

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

January 5, 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 (Suzette Allen): Present:** Joanne Lax, Monica Wilkinson, Robert Iwrey, Marta Hoffman, Amy Barkholz, Steve Bender, Jennifer Benedict, John Anderson, Beth Derwin, Ann Hollenbeck, Joan Lowes, Tom McGraw, Laura Napiewocki, Monica Navarro, Carol Tarnowsky. **Excused:** Donna O'Connor, Rich Bouma, Jan Anderson. **Also in Attendance:** Suzette Allen.
- III. **Conflict Disclosures (Joanne Lax):** There were none to report.
- IV. **Review and Approval of Minutes of December 1, 2009 Council Meeting (Marta Hoffman):** The minutes were presented and unanimously approved upon motion and second.
- V. **Treasurer's Report (Robert Iwrey):** Mr. Iwrey presented a summary of the current financials available from the State Bar. He has not yet received audited financial statements and expects to receive them soon. He reported that compared to our budget last year at this time, we are close to target but are down by \$2,100 due to the increased prize amount for the writing competition and due to costs associated with the recognition event for Tom Trenta at the annual meeting. Conference call fees seem to be the biggest expense. He just received a bill for approximately \$1,000. At the end of November, (which was the last balance sheet available), the section balance was approximately \$91,000.
- VI. **Updates**
 - A. Substantive Law Committee Report (Tom McGraw, Steve Bender):
 1. Completed programs: Melanie Brim from MDCH spoke on December 17th about Physician Licensing Investigations. It was very well attended with over 70 registrants. Reviews were excellent.
 2. Upcoming programs: Jan 21st: Medicare Secondary Payor Laws-Donna MacKenzie will be the speaker. A program on Professional Liability Insurance Basics is planned for February 25th. Also being planned is a program on EHR adoption for hospitals and providers.

3. Speaker releases: Discussion was held on the status of getting speaker releases so we can publish program recordings: The committee is updating the form.
- B. Publications Committee (Donna O'Connor, Monica Navarro)
1. Status of existing projects: Ms. O'Connor's update to the records retention manual should be completed soon.
 2. Proposed new publications: Ms. Navarro reported that the telemedicine publication should be completed in the next couple of months.
- C. State Bar Journal Feature Publication (Rob Iwrey): Nothing to report.
- D. Pro Bono Committee (Carol Tarnowsky): Ms. Tarnowsky reported that the project is very close to completion. Mr. Iwrey and Ms. Tarnowsky have forwarded their final suggestions to Ms. Wilkinson and Ms. Lax for comment before sending the mockup back to MHA so it can be finalized and distributed.
- E. Race for the Cure (Rob Iwrey, Monica Navarro): A contest to name the team was held. The winning name is "Counselors for the Cure". Ms. Navarro reported that team members need to register and pay in early March. Ms. Navarro will work with Suzette Allen on getting information out to everybody. Packets need to be picked up by team captains on May 8th. They will be distributed on race day, May 22d. Seventeen people plan on participating. Ms. Navarro will follow up with the sponsor to determine if each person can pay online rather than submitting payment as a group.
- F. Technology Committee and web site re-design initiative (Rich Bouma, Jennifer Benedict): Ms. Lax, Ms. Benedict, and Mr. Bouma are working on reorganizing the legal resources section of the website. Ms. Benedict will be contacting Ms. Barger at the State Bar about making the committee's recommended changes.
- G. HCLS Directory (Joan Lowes): Discussion continued from last month's meeting. Upon motion and second, it was decided to move forward with creating the directory.
- H. Legislative Committee (Jan Anderson, Monica Wilkinson, Amy Barkholz, Marta Hoffman): Ms. Wilkinson reported that the committee has met a couple of times. A document outlining the scope of legislative activities the group will focus on will be drafted and will be used as a blue print for the subcommittee's use in the future. A draft should be completed by March. The committee is focusing on three primary areas that include responding to requests from the State Bar to review legislation, monitoring and/or providing education about pending legislation, and serving as a

resource for the section when/if it needs guidance about advocacy. The committee expects to have a draft completed by March. The committee will also be contacting the Corporate Practice of Medicine work group to offer its assistance/collaboration.

- I. Law student events (Amy Barkholz, Robert Iwrey, Marta Hoffman): Ms. Barkholz was informed by her contact at Cooley Law School (Lansing) that January or February are better months for such events. The MSU event is not scheduled yet. There was a suggestion to sponsor an event at the Cooley Auburn Hills campus. Ms. Navarro offered to assist. Ms. Hoffman and Mr. Iwrey both reported that they are looking to schedule events at U of M and WSU in the next month or so.
- J. Nightingale Task Force (Laura Napiewocki): Ms. Napiewocki has been in contact with Mr. Haron. She plans on attending the task force's next meeting.
- K. HITECH Act Task Force (Beth Derwin): Lisa Panah, Eric Klein, and Beth Derwin are reviewing, and will be following up on Business Associate obligations under HIPAA/HITECH Act relative to privacy breaches.
- L. Conference Call Charges (Suzette Allen): Ms. Allen reported that currently, we are charged 4.5 cents per minute per caller. She can't find anyone cheaper. There is a charge of 15 cents per minute when the call is operator assisted. Calls have been more professional when operator assisted. There is an additional charge of \$75 for each Q&A session at the end of our teleconferences. Mr. Iwrey is attempting to identify the cost associated with the December program. Discussion ensued about charging a fee for teleconferences and increasing member dues. The council decided against this given the adequate balance in the budget, which was approximately \$91,000 at the end of November.
- M. New E-Blast Vendor (Suzette Allen): Ms. Allen contacted Constant Contact, the proposed new vendor. The State Bar would not allow the Section to obtain and use a credit card to pay Constant Contact as it had requested. Constant Contact will agree to payment by check. Discussion was also held about retaining the ability to modify the list held by Constant Contact. It was unanimously approved upon motion and second, that the Section retain Constant Contact as its conference call vendor subject to approval by the State Bar.

VII. New Business

- A. Annual Meeting Subcommittee (Joanne Lax): Ms. Tarnowsky, Mr. Anderson, Ms. Barkholz, Ms. Hollenbeck, Ms. Wilkinson, and Ms. Hoffman volunteered to work on the committee. Ideas for topics and locations were requested. Henry Ford Museum and The Charles Wright Museum of

African American History were suggested as locations.

- B. Appreciation Dinner after ICLE Health Law Institute (Joanne Lax): Mr. Iwrey suggested Flemings Steakhouse on Haggerty. Ms. Napiewocki will coordinate the dinner. Approximately 35-40 usually attend.
- C. Posting Pro Bono Opportunities (Monica Wilkinson): A suggestion was made to post notices requesting pro bono services and jobs in the monthly newsletter.

VIII. Adjournment (Joanne Lax): The meeting was adjourned at 5:57 p.m.