

State Bar of Michigan | 2017–2018

Article VIII §1, Bylaws of the State Bar of Michigan

Every Section and State Bar entity so directed by the Board of Commissioners or Representative Assembly shall annually make a written report containing a summary of its activities during the association year which shall be submitted to the Secretary on or before May 31. Annual reports may not exceed five 8 1/2" x 11" pages unless a waiver of this limitation is approved by the Executive Director.

Health Care Law Section

Chair

P70015 Matthew Ryan Keuten
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Chair-Elect

P71764 Louis Szura, Southfield

Secretary

P71816 Sheerin Siddique, Farmington Hills

Treasurer

P70821 Mercedes Varasteh Dordeski, Detroit

Administrator

Susan Stokes, Washington

Council Member

Term Ending: 2018

P70348 Timothy Charles Gutwald, Grand Rapids
P66227 Cara L. Jansma, Grand Rapids
P71816 Sheerin Siddique, Farmington Hills
P71764 Louis Szura, Southfield

Term Ending: 2019

P70821 Mercedes Varasteh Dordeski, Detroit
P73409 Nicole Elizabeth Stratton, Lansing

Term Ending: 2020

P71321 Jeremy Steven Brieve, Grand Rapids
P77124 Leslie Anne Rojas, Bloomfield Hills
P66479 Christian L. Schafer, Ann Arbor
P63172 Jeffrey M. Schroder, Bloomfield Hills
P35905 Patricia A. Stamler, Bloomfield Hills
P78656 Dustin Thomas Wachler, Royal Oak
P69776 Rosanna Jean Willis, Troy

Commissioner Liaison

P58052 Krista Licata Haroutunian, Bingham Farms

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Bar Year: 2017-2018

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 | Matthew R. Keuten | Honigman Miller Schwartz & Cohn LLP, 600 Woodward Ave., Ste. 2290, Detroit, MI 48226 | 313-465-7510 | mkeuten@honigman.com |
| Chair-Elect | Louis C. Szura | Szura & Delonis, P.L.C. 29777 Telegraph Road, Suite 2475 Southfield, MI 48034 | 248-716-3600 | lszura@szuradelonis.com |
| Secretary | Sheerin Siddique | | | sheerinsiddique@outlook.com |
| Treasurer | Mercedes V. Dordeski | Behavior Health Professionals, Inc. 1333 Brewery Park Blvd., Suite 300 Detroit, MI 48207 | 313-656-0093 | mdordeski@bhpnet.org |

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| Member | Term Expires | Member | Term Expires |
|----------------------|--------------|---------------------|--------------|
| Timothy C. Gutwald | 2018 | Jeffrey M. Schroder | 2020 |
| Cara L. Jansma | 2018 | Patricia A. Stamler | 2020 |
| Sheerin Siddique | 2018 | Dustin T. Wachler | 2020 |
| Louis Szura | 2018 | Rosanna J. Willis | 2020 |
| Mercedes V. Dordeski | 2019 | | |
| Matthew R. Keuten | 2019 | | |
| Nicole E. Stratton | 2019 | | |
| Jeremy S. Brieve | 2020 | | |
| Leslie A. Rojas | 2020 | | |
| Christian I. Schafer | 2020 | | |

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

General Budget Information: The Section received approximately \$42,000 in member dues during Fiscal Year 2018. 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 5, 2017 | Art Prize, Grand Rapids |
| Medical Terminology for Attorneys | Tuesday, January 23, 2018 | Webinar |
| Membership Networking Event – Pistons game | Wednesday, January 24, 2018 | Little Caesars Arena |
| What to Expect from an EBSA Health Plan Investigation | Wednesday, February 7, 2018 | Webinar |
| Membership Networking Event – Night at the Griffins | Friday, February 9, 2018 | Van Andel Arena, Grand Rapids |
| ICLE Health Law Institute & Appreciation Dinner | Thursday & Friday, March 8 & 9, 2018 | Inn at St. John's, Plymouth |
| Update: The Corporate Practice of Medicine Doctrine in Michigan | Tuesday, April 10, 2018 | Webinar |
| Networking – 220 Merrill Street | Thursday, April 19, 2018 | 220 Merrill Street, Birmingham, MI |

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|--|------------------------------|---|
| Telemedicine Licensure in Michigan | Wednesday, May 9, 2018 | Webinar |
| Appeals and Grievances under the New Medicaid Managed Care Rules | Wednesday, June 13, 2018 | Webinar |
| Membership Networking Event – Tigers Game | Wednesday, June 13, 2018 | Bodman PLC (Ford Field) & Comerica Park |
| HCLS Annual Meeting | Thursday, September 20, 2018 | 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. The subcommittees produced four webinars on a wide variety of health care law topics with others planned for Summer. The topics and titles of the webinars are listed above under the heading “Events and/or Seminars.”

Publications Committee: This year, the Committee is excited to publish four resources:

- The revised and combined *HIPAA Privacy Rule Preemption Analysis Matrix for Michigan Law* was published in March.
- *The New Role of Physician's Assistants and Advanced Practice Registered Nurses in Michigan* will be published in June.
- *Pursuing Provider Payments in No Fault Cases Post-Covenant* will be published in June.
- *Guide for Responding to Government Investigations* will be published in July.

The Committee has continued to promote and streamline the existing online publication resources for HCLS members. It has also worked with its Pandemic Response Sub-Committee in preparing resources for responding to public health issues.

Legislative Committee: The Committee monitored Michigan health care legislative developments and reported on such matters to the Section Council. Among the matters that we monitored that were signed into law during this term include Senate Bill 270, which prohibits a prescriber from prescribing a Schedule 2-5 controlled substance unless the prescriber is in a bona fide prescriber-patient relationship with the patient for whom the controlled substance is being prescribed; Senate Bill 273, which provides that prescribers must provide information on substance use disorder services to patients being treated for opioid-related overdoses; Senate Bill 274, which prohibits prescribers from prescribing opioids under specified circumstances; House Bill 4408, which mandates parental consent and certain disclosures when prescribing a controlled substance containing an opioid to a minor, subject to certain exceptions. We also monitored and reported on 10 other bills in the House and Senate, including Senate Bill 65 that would expand the “False Claims Act” to go beyond Medicaid and allow Qui tam plaintiffs to bring actions on behalf of state and local government for contractors that present false claims for payment; negative feedback and concerns from the Section relayed to the sponsoring legislator (Senator Steve Bieda) resulted in the

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bill being put on the “back burner.” The bill was poorly drafted in a number of ways (not the fault of the sponsoring legislator) and our feedback made a difference. In addition, we co-sponsored a “Legislative Day” in Lansing with the Membership Committee on May 9, 2018, which included a legislative update from the Chairperson of the State Senate Health Policy Committee and a social hour afterwards. Senator Mike Shirkey provided sharp commentary on current legislation and took questions and feedback from guests.

Pro Bono Committee: The committee is working to establish additional partnerships with organizations serving different populations and is in communication 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 continue to establish relationships with a number of groups in 2018 and to provide varying opportunities for pro bono service among Health Care Law Section members.

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 2017, the Fellows Committee nominated, and the Council elected, the following attorneys as Fellows: Steven B. Bender, Elizabeth Callahan-Morris, Keith J. Soltis, Lisa D. Vandecaveye, and Andrew B. Wachler. The 2018 class of Fellows will be selected in early summer and honored at a dinner following the Section's Annual Meeting on September 20, 2018. A list of all Health Care Law Section Fellows is posted on the Section's web page.

New Lawyers and Law Student Committee: The Committee 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: The Membership Committee organized several networking events this year (2017-2018). 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 5, 2017 – Art Prize event held in Grand Rapids, MI.
- January 24, 2018 – Pistons Game Networking Event in Detroit, MI
- February 9, 2018 – Grand Rapids Griffins Networking Event in Grand Rapids, MI
- April 19, 2018 – AHLA Day (Networking Event) – Co-sponsored Birmingham, MI
- May 9, 2018 – Legislative Day Event – Lansing, MI
- June 13, 2018 – Detroit Tigers Game social event held in Detroit, MI.

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Recommendations for next Council:

- Continue to provide the high-quality and reliable education and networking opportunities that the Section's membership has come to expect.
- Increase efforts to promote diversity and inclusion in the Section's membership and Council committees.
- Explore and examine collaboration opportunities, i.e., affiliation with the American Health Lawyers Association, in an effort to broaden the resources available to the Section's membership.
- Build on the success of the Section's social media efforts by continued and sustained use.
- Explore the creation of a formal information database to capture and log the institutional knowledge of the Council members.
- Continue to explore new pro-bono opportunities and strengthen the Section's pro bono efforts.
- Strengthen the Section's affiliations with Michigan law schools and recommit to engaging in visible and sustained outreach activities.
- Continue the Section's strong relationship with ICLE, including continued co-sponsorship of the Annual Health Law Institute and Section Appreciation Dinner.

Other Information:

It has been a pleasure to serve as Chair of the Section and it was a tremendous learning opportunity. I extend deep-felt thanks to all Council members, officers, committee and subcommittee members and chairs. Your efforts significantly eased my burden and you should be proud of the good work you have done. Also, I give special thanks to Susan Stokes, our Section's Administrative Assistant, who is an invaluable part of the team and a tremendous asset to the Section. I wish the new Council all the best and anticipate and foresee continued success.

Mathew R. Keuten
Chair, Health Care Law Section
State Bar of Michigan
2017-2018