

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

**Bar Year: 2016-2017**

**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	Timothy C. Gutwald	250 Monroe Ave. NW Ste. 800, Grand Rapids, MI 49503-2283	616-831-1727	gutwaldt@millerjohnson.com
Chair-Elect	Matthew R. Keuten	Honigman Miller Schwartz & Cohn LLP, 600 Woodward Ave., Ste. 2290, Detroit, MI 48226	313-465-7510	mkeuten@honigman.com
Secretary	Patrick J. Haddad	Kerr Russell & Weber PLC, 500 Woodward Ave., Ste. 2500, Detroit, MI 48226	313-961-0200	phaddad@kerr-russell.com

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Treasurer	Joshua J. Moore	Trinity Health 20555 Victor Parkway, Livonia, MI 48152	734-343-1372	moorej@trinity-health.org
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Member	Term Expires	Member	Term Expires
Martha R. Boonstra	2017	Matthew R. Keuten	2019
Patrick J. Haddad	2017	Nicole E. Stratton	2019
John W. Hazewinkle	2017	Mark S. Kopson – Immediate Past President	2017
Joshua J. Moore	2017		
Patricia C. Schabath	2017		
Timothy C. Gutwald	2018		
Cara L. Jansma	2018		
Sheerin Siddique	2018		
Louis Szura	2018		
Mercedes V. Dordeski	2019		

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

**General Budget Information:** The Section received approximately \$33,000 in member dues during Fiscal Year 2017. 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
Art Prize Tour – Networking Event	Tuesday, October 18, 2016	Art Prize, Grand Rapids
Join Twitter Contest	Friday, November 4, 2016 – Monday, November 7, 2016	Twitter

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Event or Seminar Title	Date	Location
Veterans Law Clinic Volunteer Event	Friday, November 11, 2016	University of Detroit Mercy
Health Care Leadership Summit	Friday, November 18, 2016	Troy, Marriott
Ring in the New Year under MACRA: Value Based Payments to Providers	Tuesday, January 10, 2017	Webinar
New Member Welcome Campaign	Wednesday, January 11, 2017	Internet, Phone calls, email
Membership Networking Event - Night at the Palace – Pistons Game	Wednesday, January 18, 2017	The Palace of Auburn Hills
Legal Considerations with Telemedicine, Including Vendor Relationships	Tuesday, January 21, 2017	Webinar
Membership Networking Event – Night at the Griffins	Friday, February 24, 2017	Van Andel Arena, Grand Rapids
ICLE Health Law Institute & Appreciation Dinner	Thursday & Friday, March 9 & 10, 2017	Inn at St. John's, Plymouth
Medical Marijuana in Michigan: Navigating State and Local Regulations	Wednesday, May 3, 2017	Webinar
New Member & Student Networking - Fowling	Thursday, May 4, 2017	The Folwing Warehouse, Detroit, MI
Medicare Advantage Compliance Requirements	Tuesday, May 23, 2017	Webinar
Pitfall of EMR Systems and the Impact on Facilities	June - TBD	Webinar
PA and NP Scope of Practice	June - TBD	Webinar
Membership Networking Event – Tigers Game	Thursday, June 15, 2017	Bodman PLC (Ford Field) & Comerica Park
HCLS Annual Meeting	Tuesday, September 12, 2017	Detroit Athletic Club, Detroit

**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. It produced four webinars on a wide variety of health care law topics with others planned for Summer and early Fall

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2017. 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:

- *Corporate Integrity Agreements: Understanding Compliance Risk and Obligations to the Government*” to be published in June.
- “*Commercial Audits and Appeals White Paper*” also to be published in June.
- And, a comprehensive whitepaper entitled “*Representing Physicians in Fair Hearing Proceedings*” to be published in July.

The Committee also has continued to promote and streamline the existing online publication resources for HCLS members.

**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 Public Act 499 of 2016 (advance practice registered nurses), Public Act 379 of 2016 (physician assistants), Public Act 22 of 2017 (telehealth services including prescribing and clinical nurse specialists licensing matters), Public Act 359 of 2016 (telehealth services including prescribing), Senate Bill 270 of 2017 (prohibits prescribing Schedule 2 – 5 controlled substance absent bona fide prescriber-patient relationship), Senate Bill 272 of 2017 (prescribing opioids/patient consent form), Senate Bill 273 of 2017 (requires prescribers to provide information on substance use disorder services to patients treated for opioid-related overdoses), Senate Bill 274 of 2017 (prohibits prescribers from prescribing opioids under specified circumstances), House Bill 4404 of 2017 (regulates pain management facilities), House Bill 4405 of 2017 (qualified immunity to pharmacists who refuses to dispense Schedule 2 -5 controlled substances), and House Bill 4408 (mandates parental consent/disclosures when prescribing to a minor a controlled substance containing an opioid, subject to certain exceptions).

**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 population served by the clinic. The Section sends out reminders about the clinic and its work in conjunction with Memorial Day and Veteran’s Day, and publishes information about available training sessions offered through the clinic. The committee is working to establish additional partnerships with similar clinics serving different populations and is in communication with a number of different potential partners to expand the groups the Health Care Law Section works with to provide pro bono services. The goal of the committee is to pair section members with diverse interests with existing organizations that serve the community and to promote awareness of and interest in these groups and the legal needs of the clients they serve. The committee hopes to establish relationships with a number of groups to provide varying opportunities for pro bono service among Health Care Law Section members and then to serve as a liaison between the members and these various organizations.

**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

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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 2016, the Fellows Committee nominated, and the Council elected, the following attorneys as Fellows: Agnes G. Hagerty, Marta J. Hoffman, Robert S. Iwrey, Thomas J. McGraw, and John R. Mucha. The 2017 class of Fellows will be selected in early summer and honored at a dinner following the Section's Annual Meeting on September 12, 2017. 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 exhibit a high level of achievement in health care-related law courses. The recipients will attend and be honored at our Annual Meeting.

**Membership Committee:** Organized several networking events this year. The Committee orients new Section members to the Section and engages Section members through the Section's Twitter account. Key events and milestones included:

- October 18, 2016 – Great Lakes Pub Cruiser social event held in Grand Rapids, MI.
- January 18, 2017 – Pistons Game Networking Event in Detroit, MI
- February 24, 2017 – Grand Rapids Griffins Networking Event in Grand Rapids, MI
- March 9, 2017 – Tweets for Treats at ICLE Health Law Institute
- June 15, 2017 – Detroit Tigers Game social event held in Detroit, MI.

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

- Continue to provide educational opportunities to the Section's membership via expert led webinars and educational papers with an emphasis on addressing a diverse array of topics that reflects the diverse practice areas of Section members.
- Continue to expand and emphasize networking opportunities to the Section's membership.
- Continue efforts to increase all types of diversity in the Section's membership and in all of its operations and programming.
- Continue to build and strengthen affiliations with Michigan law schools and encouraging law students to become committee members and actively participate in the Section's social and educational opportunities.
- Continue the Section's strong relationship with ICLE including continued co-sponsorship of the Annual Health Law Institute and Section Appreciation Dinner and consider co-sponsoring a mid-year educational event with ICLE.
- Continue to support the Section's Pro-Bono efforts and develop additional opportunities for Members to utilize their expertise to benefit their community.
- Conduct a comprehensive review of the Section's Bylaws and make any necessary changes.

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**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 Mark Kopson and Patrick Haddad for their years of service and leadership on the Council and Mark's advice and hard work 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.

Timothy C. Gutwald  
Chair, Health Care Law Section  
State Bar of Michigan  
2016-2017