

## MINUTES

**Meeting:** State Bar of Michigan – Health Care Law Section Council

**Date:** May 7, 2015

**Chair:** Jennifer Benedict

### Members Present:

Steve Bender	P	Mark Kopson	P
Jennifer Benedict	P	Thomas McGraw	P
Martha Boonstra	P	Josh Moore	E
Mercedes Dordeski	P	Laura Napiewocki	P
Timothy Gutwald	P	Monica Navarro	E
Patrick Haddad	E	Donna O'Connor	P
John Hazewinkel	P	Trish Schabath	P
Cara Jansma	E	Deborah Williamson	P
Matt Keuten	P		

### Guests Present:

Agenda Item	Discussion
Call to Order (Jen Benedict)	Jen called the meeting to order at 4:33 p.m.
Roll Call (Jen Benedict)	See above for members present.
Conflict of Interest Disclosures (Jen Benedict)	None.
Review and Approval of Minutes of April 2, 2015 Council Meeting (Cara Jansma)	The minutes of the meeting of April 2, 2015 were changed to reflect Monica Navarro being excused instead of absent. The minutes were unanimously approved.
Treasurer's Report (Tom McGraw)	Tom submitted financial information in advance of the meeting. The financials are through March 2015. There was \$250 in teleconference call expenses. The Section is in great shape. There is \$80,000 in the bank.
Technology Report ( John Hazewinkel)	The instructions for how to post documents on the website has been posted to the website. If there are questions contact John and he can help.
<b>Committee Reports</b>	
Substantive Law Committee Report (Matt Keuten)	<p>There was a PHO Regulatory webinar on April 14. 45 people attended the webinar and the reviews were very good from the comments submitted. Upcoming webinars are as follows:</p> <ul style="list-style-type: none"> <li>• <b>May 19</b> - Demystifying the 340 B Drug Program Speaker: Marta Hoffman, Plunkett Cooney</li> <li>• <b>May 28</b> - Krusac vs. Covenant Speaker: Timothy Gutwald, Miller Johnson</li> <li>• <b>June 4</b> - Opioid - general overview on abuse and laws, privacy of records for substance abuse, current movement on governor's task force, best practices/barriers and importance of regulations. Speakers: Erica Clute, Meridian Health Services &amp; Christina Nicholas, Oakland County Community Mental Health</li> <li>• <b>June 22</b> - NPDB Guidebook - How changes impact facility reporting and medical staff processes. Speakers: Gregory Drutchas &amp; Elise Arsenault, Kitch Drutchas Wagner Valitutti &amp; Sherbrook</li> <li>• <b>June 30</b> – HIPAA 101 Speakers: Norbert Kugele &amp; Nathan Steed, Warner, Norcross &amp; Judd</li> </ul>

<p>Publications Committee Report (Mercedes Dordeski)</p>	<p>Publications committee has been working with the authors for the white paper compilation (Troubleshooting the ACA: Lessons from the Trenches). All the authors are moving along nicely. Three out of four rough drafts have been received and the fourth one is expected shortly. The Committee is comfortable it will be published before our annual meeting.</p>
<p>Legislative Committee Report (Patrick Haddad)</p>	<p>As reported at the April HCLS Council Meeting, the Legislative Committee has been following Michigan Senate Bill 68. This legislation would amend the Public Health Code to provide for the licensure of Advanced Practice Registered Nurses (APRNs), who would include certified nurse midwives (C.N.M.s), certified nurse practitioners (C.N.P.s), and clinical nurse specialist-certifieds (C.N.S.-Cs). The Michigan Senate Health Policy Committee took testimony in March and April, 2015.</p> <p>On April 30, 2015, the Senate Health Policy Committee approved a substitute version of Senate Bill 68. The legislation will now go to the full Michigan Senate for a vote. If the Senate approves the bill, it will move to the House Health Policy Committee in the Michigan House of Representatives for consideration.</p> <p>The Michigan Senate Fiscal Agency Bill Analysis of the substitute version of Senate Bill 68 approved by the Senate Health Policy Committee provides a summary of the legislation. Among other things, the substitute legislation (a) introduces the concept of an APRN practicing as part of a “patient care team” (i.e., a multidisciplinary team of health care providers, formed to collaborate in the best interest of patient health) which for an APRN’s first five years in practice must include at least one physician; (b) provides for prescriptive authority (see below); and (c) permits an APRN to perform a task, function, or duty included in the practice of medicine under certain conditions (see below). The bill would take effect 90 days after it is enacted.</p> <p>The legislation provides that an APRN who has at least five years of experience could perform a task, function, or duty included in the practice of medicine for a patient or prescribe a drug or device for a patient if both of the following criteria were met: 1) the APRN is a member of the patient’s patient care team, which could include a physician, and 2) if the APRN prescribes a Schedule 2 or 3 controlled substance, he or she has written delegated prescriptive authority meeting specific conditions from at least one physician. An APRN with at least five years of experience would not have to obtain delegated prescriptive authority to prescribe any other drug or device.</p> <p>An APRN who has less than five years of experience as a nurse midwife, nurse practitioner, or nurse specialist-certified could perform a task, function, or duty included in the practice of medicine for a patient, or prescribe a drug or device for a patient, only if he or she is a member of that patient’s patient care team, which would have to include at least one physician, and he or she operates pursuant to a written agreement that provides for each of the following: 1) meaningful consultation, 2) a referral process, 3) availability of a physician and other team members through written or electronic means, 4) periodic review, and revision if necessary, of protocols, 5) periodic joint evaluation of the services, and 6) if the APRN prescribes, delegated prescriptive authority from at least one physician on the team.</p> <p>The HCLS Legislative Committee will continue to monitor and report on developments regarding Senate Bill 68.</p>
<p>Pro Bono Committee Report (Trish Schabath)</p>	<p>The Veterans Law Clinic webinar took place on April 22. 16 people registered for the webinar and 11 people attended the webinar. Peggy Costello went through a slide deck that described how lawyers could get involved and help the Veterans Law Clinic provide free legal advice to low income veterans. There are several opportunities to help from handling cases from beginning to end, to conducting a simple interview. Ms. Costello presented background information about the program and its greatest needs</p>

	and discussed a training opportunity on May 26 from 9 – 5:30 p.m. at UD Mercy. There is no charge for the training, but contact Peggy Costello. There was 1 attendee that said she would attend the training and Trish Schabath will be attending. It is hoped the attendance will be good. Trish will follow-up with Ms. Costello prior to May 26.
Fellows Committee Report (Deborah Williamson)	Nominations were taken from the section members and by surveying colleagues. Past fellows David Rogers and Chip Falahee were asked to be part of the committee so that the committee was not forgetting any leaders that laid the foundation of the Section. David and Chip both have early recollection of what occurred early on in the Section. The slate of 2015 Fellow nominees was presented to the council for a vote. <b>Motion: Approval of 2015 Nominees to become Fellows. Vote: Motion Approved Unanimously.</b>
New Lawyers (Steve Bender)	The Cooley Law Lunch and Learn will be on May 12. The New Layers committee received the 1 <sup>st</sup> Law School Achievement Award winner from Michigan State and are waiting for the other colleges to submit their winners.
Membership Committee (Tim Gutwald)	Tiger Game will be on Friday, July 17. The tickets are \$40. <b>Motion: Purchase 40 tickets at \$40 for a cost of \$1,600. Vote: Motion Approved Unanimously.</b> There was discussion about going somewhere for a happy hour and walking to the game. Tim will decide on happy hour location/details for approval at the June Council meeting, if additional monies are needed.
Communicable Diseases and Pandemic Preparedness Ad Hoc Task Force ( Cara Jansma)	MSU professor submitted a white paper. Laura reviewed the white paper and Cara is looking at the document. The paper looked great per Laura. Laura would like to have the document posted to the website. She would like to look at the structure of the website such as the committee having their own folder. John said that could be arranged. John stated he would upload the paper when it is completed to a committee folder.
Old Business	
HCLS Call for Volunteers (Mark Kopson/Martha Boonstra)	Volunteers were divided up into committees that the volunteer requested. It was requested that the committee chairs go over expectations with the new members. The Substantive Law Committee Vice-Chair recommendation was Johanna Novak because of her past involvement in the committee. It was decided to table the voting on the Recommendations for Committee Appointments until June to make sure the committees are as the Council would like them. Mark asked the Chairs that are at term limits to submit recommendations for their replacements.
Annual Meeting – Thursday, Sept. 24 (Jen Benedict)	The planning committee met on April 17. It was decided there would be two topics 1) Recent transaction trends and 2) Patient Care topics. For 2015 there would not be break-out sessions. There would be one or two panels on each topic. The committee is working on getting speakers.
New Business	
Nomination Committee	If anyone is interested in being on the nomination committee please email Jen Benedict.
Adjournment (Jen Benedict)	The meeting adjourned at 5:15 p.m.
	Next meeting: Thursday, June 4, 2015 @ 4:30 p.m.

Minutes recorded by: Susan Stokes

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