

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

**Bar Year: 2015-2016**

**Section Name:** Health Care Law Section

**Mission Statement:**

Serves as an educational resource for members of the Section for the purpose of fostering professional development and understanding of health care laws and issues;

Provide education to members of the State Bar, members of the health care community and the general public with regard to health care laws and related issues;

Advocate, comment on or provide input with respect to state and federal legislation, regulations and public policy that affect the practice of health care law, consistent with the Bylaws of the State Bar of Michigan;

Establish and maintain working relationships with attorney organizations and organizations of health care professionals, providers, consumers and other members of the health care community in this State and other states for the purpose of fostering better communication and understanding of health care laws and related issues and advocating Section interests; and

Promote awareness of the purpose and work of the Section among State Bar members, the health care community and the general public and encourage their participation in Section activities.

**Officers and Council Members:**

Officer	Name	Address	Telephone	Email
Chair	Mark S. Kopson	Plunkett Cooney 38505 Woodward Ave. Ste. 200, Bloomfield Hills, MI 48304-5096	248-901-4061	mkopson@plunketcooney.com
Chair-Elect	Timothy C. Gutwald	250 Monroe Ave. NW Ste. 800, Grand Rapids, MI 49503-2283	616-831-1727	gutwaldt@millerjohnson.com
Secretary	Cara L. Jansma	Spectrum Health Medical Group 444 Michigan St. NE, Grand Rapids MI 49503-2560	616-391-9566	cara.jansma@spectrumhealth.org

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

Treasurer	Matthew R. Keuten	Honigman Miller Schwartz & Cohn LLP 660 Woodward Ave. Ste. 2290 Detroit, MI 48226-3506	313-465-7510	mkeuten@honigman.com
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Member	Term Expires	Member	Term Expires
Mercedes V. Dordeski	2016	Cara L. Jansma	2018
Matthew R. Keuten	2016	Johanna M. Novak	2018
Mark S. Kopson	2016	Sheerin Siddique	2018
Deborah J. Williams	2016	Louis Szura	2018
Martha R. Boonstra	2017	Jennifer L. Benedict – Immediate Past President	
Patrick J. Haddad	2017		
John W. Hazewinkel	2017		
Joshua J. Moore	2017		
Patricia C. Schabath	2017		
Timothy C. Gutwald	2018		

**Council Meeting Schedule:** Council meetings are held monthly on the first Thursday of each month via teleconference.

**General Budget Information:** The Section received approximately \$34,000 in member dues during Fiscal Year 2016. The funds are used for the following purposes: (1) educational opportunities via webinars and an in-person Annual Meeting; (2) in support of the annual ICLE Health Law Institute; (3) scholarships for law students interested in a health law career; (4) membership outreach and networking activities; and (5) administrative services. Consistent with prior years, the financial position of the Section remains strong.

**Events and/or Seminars:**

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
HHS/OCR: Current State of HIPAA Enforcement	Tuesday, October 6, 2015	Webinar
Art Prize Tour – Networking Event	Thursday, October 8, 2015	Art Prize, Grand Rapids

## STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

Event or Seminar Title	Date	Location
Veterans Law Clinic Volunteer Event	Wednesday, November 11, 2015	University of Detroit Mercy
Relator Issues and Relator Dynamics in Qui Tam Actions	Friday, November 20, 2015	Webinar
Recent Stark Law Developments	Wednesday, December 9, 2015	Webinar
Finding the Sweet Spot for Value-Based Care	Wednesday, January 27, 2016	Webinar
Advanced HIPAA Topics	Monday, February 22, 2016	Webinar
ICLE Health Law Institute & Appreciation Dinner	Thursday & Friday, March 10 & 11, 2016	Inn at St. John's, Plymouth
New Lawyers & Students - Piston's game Networking event	Wednesday, March 16, 2016	The Palace of Auburn Hills
Lansing Networking Event	Thursday, April 14, 2016	Troppo Restaurant, Lansing
Hospital-Physician Practice Transactions	Thursday, April 21, 2016	Webinar
Top 10 Employment Law Issues for the Health Care Employer	Wednesday, May 11, 2016	Webinar
Birmingham Networking Event	Wednesday, May 11, 2016	220 Merrill Restaurant, Birmingham
Tigers Game Networking Event	Friday June 24, 2016	Comerica Park
eHealth	June - TBD	Webinar
HCLS Annual Meeting	Thursday, September 29, 2016	Detroit Athletic Club, Detroit

**Legislative issues:** The Section's Legislative Committee monitored and reported on Michigan legislation such as Senate Bill 68 (licensure for advance practice registered nurses), Senate Bill 320 (scope of practice of certified nurse anesthetists), Senate Bill 383 (licensing and regulation of nurse midwives), and House Bill 4207 (licensure for advanced practice registered nurses, nurse midwives, nurse practitioners, and clinical nurse specialists).

**Section Committees:** The Health Care Law Section features seven standing committees: Substantive Law, Publications, Legislative, Pro Bono, Fellows, New Lawyers and Law Students, and Membership. The work of each of those committees is summarized below:

**Substantive Law Committee:** The Substantive Law Committee is the Section Committee responsible for arranging educational programs throughout the year, typically presented in a teleconference/webinar format to benefit the Section's membership at no additional cost. Its work is accomplished through four subject matter subcommittees: Technology Subcommittee, Payors Subcommittee, Providers Subcommittee and Medical–Legal Subcommittee. The 2015-16 Substantive Law Committee was energetic and engaged and strengthened as the result of a formal call for

## STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

volunteers. It produced eight webinars on a wide variety of health care law topics with others planned for Summer and early Fall 2016. The topics and titles of the webinars are listed above under the heading "Events and/or Seminars."

**Publications Committee:** This year, the Committee published three new papers:

- "Data Breach Risks and Best Practices for Small and Mid-Size Health Care Providers,"
- "Protecting the Public: A Guide for Physicians, Healthcare Providers, and Attorneys on Quarantining and Isolating Patients With Communicable Diseases" and
- "Criminal Conviction Self-Reporting For Michigan Licensed Health Care Professionals."

Two additional publications are scheduled for released in Summer 2016:

- "The Unexpected Cost of Compliance for Institutions under the NPRM Revisions to the Common Rule" and
- "Licensure & Certification: Process & Investigations" (2016 revision)

The Committee has continued work to update the HIPAA Matrix reference guide and anticipates publishing a "Federal Law Resource" webpage for Section members later this year.

**Legislative Committee:** The Committee monitored Michigan health care legislative developments on an as-needed basis, reporting on such matters to the Section Council. The Committee's activities included monitoring and reporting on Michigan legislation such as Senate Bill 68 (licensure for advance practice registered nurses), Senate Bill 320 (scope of practice of certified nurse anesthetists), Senate Bill 383 (licensing and regulation of nurse midwives), and House Bill 4207 (licensure for advanced practice registered nurses, nurse midwives, nurse practitioners, and clinical nurse specialists).

**Pro Bono Committee:** The Pro Bono Committee continues its partnership with the Veteran's Law Clinic at the University of Detroit Mercy Law School. This partnership seeks to pair Section members with an interest in serving veterans with the veteran population served by the Detroit Mercy Law clinic. All activities are coordinated through the clinic director and Detroit Mercy Law professor, Peggy Costello. Comprehensive training opportunities continue to be offered twice per year, with additional, more concise sessions offered on an ad hoc basis if enough membership interest is generated. The committee also periodically offers an educational presentation to increase awareness of the needs of the clinic and the pro bono opportunities available. Health care law section members continue to participate in review and summarization of veteran medical and military records to assist the clinic in its mission – no formal training is required to assist the clinic in the record reviews. A full-day training session was held on May 31, 2016.

**Fellows Committee:** The Section established a Fellows Program in 2011 to honor former Health Care Law Section leaders who have made sustained, outstanding contributions to the Section and the practice of health care law in Michigan. Fellows are recognized each year at the Section's Annual Meeting. The Fellows Committee administers the Fellows Program, which includes nominating Fellows for election by the Council, and handling all matters regarding the presentation of Fellows at the Annual Meeting. The Fellows Committee meets periodically to discuss nominations and other matters concerning the program. In 2015, the Fellows Committee nominated, and the Council elected, the following attorneys as Fellows: Thomas R. McAskin, Lisa Panah, Margaret Anne Shannon, Paul M. Shirilla, and Monica B. Wilkinson. The 2016 class of Fellows will be selected in early summer and

## STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

honored at a dinner following the Section's Annual Meeting on September 29, 2016. A list of all Health Care Law Section Fellows is posted on the Section's web page.

**New Lawyers and Law Student Committee:** As part of its mission to develop new health care lawyers, the Committee hosted a series of well-attended "Lunch & Learn" programs regarding the practice of health law at several Michigan law schools. The Committee also administered the Section's Academic Achievement program under which the Section awards \$1,500 scholarships to law students at eligible Michigan law schools who exhibits a high level of achievement in health care-related law courses. The recipients will attend and be honored at our Annual Meeting. A "meet and greet" for young lawyers also is planned as part of the Annual Meeting. In March 2016, the Committee hosted a well-attended networking event for new lawyers and law students at a Detroit Pistons game. Committee members also attended the Young Lawyers Section Annual Summit in June, for which the Section was a Gold Level Sponsor.

**Membership Committee:** Organized several networking events this year, ranging from happy hours in Lansing and Oakland County, to an Art Prize Tour in Grand Rapids and a Tigers game event in Detroit. The Committee also started an orientation process for new Section members and engaged Section members through the Section's new Twitter account. The Committee also administered a comprehensive on-line survey of Section members, the results of which will help us provide the content and events our members want. Key events and milestones included:

- August 7, 2015- Detroit Tigers Game social event held in Detroit, MI.
- October 2, 2015- Art Prize Pub Cruiser social event held in Grand Rapids, MI.
- December 8, 2015- Health Care Law Section sends out its first tweet from its twitter account @SBM\_HCLS.
- April 14, 2016- Happy Hour Networking event held at Troppo in Lansing, MI.
- May 11, 2016- Happy Hour Networking event held at Merrill in Birmingham, Michigan.
- June 24, 2016- Detroit Tigers Game social event held in Detroit, MI.

### **Recommendations for next Council:**

- Continue to provide specialized educational and networking opportunities to the Section's membership, via programs and written materials, with an enhanced focus on in-person events.
- Continue efforts to increase all types of diversity, including geographic, in the Section's membership and in all of its operations and programming.
- Continue to attract and develop health care lawyers and Section leaders through enhanced affiliations with Michigan law schools and encouraging senior lawyers to co-present with more junior Section members at education programs.
- Continue the Section's strong relationship with ICLE including continued co-sponsorship of the Annual Health Law Institute and Section Appreciation Dinner.

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

- Continue to support the Fellows Program and develop additional opportunities for use of the Fellows' extraordinary experience and expertise.
- Conduct a comprehensive review of the Section's Bylaws and make any necessary changes.

**Other Information:** It has been an honor and a pleasure to serve as Chair of the Section and to be a part of such a dedicated and hard-working team. I thank all Council members, officers, committee and subcommittee members and chairs, and the many volunteers who contributed so much of their time and talent to the Section this year. I would like to especially thank Jennifer Benedict and Deborah Williamson for their years of service and leadership on the Council and Jennifer's sage counsel as Immediate Past Chair. Finally, I offer special thanks and appreciation to our incredibly dedicated, hard-working, efficient and always positive Section Administrative Assistant, Susan Stokes, and the entire SBM staff, without whose help this year's successes would not have been achieved.

Mark S. Kopson  
Chair, Health Care Law Section  
State Bar of Michigan  
2015-2016

**Reports must be submitted before May 31, 2016 to:**

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