

STATE BAR OF MICHIGAN SECTION MINUTES

Instructions: Please report to the Bar office five business days from the Council meeting date.

Section: *WORKERS' COMPENSATION*

Date and Time of Meeting: *10-5-12 9:00 A.M.*

Location of Meeting: *DIMONDALE AGENCY*

Attendance:

Member	Present	Absent	Excused
Teresa L. Martin, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles W. Palmer, Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. William Housefield, Jr., Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christopher J. Rabideau, Treasurer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dennis P. Flynn, Grand Rapids	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Mousin Sesi, Mount Clemens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin P. Kales, Royal Oak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matthew R. Conklin, St. Joseph	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timothy J. Esper, Detroit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ella S. Parker, Grand Rapids	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillip Frame, Lansing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Alana Lusin, Royal Oak	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Andrea Hamm, Detroit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Agenda:

Please check the left-hand box if the item has an addendum or attachments, for example a listing of additional information, exhibits, schedules, and/or reports.

<input checked="" type="checkbox"/>	Item: <i>DEPOSIT FOR ANNUAL MEETING 2013</i> Action Taken: <i>1,000. DEPOSIT APPROVED</i>
<input checked="" type="checkbox"/>	Item: <i>DEPOSIT FOR WINTER MEETING 2012</i> Action Taken: <i>2,420.35 DEPOSIT APPROVED</i>
<input type="checkbox"/>	Item: Action Taken:

Next Meeting: *11-2-12 9:00*

Date and Time:

Location:

DIMONDALE

Submitted by:

Julian [Signature] P 30815

Please return this form to Sandi Barger, sbarger@mail.michbar.org, so the minutes may be archived on the web.

Minutes of WC Section Council Meeting - October 5, 2012

Members Present: Martin, Palmer, Housefield, Hamm, Flynn, Parker, Esper, Kales, Sesi, Conklin. **Guest:** Jack Nolish

1. Teresa Martin called the meeting to order at 9:03 a.m.
2. **Secretary's report:** Bill Housefield submitted the minutes of the September 7, 2012 Council meeting. The only correction involved the amount of monies paid to Mission Point, which was \$18,856.65 as opposed to \$19,149.13. Following discussion and motion to accept the minutes as submitted, the motion passed.
3. **Treasurer's report:** Chris Rabideau could not be present. By way of e-mail, he advised that he had not received any recent financials from the State Bar of Michigan other than those previously reported. Vice Chair Palmer pointed out that at this time of the year, the State Bar is trying to complete year-end audits for all Sections, and there generally is a delay until November in receiving updated financials.
4. **Director's report:** Jack Nolish, on behalf of Kevin Elsenheimer, reported the new Health Care Service Rules had not yet been passed. He stated that he thought we were about half way through the 15-day period in which the legislature had to be in session. He commented that normally these rules would be passed on short order and that when hearings are conducted, at most, there may be two to four people present other than those members on the Rules Committee. He stated in this instance, there were 15 to 20 people representing the "repackaging industry." Their main objection was to one specific rule that tried to provide for a reduction in prescription costs. According to Mr. Nolish, the repackaging industry, which is a multi-million dollar national industry, purchases large quantities of particular drugs directly from the manufacturer. They repackage those into smaller packets that normally are prescribed by the physician. He was surprised to learn that in some instances, there is a markup of almost 300 percent. He understands that in some instances, the companies that are repackaging the drugs are setting up offices in the local doctor's office or in the building of the local physician. According to Mr. Nolish, this is more prevalent in small communities that do not have a Walgreen's and a Rite Aid at every corner.

Mr. Nolish confirmed that the Flint Agency would be closing following the first week of December 2012. No new pretrials are scheduled for the Flint Agency. The Agency has made every attempt to keep the same date and magistrate assigned

to the file when it is transferred to the new location. The Agency will be sending out new notices regarding the location of the next hearing.

He also reported that there were no new announcements or rules regarding evidence-based medicine. As a side note, Mr. Nolish is the president elect of IAIABC...Congratulations!

5. **MCAC report:** Jack Wheatley, Chair of the MCAC, was not present nor was a written report furnished.
6. **Chief Magistrate's report:** Lisa Klaeren was not present nor was a written report provided.
7. **Centennial report:** Jack Nolish advised that things were coming together quite nicely. The celebration is scheduled to take place October 18, 2012 to October 20, 2012. Press releases have been issued to all of the major news outlets, and Mr. Nolish recently was interviewed by Comcast "Newsmakers" Program. He recently met with Jennifer Wolfe and Gregory Krohm, who will be presenting at the conference. He also reported that Amerisure, as one of the original workers' compensation insurance companies, has provided brochures and information corresponding to that period. In particular, there are some original safety brochures that should be insightful. Ella Parker commented that there was a timely article published in the recent newsletter.
8. **Old business:** There continued to be a discussion regarding the compliance with subpoenas signed by attorneys. Member Palmer related recent problems he encountered. For the plaintiff's bar, it is easier because a medical authorization release form by their client can be signed. It continued to be the consensus that having a magistrate sign a subpoena resulted in a quicker release of medical records. Member Hamm again brought up the issue of providing medical expenses for the furnishing of medical records in the certification statement. Unfortunately, Member Frame, who was going to be investigating this issue with the Attorney General's Office, was not present. The issue was tabled for further discussion and comment from Member Frame.

Member Parker reported on the inquiries made concerning the Summer 2013 annual meeting. She and Member Conklin followed up with a number of possible sites. The two "finalists" were Boyne Highland and Garland. It was agreed that Garland was too remote and that Boyne Highland offered golf, tennis, biking, hiking, and a better selection of restaurants. Member Parker requested a quote and contract for the dates June 20, 2013 to June 22, 2013. She requested a \$1,000.00

deposit to hold the time slot. Motion to authorize the expenditure was made by Member Esper with a second by Member Hamm. Motion passed unanimously.

Member Hamm reported that the Inn at St. Johns had offered the facilities and food at the same contract price as 2011. Following discussion, it was agreed that the Inn provided a good location and accommodations and was well received by members of the Section. Member Hamm reported that last year's deposit was \$1,652.00. Member Palmer, with a second from Member Flynn, made a motion that the Council authorize a \$2,000.00 expenditure to be used as a deposit to secure the facility for the Section's Winter Meeting. During discussion, it also was agreed that the Council would have their December meeting immediately following the Winter conference at the Inn. It was suggested that Council conduct their meeting during lunch at the Inn, which worked out well last year. It was felt that a discussion of evidence-based medicine would be relevant and appropriate. It tentatively was agreed that Member Frame would continue to try and secure Dr. Mayer as a speaker and that as a "Point-Counterpoint" speaker, Member Hamm will try and line up Dr. Gordon or Dr. Newman. Member Housefield suggested that Director Elsenheimer should be invited to give an update on the Agency's position, *vis-a-vis*, evidence-based medicine. Mr. Nolish indicated that he thought the Director would be available and also suggested the possibility of contacting someone like the Accident Fund Company, who may have more national experience in evidence-based medicine. Member Hamm indicated that she would put together a rough draft of an agenda regarding time slots for potential speakers, breaks, etc.

9. **New business:** Member Housefield suggested that the Council look at amending the bylaws to provide for electronic voting. The voting would be for Council members only and not for the general membership. It generally was agreed that provisions in the bylaws should provide for electronic voting via e-mail and conference calls. Member Palmer indicated that he would check with the State Bar to see if they provide any guidelines concerning this issue as well as checking other bylaws of other Sections.

Member Kales inquired as to whether or not anyone else was having problems in getting medical bills paid when the health care providers do not comply with the Health Care Rules. Member Housefield indicated that he recently encountered this problem with one of his clients, Michigan State University. The issue involved the failure of the health care provider to either complete the health claim form or provide a medical report documenting date of service, diagnosis, etc. Member Housefield recommended that the health care provider be sent a letter advising of the employer, self-insured, insurance carrier's willingness to pay the bill if the requested information was furnished. A copy of that letter should be sent to the employee and

any collection agency that is seeking payment from the employee. The hope is that the employee, as the patient, exerts pressure on the health care provider to comply. It was agreed that the Council could look at a possible template letter which could be used by the Section members.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,
J. William Housefield, Jr.
WC Section Council Secretary



Following the meeting member Hamm requested the deposit be increased from \$2,000.00 to \$2,420.35. Following motion and second the vote was 10-0 in favor of increasing amount.