

## MINUTES

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

**Date:** January 7, 2016

**Chair:** Mark Kopson

### Members Present:

Jennifer Benedict	P	Johanna Novak	P
Martha Boonstra	P	Josh Moore	P
Mercedes Dordeski	P	Trish Schabath	P
Timothy Gutwald	P	Sheerin Siddique	P
Patrick Haddad	E	Louis Szura	P
John Hazewinkel	P	Deborah Williamson	P
Cara Jansma	P		
Matthew Keuten	P		
Mark Kopson	P		

### Guests Present:

Agenda Item	Discussion
Call to Order (Mark Kopson)	Mark called the meeting to order at 4:36 p.m.
Roll Call (Mark Kopson)	See above for members present.
Conflict of Interest Disclosures (Mark Kopson)	None.
Review and Approval of Minutes of December 3, 2015 Council Meeting (Cara Jansma)	The minutes were unanimously approved.
Treasurer's Report (Matthew Keuten)	September, October and November Financial were emailed to all Council members. These final reports are the same as the proposed reports given each month. There was a fund balance of \$58,304.83 as of November 30 <sup>th</sup> . December financials are not available. There is nothing new to report.
Technology Report (John Hazewinkel)	Webinars are available in Section Library. John will create link on Webinar page to direct users to Section library for archived webinars.

### Committee Reports

Substantive Law Committee Report (Martha Boonstra)	<p><b>Dec 9-</b> there was a New Stark Law Changes webinar with Don Romano; 100 registered and 57 attended. Mr. Romano received all 4s and 5s from the survey results with 5 being excellent. All comments were very positive.</p> <p><b>January 27-</b> Population Health Management, Speaker: Stacey Duncan-Jackson</p> <p><b>February 23</b> -Advanced HIPAA, Speakers: Liz Callahan Morris and Colleen McCloery</p> <p><b>March</b> – No webinar will take place because of ICLE</p> <p><b>April</b> - Working on a M &amp; A topic with Donna O'Connor, Dykema and David Rogers, Rogers &amp; Associates, P.C., as speakers.</p> <p><b>May</b> – Part 2 Rules, speaker: Ronald Chapman.</p>
Publications Committee Report (Louis Szura)	The committee discussed submissions for call for authors on their last call. Intend to publish 5 articles. 3 are new, and 2 are revisions to existing drafts of articles. Contacted authors, requested first draft by February and final drafts in April. Planning to make sure use of endnotes will be consistent within all articles and keep the publications looking the same. Would like to use twitter feed to announce

	publication. Publication release dates will be staggered to generate interest in each publication.
Legislative Committee Report (Patrick Haddad)	<p>Legislative report submitted electronically. There are no new developments with Michigan legislation addressing health professional scope of practice which the Committee has been monitoring. The Committee has been monitoring the following bills on scope of practice: Senate Bill 68 (licensure for advance practice registered nurses); Senate Bill 320 (scope of practice of certified nurse anesthetists); Senate Bill 383 (licensing and regulation of nurse midwives); and House Bill 4207 (licensure for advanced practice registered nurses, nurse midwives, nurse practitioners, and clinical nurse specialists). Each bill continues to remain in committee in the Senate or House.</p> <p>There is a regulatory development by the US Environmental Protection Agency concerning the disposal of hazardous waste pharmaceuticals. Pharmaceutical waste refers to medication waste (i.e., expired medications, IV bags or vials with medication residue, etc.), in contrast to medical waste (e.g., blood, tissue and other biological matter). The EPA proposed regulations in September, 2015 that would specifically regulate the disposal of hazardous pharmaceutical waste, although the EPA's position is that hazardous pharmaceutical waste is presently regulated by its existing general hazardous waste regulations. The proposed regulations will potentially have some effect on all who are healthcare providers for purposes of HIPAA, ranging from physician, dental and other professional practices to hospitals and other institutional providers. As a practical matter, however, this is more likely to pose practical challenges for professional practices which do not have the resources available to institutional providers. The EPA's comment period was extended from November, 2015 to late December, 2015. Although it is unclear when the EPA will publish its next wave of rulemaking, this is likely to occur at some point in 2016. We will plan on furnishing a brief summary of the proposed rulemaking for the February Council meeting, and some comments on the interplay with Michigan's environmental regulation. Unless there is another Committee which is better suited to monitor, or is presently monitoring, this regulatory development (and if there is, please let me know), the Legislative Committee will continue to do so. On a related point, the US Drug Enforcement Administration adopted final rules on the disposal of controlled substances in 2014.</p>
Pro Bono Committee Report (Trish Schabath)	The Veterans Day email received a good response of 12-15 people that expressed interest in participating in a training session for the Veterans' Law Clinic. There will be a training session on January 16. Trish emailed those members that had indicated an interest directly. The next training session of the year is in May. Trish would like to have a ½ day training session for those that can't get away for a full day. There needs to be 7-8 people to participate in training for just Section members. In the future Trish will continually circulate emails to all the membership about the training in the hopes of increasing attendance.
Fellows Committee Report (Deb Williamson)	<p>The following was discussed at the las Fellows committee meeting:</p> <ol style="list-style-type: none"> <li>1. Free or reduced fees for Fellows? The decision was not to recommend no dues or reduced dues. The committee thought the dues were already minimal.</li> <li>2. The committee wanted the Council to consider admitting the Fellows to the Annual Meeting at no charge to encourage attendance of the Fellows to the meeting. <b>Motion: The Council will pay 100% of the cost for Fellows to attend all future Annual Meetings. Motion: Approved.</b></li> <li>3. The committee wanted to have the Council decide if there should be a dinner the night before the Annual Meeting. Trish discussed tying the dinner to a mentorship program to introduce new members to Fellows. Cara discussed that it may work better to have a dinner for the Fellows immediately following the Cocktail Hour after the Annual Meeting. <b>Motion:</b></li> </ol>

	<b>The Council will sponsor a Fellows dinner for all Fellows to attend on September 29<sup>th</sup> immediately following the Annual Meeting. Motion: Unanimously approved.</b> Deb and Susan will check availability of the DAC or another venue near the DAC for dinner.
New Lawyers (Josh Moore)	Discussion took place about available dates for a Pistons game, as follows: Feb 4, 10, 24 or March 16. Who would be asked to participate? Council members would be invited, if they would like to attend. The Council thought Josh should pick March 16 as the date because that date gives the committee time to prepare and get notices out to the New Lawyers and Law Students. <b>Motion: Approval of Section expenditure up to \$3,300 for the New Lawyers and Student event at the Pistons game. Motion: Unanimously Approved.</b>
Membership Committee (Tim Gutwald)	<p>Tim emailed verbiage for a new member onboarding email to the Council for review. Mark added some suggestions. It was agreed to use the new email verbiage with Mark's additions, to send to new members, to introduce the Section and try to increase participation. A follow up phone call will take place by a committee member about 1 month after the email onboarding letter is sent.</p> <p>A Lansing event is being planned. Two locations were picked as follows: Red Haven, Okemos, MI or Troppo in downtown Lansing. Troppo downtown was preferred by the committee. <b>Motion: Approval of expenditure of \$100 for appetizers at the Lansing event, at Troppo, for new members. Motion: Unanimously Approved.</b></p> <p>Twitter is up and running; there are 24 Followers and 34 Following. Please consider using Twitter. The State Bar President is using Twitter and including all Sections. Consider Replies and Retweeting.</p>
<b>Old Business</b>	
Membership Survey (Johanna Novak)	Johanna emailed questions received from Council members and 2 sample set of questions to all Council members prior to today's call. Johanna did receive a few questions after she sent the questions. <b>Action Item: Johanna will put together a proposed final survey and distribute 1 week prior to the February Council meeting.</b>
HCLS Appreciation Dinner (Mercedes Dordeski)	Inn at St. John's contract was reviewed by Cliff Flood corrections were sent to the Inn at St. John. These corrections were made. The contract has been signed by all parties. The check request for the Appreciation Dinner deposit and contract was submitted to State Bar of Michigan today. Cara and Susan will work on menu choices, so as not to have repeats of lunch items during dinner.
Scholarship Award Resolution Revisit (Josh Moore)	Josh made a few changes to the resolution. Background: when the award was first started the amount was 1,000 for the 5 law schools. Wayne State did not want to participate so the Council, at the time, raised the award to \$1,500. Did this Council want to continue the awards at \$1,500? Josh also listed out the eligible law schools so there is no question to which schools are involved. There are 2 eligibility requirements: 1) Show high aptitude in health care related classes 2) Must remain in Michigan. Do we want to continue the resolution for another 3 years? We can modify or discontinue the program or add or delete law schools from the program. <b>Motion: Approve the Resolution and appropriation of \$1,500 for the next 3 years (through the 2017-18 school year) for Wayne State, Cooley Law School, Michigan State University, University of Detroit Mercy and University of Michigan. Motion: Unanimously Approved.</b>
Amendments to the Bylaws (Cara Jansma)	Cara reviewed the bylaws nothing jumped out to be addressed. Cara proposes that the bylaws be kept as is. <b>Action Item: Email Mark if you would like changes to the bylaws before the next Council meeting.</b>
Adjournment (Mark Kopson)	The meeting adjourned at 5:31 p.m. Next meeting February 4, 2016 @ 4:30 p.m.

Minutes recorded by: Cara Jansma and Susan Stokes