

MINUTES

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

Date: January 4, 2018

Chair: Matthew Keuten

Members Present:

Jeremy Brieve	P	Sheerin Siddique	P
Martha Boonstra	P	Patricia Stamler	P
Mercedes Dordeski	P	Nicole Stratton	P
Timothy Gutwald	A	Louis Szura	P
Cara Jansma	P	Dustin Wachler	P
Matthew Keuten	P	Rose Willis	P
Leslie Rojas	P		
Christian Schafer	E		
Jeff Schroder	P		

Agenda Item	Discussion
Call to Order (Matthew Keuten)	Matt called the meeting to order at 4:32 p.m.
Roll Call (Matthew Keuten)	See above.
Conflict of Interest Disclosures (Matthew Keuten)	None.
Review and Approval of Minutes from December 7, 2017 (Sheerin Siddique)	The minutes of December 7th were unanimously approved.
Treasurer's Report (Mercedes Dordeski)	The Ending Fund Balance for November 30, 2017 is \$75, 830.44 down from \$79, 835.92 in November of 2016. The large expenses for the month was a \$3,000 deposit for the 2018 Annual Meeting at the Detroit Athletic Club. There was also \$561 paid for the Art Prize event in October and the check for the Pistons game was recently sent out. Discussion took place on how to go about requesting a check for the Griffins game which will take place on February 9, 2018. Action Item: Cara will contact Josh to get the details on what needs to be done.

Committee Reports

Legislative Committee Report (Jeff Schroder)	<p>The committee is monitoring the following 14 pieces of legislation.</p> <ol style="list-style-type: none"> 1. Senate Bill 270 – This Bill 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. Passed the Senate on 6/22/17. Referred to House Committee on Health Policy on 7/12/17. Reported out of committee with substitute H-2 on 10/4/17 and placed on order of Second Reading of Bills. <u>Signed by Governor on 12/27/2017 and assigned Public Act No. 247 of 2017 with immediate effect.</u> 2. Senate Bill 272 – This Bill provides that before prescribing a controlled substance that is an opioid, the prescriber must provide information to the patient and the patient must sign a DHHS form. Referred to Senate Committee on Health Policy on 3/23/17. Currently Pending in Committee. 3. Senate Bill 273 – This Bill provides that prescribers must provide information on substance use disorder services to patients being treated for opioid-related overdoses. Passed Senate on 6/22/17. Referred to House Committee on Health
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	<p>Policy on 7/12/17. Reported out of committee without amendment on 10/4/17 and placed on order of Second Reading of Bills. <u>Signed by Governor on 12/27/2017 and assigned Public Act No. 250 of 2017 with immediate effect.</u></p> <ol style="list-style-type: none"> 4. Senate Bill 274 – This Bill prohibits prescribers from prescribing opioids under specified circumstances. Passed Senate on 6/22/17. Referred to House Committee on Health Policy on 7/12/17. Reported out of committee without amendment on 10/4/2017 and placed on the order of Second Reading of Bills. <u>Signed by Governor on 12/27/2017 and assigned Public Act No. 251 of 2017 with immediate effect.</u> 5. House Bill 4404 – This Bill would regulate “pain management facilities.” Referred to House Committee on Health Policy on 3/23/17. Placed on the order of Third Reading of Bills on 6/7/17. Passed by House of Representatives on 12/6/2017 and transmitted to Senate. Referred to Senate Committee on Health Policy on 12/12/2017. 6. House Bill 4405 – This Bill provides 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. Passed House on 6/13/17. Referred to Senate Committee on Health Policy on 6/14/17. Currently pending in Committee. 7. House Bill 4408 – This Bill mandates parental consent and certain disclosures when prescribing a controlled substance containing an opioid to a minor, subject to certain exceptions. Passed House on 6/13/17. Referred to Senate Committee on Health Policy on 6/14/17. Reported favorably from Committee on 10/11/2017 with recommendation of immediate effect. On 11/2/2017, reported by Committee of the Whole favorably with substitute and amendments, and placed on the order of Third Reading of the Bills. Approved by Senate on 12/13/2017. <u>Approved by Governor on 12/27/2017 and assigned Public Act No 246 of 2017 with immediate effect.</u> 8. House Bills 4425-4426 – These Bills would amend the Public Health Code and the Revised School Code to ease the process of obtaining a waiver from vaccinations for school children. Referred to House Committee on Education Reform on 3/28/17. Currently pending in Committee. 9. Senate Bill 86 – This Bill would extend the existing Penal Code statute mandating the reporting of knife, gun and other wounds, to include mandatory reporting of burns in specified circumstances when arson is reasonably suspected. Referred to Senate Committee on Judiciary on 2/1/17. Currently pending in Committee. 10. House Bill 4762 – This Bill would restrict the State and political subdivisions from taking certain enumerated actions infringing on the relationship between patients and health professionals except as provided by law, such as requiring a health care professional to furnish a medical service in a manner that is not evidence-based and appropriate for the patient. Introduced on 6/14/17. Referred to and currently pending before the Committee on Health Policy. 11. House Bill 4709 – This Bill would provide for the licensure and regulation of practice as a certified anesthesiologist assistant. Introduced on 6/7/17. Referred to and currently pending before the Committee on Health Policy.
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	<p>12. Senate Bill 541- This Bill would provide for the licensure and licensure for practice as a dental therapist. The Bill establishes the scope of practice of a dental therapist and requires a supervising dentist with a written practice agreement. Introduced on 9/7/2017. Referred to Committee on Health Policy on 9/7/2017. Reported favorably from committee without amendment on 10/10/2017. Passed the Senate on 10/11/2017. Received by House and referred to House Committee on Health Policy on 10/11/2017.</p> <p>13. Senate Bill 65- Expands “False Claims Act” to go beyond Medicaid. Qui tam plaintiffs would be able to bring actions on behalf of state and local government for contractors that present false claims for payment. Introduced on 1/26/2017 and currently pending before Committee on Judiciary. *Note: bill sponsor seeking attorneys to testify in favor of bill.</p> <p>14. House Bills 5217, 5218 and 5219. Would implement protocols for medical service transportation, including requirements to use motor vehicle transportation in most instances and to notify patients and patients’ representatives about the costs of, and health benefit coverage for, different modes of transportation. The bills would also prescribe certain payment amounts to air medical service providers and hospitals, require recordkeeping, and provide for sanctions for various situations involving air medical transportation. Passed House of Representatives on 12/6/2017 and transmitted to Senate. Referred to Senate Committee on Insurance on 12/12/2017.</p> <p>The committee is also planning a Legislative Day in late April or early May on a Tuesday, Wednesday or Thursday. The committee is working on the details.</p> <p>Cara received an internal communication regarding Administrative Rules for Health facilities subject to the public health code is currently being looked at. What are the implications to providers? Action Item: Cara will forward the email to Jeff so he can review.</p>																					
Substantive Law Committee Report (Jeremy Brieve)	<p>Webinar calendar for 2017-18</p> <table><tr><th>Month</th><th>Responsible Subcommittee</th><th>Topic</th></tr><tr><td>January 23, 2017</td><td>Medical Legal</td><td>Medical Terminology for Attorneys – Barbara Bosler</td></tr><tr><td>February 7, 2017</td><td>Payors</td><td>DOL Group Health Plan Presentation – Tom Bloom and Amy Christen</td></tr><tr><td>March</td><td>off month for ICLE</td><td></td></tr><tr><td>April</td><td>Providers</td><td>Corporate Practice of Medicine</td></tr><tr><td>May</td><td>Technology</td><td>Disaster Response in respect to HIPAA</td></tr><tr><td>May</td><td>Payors</td><td>Medicaid Mega Rules</td></tr></table>	Month	Responsible Subcommittee	Topic	January 23, 2017	Medical Legal	Medical Terminology for Attorneys – Barbara Bosler	February 7, 2017	Payors	DOL Group Health Plan Presentation – Tom Bloom and Amy Christen	March	off month for ICLE		April	Providers	Corporate Practice of Medicine	May	Technology	Disaster Response in respect to HIPAA	May	Payors	Medicaid Mega Rules
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Publications Committee Report (Louis Szura)	<p>The committee has sent out the “Call for Authors.” So far, they have received a good response. The committee is meeting tomorrow to discuss where things stands and how to move forward. Action Item: Matt is still following up regarding posting the</p>																					

	<u>Fraud and Abuse article with the AHILA. Dustin is also working on following up with his group on this matter.</u>
Pro Bono Committee Report (Nicole Stratton)	Nicole reached out to the HCLS Liaison to ask what other Sections are doing for Pro Bono Projects, so far, the liaison has not responded. Nicole also reached out to the committee members and is working to set up a meeting with them to discuss what they think the committee should look like and what kind of projects they should be involved in.
Fellow Committee Report (Martha Boonstra)	Martha will be meeting with the committee members this month and will be developing and sending out the nomination announcement before the next Council meeting.
New Lawyers and Law Student Committee Report (Tim Gutwald)	No report.
Membership Committee Report (Cara Jansma)	<p>Below are the events that the membership committee is working on for 2018.</p> <ol style="list-style-type: none"> 1. Pistons Game – January 24, 2018, the invite to the game has been sent out to the members. The initial 18 tickets have been spoken for. There is opportunity to purchase 12 more tickets. Action Item: Susan will continue to take reservations until 30 tickets are reserved. 2. Griffins Game – February 9, 2018 – Warner Norcross has agreed to allow the HCLS to use their suite (there are 20 tickets included.). <u>Motion: \$1,200 to be used for the Griffins Suite, food and beverages for the game on February 9, 2017. The Motion was unanimously approved.</u> 3. Happy Hour at 220 Merrill in Birmingham – being planned for April or early May 4. Tigers game – June 13, 2018 – the committee is waiting for tickets to go on sale so they can purchase a block of tickets. <p>Cara suggested that we create an event sections on the website and keep that updated with webinars and upcoming events. Susan will do that when the information is forwarded to her.</p> <p>Andrea Lee will be given a title such as Director of Social Media because she has made great strides with Social Media for the Section and the Council would like to acknowledge her efforts. She will also be invited to the Council Meetings and will attend when she is able.</p>
Old Business	
Pandemic Response Task Force (Matthew Keuten)	Matt is waiting to hear back from Laura Napiewocki with the names of the committee members.
New Business	
New Business	No New Business
Adjournment/Next Meeting (Matthew Keuten)	The meeting adjourned at 5:08 p.m.