

MINUTES

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

Date: April 6, 2017

Chair: Timothy Gutwald

Members Present:

Martha Boonstra	E	Trish Schabath	P
Mercedes Dordeski	P	Sheerin Siddique	E
Timothy Gutwald	P	Nicole Stratton	P
Patrick Haddad	P	Louis Szura	P
John Hazewinkel	P		
Cara Jansma	E		
Matthew Keuten	P		
Mark Kopson	E		
Josh Moore	P		

Guests Present:

Agenda Item	Discussion
Call to Order (Timothy Gutwald)	Tim called the meeting to order at 4:33 p.m.
Roll Call (Timothy Gutwald)	See above.
Conflict of Interest Disclosures (Timothy Gutwald)	None.
Review and Approval of Minutes of March 2, 2017 Council Meeting (Patrick Haddad)	The minutes of the Council's March 2, 2017 meeting were unanimously approved.
Treasurer's Report (Josh Moore)	There was not much activity for February. The fund balance is currently \$74,000, which is down about \$5,000 from the 2016 Year-to-Year.
Technology Report (John Hazewinkel)	No report.

Committee Reports

Legislative Committee Report (Patrick Haddad)	<p>The following Bills and Public Acts recently passed:</p> <ol style="list-style-type: none">Public Act 22 of 2017 (effective March 31, 2017)– A health professional who is providing a telehealth service to a patient may prescribe the patient a drug if the following are met:<ol style="list-style-type: none">The health professional is a prescriber who is acting within the scope of his/her practice in prescribing the drug.If the health professional is prescribing a drug that is a controlled substance, the health professional meets the requirements of the Public Health Code applicable to that health professional for prescribing a controlled substance.If the health professional considers it medically necessary, he or she shall provide the patient with a referral for other health care services that are geographically accessible to the patient, including, but not limited to, emergency services.After providing a telehealth service, the health professional, or a health professional who is acting under the delegation of the delegating health professional, shall make himself or herself available to provide follow-up health care services to the patient or refer the patient to another health professional for follow-up health care services.
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	<ol style="list-style-type: none"> 2. The prescribing provisions of Public Act 22 of 2017 supersede the prescribing provisions of Public Act 359 of 2016 which prohibited the prescribing of controlled substances in telehealth encounters. 3. Clinical Nurse Specialist (CNSs) is a new nursing specialty certification recognized by Public Act 499 of 2016. Public Act 22 of 2017 clarifies that an individual currently practicing as a clinical nurse specialist may continue to use the title “clinical nurse specialist” and related derivations and abbreviations until 12 months after the effective date of rules to be promulgated by the Board of Nursing to implement the CNS specialty certification. Thereafter, an individual may not use the title “clinical nurse specialist” and related derivations and abbreviations until the individual has been issued a clinical nurse specialist certification by the Board of Nursing. <p>The following Bills are still in Committee:</p> <ol style="list-style-type: none"> 1. Senate Bill 270 – prohibits a prescriber from prescribing a Schedule 2 – five (5) controlled substance unless the prescriber is in a bona fide prescriber-patient relationship with the patient for whom the controlled substance is being subscribed. 2. Senate Bill 272 – Before prescribing a controlled substance that is an opioid the prescriber shall provide information and the patient must sign a DHHS form. 3. Senate Bill 273 – requires prescribers to provide information on substance use disorder services to patients being treated for opioid-related overdoses. 4. Senate Bill 274 – prohibits prescribers from prescribing opioids under specified circumstances. 5. House Bill 4404 – regulates “pain management facilities.” 6. House Bill 4405 – qualified immunity to a pharmacist who refuses to dispense Schedule 2 -5 controlled substances if the pharmacist has a reasonable and good-faith belief that the prescription was not written by a prescriber in good faith or is being filled for an illegitimate medical purpose. 7. House Bill 4408 – mandates parental consent and disclosures when prescribing to a minor a controlled substance containing an opioid, subject to certain exceptions.
Substantive Law Committee Report (Nicole Stratton)	<p>Upcoming Webinars:</p> <ul style="list-style-type: none"> • May 3, 2017 – Medical Marijuana <ul style="list-style-type: none"> ◦ Speakers: Jeff Schroder, Senior Attorney, Plunkett Cooney • May 24, 2017 – Medicare Advantage Compliance Requirements • June (Date TBD) – Pitfalls of EMR Systems and the Impact on Facilities
Publications Committee Report (Louis Szura)	<p>The committee will be meeting on April 7, 2017, to review the two (2) publications received. Andrea Lee can’t participate in the committee going forward; other committee members will cover her tasks.</p>
Pro Bono Committee Report (Trish Schabath)	<p>Trish continues to research possible Pro Bono leads. She is working on the following:</p> <ol style="list-style-type: none"> 1. Disability Law Clinic - Wayne State 2. Neighborhood Legal Services of Michigan (NLSM) <p>Trish has a conference call with NLSM scheduled to discuss their needs. Trish would like to see the Pro Bono Committee be a liaison between the groups/ organizations in need and the HCLS membership. The committee would be the conduit between the organizations and the membership in finding Pro Bono work. She is researching Pro Bono opportunities in other areas of Michigan e.g. Lansing, Ann Arbor, and Grand Rapids. When a new organization agrees that the HCLS membership can provide Pro Bono work; there will a webinar arranged so the organizations can inform the HCLS membership of their needs and how members can go about getting involved. If Council members have ideas for organizations that</p>

	need help, contact Trish. The goal is to offer a diverse range of organizations for the membership to choose from.
Fellows Committee Report (Martha Boonstra)	The committee met on March 21 to finalized an email requesting nominations for the 2017 Class of Fellows. Susan sent out the email on March 22 and April 3. The due date for nominations is April 28. The committee will meet on May 2 to begin looking over the candidates.
New Lawyers and Law Students Committee Report (Matthew Keuten)	<p>The Lunch and Learns are complete.</p> <p>The budget for lunch was \$150 at each institution. The University of Detroit Mercy (\$166.37) and University of Michigan (\$177.30) luncheons went over budget. Motion: Approval of an additional \$16.37 for the University of Detroit Mercy lunch and an additional \$27.30 for the University of Michigan lunch was requested; to cover the additional cos of the lunches. The Motion was unanimously approved.</p> <p>Wayne State has submitted their candidate for the academic award.</p> <p>A Fowling event is being planned for May 4 @ 7 p.m. Three (3) lanes have been reserved for 30 people. The cost is \$360 for the three (3) lanes. Food and drinks will be provided. Matt is working to organize and get cost of the refreshments. Two (2) drink tickets will be issued to each attendee. When Matt finalizes the food, he will ask for a motion to approve from the Council.</p> <p>Matt asked about looking at committee chairs and members for the 2017-18 year. Action Item: Tim will research when this must be done and discuss at the next Council meeting.</p>
Membership Committee Report (Cara Jansma)	No report.
Old Business	
ICLE (Timothy Gutwald)	The conference went well and the Tweeting went moderately well.
Law Student Committee members (Timothy Gutwald)	There were several University of Michigan students that expressed interest in helping with committee work; especially on the Publication committee.
Update on Membership Fee (Timothy Gutwald)	Tim sent a letter to the State Bar of Michigan letting them know that the HCLS Council approved a membership increase from \$35 to \$45.
New Business	
Flyer for the HCLS Sponsored Events (Timothy Gutwald)	A template was sent to the State Bar of Michigan for design approval of a flyer that would be distributed to attendees at HCLS sponsored events, to let them know what the HCLS offers to members.
Adjournment (Timothy Gutwald)	The meeting adjourned at 4:59 p.m. The next meeting is scheduled for May 4, 2017, at 4:30 pm.

Minutes recorded by: Susan Stokes