

**STATE BAR OF MICHIGAN  
HEALTH CARE LAW SECTION  
COUNCIL MEETING MINUTES**

February 2, 2010

Council Officers: Joanne Lax (Chair), Monica Wilkinson (Chair-Elect), Robert Iwrey (Treasurer), Marta Hoffman (Secretary)

- I. **Call to Order (Joanne Lax):** The meeting was called to order at 4:30 p.m.
- II. **Roll Call (Marta Hoffman): Present:** Joanne Lax, Monica Wilkinson, Marta Hoffman, Robert Iwrey, Steve Bender, Jennifer Benedict, Rich Bouma, Beth Derwin, Tom McGraw, Laura Napiewocki, Monica Navarro, Donna O'Connor. **Excused:** Jan Anderson, John Anderson, Amy Barkholz, Joan Lowes, Ann Hollenbeck, Carol Tarnowsky. **Also Present:** Suzette Allen.
- III. **Conflict Disclosures (Joanne Lax):** There were none to report.
- IV. **Review and Approval of Minutes of January 5, 2010 Council Meeting (Marta Hoffman):** The minutes from the January council meeting were presented and discussion ensued to amend/clarify that discussion appearing under the Publications Report section should be moved to the Technology Committee report section and to clarify that HIPAA/HITECH breach requirements are being investigated by the HITECH Committee and that no article is currently being planned on this issue. The minutes as proposed for amendment, were unanimously approved upon motion and second.
- V. **Treasurer's Report (Robert Iwrey):** The latest financial report received in January reflects activity from Oct-Dec 31. Revenue of just under \$29,000 was reported. This is down from last year but all sections are experiencing the same according to the State Bar. The balance at the end of Dec 2009 was approximately \$91,000. Phone conference charges continue to be one of the Section's most significant expenses. Recent invoices reflect fees of \$917 for seven conference calls. Mr. Iwrey also reported that the annual meeting cost about \$9,760. \$3,500 went to awards for the law student writing competition. Some additional costs were incurred this year as a result of the recognition event honoring former council member, Thomas Trenta. The section is not able to identify how much of revenue received was attributable to attendance at the annual meeting. The fee associated with the upcoming ICLE seminar was discussed.

## VI. Updates

### A. Substantive Law Committee Report (Tom McGraw, Steve Bender)

1. Past programs: The January Medicare Secondary Payor program enjoyed a record number of registrants (over 90).
2. Upcoming programs: The next program on Professional Liability Insurance will be held on February 25th. Speakers will be Tim Smith and Greg Drutchas. Registration has been robust.
3. Speaker release forms: The status of release forms allowing publication of recorded teleconferences was addressed by Mr. McGraw. Forms will be available on the website once revisions are completed.

### B. Publications Committee Report (Donna O'Connor, Monica Navarro)

1. Status of existing projects: All projects are on course. The Health Law Index updates were sent to Sandy Barger at end of December but are not on the web site yet. Ms. O'Connor will follow up with the State Bar about the status of the posting.
2. Proposed new publications: Telemedicine and Fraud and Abuse updates are progressing. It is uncertain whether further reporting on the HIPAA/HITECH Act would provide additional benefit to the section members.

### C. State Bar Journal feature publication report (Rob Iwrey): There was nothing new to report.

### D. Pro bono Committee report (Carol Tarnowsky): Brochures should be ready for distribution soon.

### E. Race for the Cure report (Rob Iwrey, Monica Navarro, John Anderson)

1. Planning and Follow Up: Ms. Navarro registered our team, created a fund raising page on the Karmanos website and sent invitations from that website to those who indicated a desire to participate. Participation is open to anyone who wants to run on our team as long as they pay to register. A discussion about T-shirts and whether to charge for them ensued.
2. Lunch following run: The group is looking at restaurants within walking distance from Comerica Park and should have an update soon.

- F. Technology Committee and web site re-design initiative report (Rich Bouma, Jennifer Benedict)
1. Implementing initial suggestions for web site consolidation: Ms. Benedict continues to work with the State Bar on this and will follow up with Ms. Barger about the time frame for getting the updates posted.
  2. Implementing focused search capabilities: Mr. Bouma discussed customizing search engines. It was decided to limit searches to Michigan law firms that provide us with a link. Invitations to submit a link will be sent out to all members of the section.
- G. HCLS Directory report (Joan Lowes): Creation of a membership directory was discussed. The State Bar will charge \$225 a year to maintain and keep the directory password protected. The council approved moving forward with this.
- H. Legislative Committee report (Jan Anderson, Monica Wilkinson, Amy Barkholz)
1. Proposed structure for consideration of new legislative initiatives: The group is still working on general guidelines and hopes to have a completed product by March.
  2. Responses to recent Elizabeth Lyon requests: The committee recommended, and the council agreed, that the section should decline to take a position on the requests submitted to date since none involved issues germane to the interests of the Section. The requests from Ms. Lyons involved the Arbitration Act, proposed amendments to the Court Rules involving seals on records throughout the appellate process, and revisions to the notary laws.
- I. Law student events report (Amy Barkholz, Robert Iwrey, Marta Hoffman) Mr. Iwrey reported that the University of Detroit/Wayne State University program has been scheduled for February 15<sup>th</sup>. Ms. Hoffman reported that the University of Michigan Law School event will be held in March on a date to be confirmed by the law school.
- J. Nightingale Task Force report (Laura Napiewocki): Ms. Napiewocki reported that she will be following up with Mr. Haron on February 9<sup>th</sup> about task force activity.
- K. HITECH Act Work Group (Business Associate Agreement) Update: Ms. Derwin provided a historical overview of the committee, identified key committee members and indicated that OCR hasn't published the awaited guidance yet. Guidance has been limited to dealing with unsecured

breach and the Act's requirements that hold Business Associates to the same standards as a Covered Entity.

- L. Annual meeting subcommittee report (Joanne Lax): The meeting will be held on September 23<sup>rd</sup>. September 22<sup>nd</sup> has been chosen as an alternate date. Suzette Allen is investigating Henry Ford Museum and Charles Wright Museum in Detroit as possible venues. Requests for speakers will be going out soon. The program will be similar to last year's program, with a luncheon speaker followed by educational sessions in the afternoon.
- M. Appreciation dinner after ICLE Health Law Institute (Laura Napiewocki): Ms. Napiewocki reported that plans have been finalized. The dinner will be held at Andiamos in Northville on Seven Mile Rd. A \$500 deposit has been put down. Current council members, committee members, and past council chairs will be invited.
- N. Publicity for outside pro bono opportunity (Monica Wilkinson) There was nothing new to report.

## **VII. New Business**

- A. Law student writing competition (Joanne Lax): Ms. Tarnowsky, Ms. Wilkinson and Ms. Hoffman volunteered to assist with the competition and will meet soon to choose a topic.

## **VIII. Adjournment (Joanne Lax):** The meeting was adjourned at 5:39 p.m.

- A. Next meeting: March 2, 2010 at 4:30 P.M.