

MINUTES OF THE COUNCIL MEETING OF THE STATE BAR OF MICHIGAN

HEALTH CARE LAW SECTION

January 13, 1999

The meeting was held at Mercy Health Services in Farmington Hills, Michigan. The following Council members attended: Maria Abrahamsen (Chair), Gregory Drutchas, James Falahee, Gerald Griffith, Nancy Lukey, Colleen McClorey, Gary McRay, and Linda Ross.

1. Physician Notice. Gary McRay faxed to the Council, for its information, a full page notice from the Lansing State Journal

by a physician who was required to publish the notice as a part of a fraud and abuse conviction.

2. Minutes. The minutes of the November 11 meeting were presented and unanimously approved upon motion by Greg

Drutchas and second by Linda Ross.

3. Treasurer=s Report. Greg Drutchas presented the Treasurer=s Report containing the fiscal year 1999 budget and actual

revenues and expenses through November 1998. Mr. Drutchas explained that the FY 1999 budget shows a negative net

income but a positive Fund Balance because the Beginning Fund Balance is \$26,822. He indicated that, consistent with the

Council=s decision at the November meeting, the budget shows a Fund Balance of about \$10,000.

Council members discussed certain items in the FY 1999 budget and agreed with the budget. Mr. Drutchas noted that a

Council retreat is not included in the budget.

4. Correspondence. Maria Abrahamsen reported that the ABA Health Law Section sent her an Information Form which she

distributed at the meeting. The Council agreed that it should request information from the ABA Health Law Section regarding

live programs, teleconferences, and the internet clearinghouse, but that it would not request information at this time regarding

publications. The Council may request such information in the future.

5. Legislation. Colleen McClorey reported that she will attend the State Bar legislative meeting in Lansing this month. The

earlier meeting was canceled. She further reported that new laws concerning pain management and direct access to ob-gyn services will become effective April 1 and March 23, respectively. Notice of the new laws will be posted on the Council=s

Web page with a link to the Michigan legislature web page. The pain management bills are HBs 4681-4686, and the ob-gyn bill is HB 4779.

6.Substantive Law Subcommittees.

1.Providers Subcommittee. Gerald Griffith reported that the subcommittee=s first meeting is tentatively scheduled for

February and the meeting will focus on the State legislative agenda. The second meeting will be held in late May, and

the third meeting will be in October or November. Nancy Lukey reported that David Rogers also had indicated that the

subcommittee would like to schedule a meeting with Attorney General Jennifer Granholm and would be interested in

co-hosting the meeting with the Payors= subcommittee.

2.Payors Subcommittee. Mr. Griffith reported that the speaker scheduled for the January meeting canceled and that

the Payors Subcommittee may schedule an organizational meeting. Nancy Lukey indicated that Jeff Page had

mentioned that it is difficult to obtain speakers. Greg Drutchas suggested that co-chairs should contact Howard

Marderosian if there is difficulty obtaining a State agency speaker because there may be State policy concerns about addressing certain issues.

3.Policy and Ethics. Mr. Griffith reported that no meetings are scheduled and that the continuation of this

subcommittee remains in question pending the results of the member survey.

7.Section and Subcommittee Programming. Council members discussed means of encouraging and improving participation

in Section and Subcommittee activities. It was suggested that the Section should hold general membership meetings rather

than individual subcommittee meetings. It was also suggested that subcommittee co-chairs should be reminded of the

availability of teleconferencing.

Maria Abrahamsen distributed a Programming Task Force outline and suggested that a task force be formed to consider and

make recommendations concerning Section and Subcommittee programs. The Council unanimously agreed that a

programming task force should be created, should consider the items outlined, and should report and make recommendations to the Council at the March meeting. Greg Drutchas, Leslie Wizner, Linda Ross, Gerry Griffith, Gary McRay and Maria Abrahamsen will comprise the task force.

8.Member Survey. Maria Abrahamsen distributed a draft member survey. Council members discussed the proposed survey and agreed upon additional questions and other revisions. It was also suggested that it would be helpful to review the member survey conducted a couple of years ago. Ms. Abrahamsen will review the earlier member survey, make the agreed upon revisions as well as appropriate revisions based on the earlier survey, and mail the survey to all Section members by the end of January.

9.Co-sponsorship of Seminars.

1.ICLE. Maria Abrahamsen indicated that there were no new developments concerning the ICLE seminars. A question regarding the Fundamentals Course is included in the member survey.

2.MSMS. Nancy Lukey reported that Leslie Wizner is scheduling a workgroup meeting with MSMS to discuss a physician/attorney seminar. Ms. Lukey also indicated that Jeff Page and Katherine Kudner volunteered to participate in the workgroup. Maria Abrahamsen suggested that the workgroup consider a Medicare/Medicaid program with carrier and intermediary representatives as speakers.

10.Health Regulations Manual. Linda Ross and Greg Drutchas reported that the Manual is being converted by the State Bar to their system. Ms. Ross and Mr. Drutchas suggested a March 1 deadline for publication of the Manual. The Council agreed with the March 1 deadline. Linda Ross and Maria Abrahamsen will prepare a Forward for the Manual. Mr. Drutchas will inform the Council when the State Bar completes the initial draft so that arrangements can be made for proofreading. Ms. Abrahamsen will put a notice in the letter to members regarding the Manual. Ms. Abrahamsen also will announce the publication of the Manual at the March ICLE seminar.

11.Annual Meeting. The Council deferred discussion of the annual meeting until the March meeting.

12. Year in Review. Gary McRay indicated that he will contact the Subcommittee co-chairs and request assistance with the

case summaries. He suggested that the Council should retain law students to assist with the Year in Review if

Subcommittee members are not willing to prepare the case summaries. Upon motion by Greg Drutchas and second by

Colleen McClorey, the Council unanimously authorized Mr. McRay to hire one or two law students at a cost not to exceed

\$1,000 to assist, as necessary, with the Year in Review.

13. Bylaws. Nancy Lukey reported that she completed an initial review of the Section=s Bylaws and sent comments to Maurice

McMurray. She indicated that Maurice is reviewing the Bylaws and that she and Maurice will meet to discuss revisions. They

will make recommendations to the Council at a future meeting. It was noted that the State Bar Board of Commissioners must

approve amendments to the Section=s Bylaws and that any amendments should be submitted to the Board of

Commissioners before presentation to Section members.

14. CON Commission. Chip Falahee reported that he attended the CON Commission meeting earlier in the week and that Carol

Issacs stated that the administration does not intend to propose any changes to the CON laws.

15. Adjournment and Next Meeting. The meeting was adjourned about 4:30 p.m. The next meeting will be held on March 10,

1999 at Mercy Health Services in Farmington Hills.