to nonprofit organizations on their outreach list and other community members.</p> <p>Ron Landsman asked what deadlines are in place for the committee. Danielle Cruttenden said the subcommittee needs to have something substantially under way within the next 4 weeks.</p>

			To increase the diversity of the subcommittee, Danielle Cruttenden said she would invite an attorney to join the subcommittee.
6.	Set Next Meeting Time and Date and Adjourn	5 minutes - DC	Danielle Cruttenden and Paul Ballard thanked everyone for participating in today's meeting and set the next meeting date for July 15, 2020 at 11am.

Guide:

DC = Danielle Cruttenden

PB = Paul Ballard