

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

July 16, 2003

The Council meeting was held via telephone conference. The following Council members participated: Gerry Griffith, Lisa Panah, Nancy Lukey, Colleen McClorey, Donna Craig, Cindy Wisner, Maurice McMurray, Jennifer Kildea Dewane, and Phil Stoffan.

1. Call to Order. The meeting was called to order by Gerry Griffith at 3:08 p.m.
2. Conflict Disclosures (if any - specific agenda items). Donna Craig announced that she is a member of the Alternative Dispute Resolution Council for the State Bar of Michigan, although at this time there did not appear to be a conflict.
3. Minutes. The minutes of the June 18, 2003 Council meeting were approved upon a motion duly made and seconded.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. The Treasurer's Report was presented, reviewed and discussed.
 - 4.2 Update Reports on Special Projects and Work Groups.
 - 4.2.1 HIPAA Work Group. Cindy Wisner reported that the Work Group is currently working on two documents which should be finalized and posted on the website on August 7, 2003. The Work Group is considering preemption issues and when state law should be followed. Andrea Hool of Foster, Swift, Collins & Smith, P.C. did an initial draft on this issue and the Work Group is working on finalizing it.
 - 4.2.2 Pro Bono Work Group. Nancy Lukey indicated that there was nothing new to report.
 - 4.2.3 Website Task Force. Phil Stoffan discussed updates to the Section Directory and the fact that if you update your record with the State Bar of Michigan, the directory is not automatically updated. Phil Stoffan further complimented the Website Task Force on its efforts in improving the web site.
 - 4.2.4 Specialty Certification. Gerry Griffith and Phil Stoffan gave a brief status report on where they are with the Specialty Certification issue.

- 4.2.5 Law Student Receptions at MSU and WSU. Jennifer Kildea Dewane reported that David Rogers and she are trying to organize a planning telephone conference. It was discussed that the reception should take place some time in the fall but not in the middle of interview season. Once David and Jennifer develop a plan, they will come back to the Council for its approval.
- 4.2.6 Law Student Writing Competition. Cindy Wisner reported that Kathy Kudner and she are writing the rules for the writing competition. They hope to have a package completed for the Council's review some time in August.
- 4.2.7 MSMS Co-Sponsored Program. Nancy Lukey reported that Alice Gosfield will be presenting at this program, "Doing Well by Doing Right." Nancy Lukey believes that this will be a good program. She believes that the venue for the program can hold approximately 185 people.
- 4.2.8 Update Index to Michigan Health Law Regulations. Lisa Panah reported that she is continuing working on this project and hopes to distribute a draft soon.
- 4.2.9 ABA National Health Care Decision Week. Gerry Griffith reported that the ABA is working on getting a committee together on this issue. It was suggested that we should look to those people who have requested a more active role as to whether they would like to serve on such a committee.
- 4.3 Subcommittee Reports and Calendar of Events. Gerry Griffith reported that there was nothing new to report.
- 4.4 Annual Meeting. Cindy Wisner reported that Art Lerner has agreed to speak at the Annual Meeting. Invitations for the Annual Council Dinner will be sent out soon.
- 4.5 Update on Michigan Health Law Report. Gerry Griffith reported that the newsletter has been with the State Bar for the last two months and has not been sent to Section members. He reported that some articles have been received to be published in the next issue.
- 4.6 Review and Approval of Section Policies.
 - 4.6.1 Consider Need for Separate Website Policy. This report was deferred until next meeting.
 - 4.6.2 Volunteer Code of Ethics. Upon a motion duly made and seconded, the Council approved the Volunteer Code of Ethics Policy. Jennifer Kildea Dewane will add that to the policy manual.

- 4.7 Other Special Projects.
 - 4.7.1 Publication of the Michigan Public Health Code. There was nothing new to report on this matter.
 - 4.7.2 First Annual Section Luncheon. There was discussion regarding getting together at a luncheon as a good networking opportunity.
 - 4.7.3 Glossary. Cindy Wisner discussed the idea of the Section putting together a glossary of health care terms and phrases which would contain Michigan specific information.
 - 4.7.4 ADR Program for Health Care. Donna Craig volunteered to take the lead on this project.
- 4.8 Report on Proposed Legislation and Court Rule Amendments. There was discussion regarding the proposed legislation regarding the Michigan Medical Record Access Act. Upon a motion duly made and seconded, the Council endorsed the recommendation of its HIPAA Work Group requesting the State Bar of Michigan to oppose the Medical Records Access Act.
- 4.9 Report of Proposed Amendments to the Non-Profit Corporation Act. In Art deVaux's absence, Gerry Griffith reported that there have been no new developments in this area since the last Council meeting.
- 4.10 Updated Report From Nominating Committee. Gerry Griffith gave an update on the Nominating Committee's report.
- 4.11 Report on Appointment of Subcommittee Co-Chairs for 2003-2004. Gerry Griffith reported that David Rogers had contacted two new potential Co-Chairs.
- 4.12 National Conference of Commissioners on Uniform State Laws. There was discussion regarding a Uniform Privacy Law. It was decided that this would be moved to the Special Projects Section.
- 5. Request to Take More Active Role. Gerry Griffith asked whether there were any more volunteers that the Council Members knew of and no new names were reported.
- 6. New Business.
 - 6.1 Feasibility of Membership Survey via Zoomerang or State Bar to Determine Interest in Subcommittee Programs and Special Projects. This report was deferred until the next meeting.

- 6.2 State of the Law 2003. Gerry Griffith reported that there had been no requests for the Section to develop this publication.
- 6.3 MSHA 2003 Annual Meeting. Cindy Wisner reported that she has received emails regarding this upcoming meeting.
- 6.4 Planning for ICLE 2003. Gerry Griffith reported that he and Kathy have received a number of topic suggestions for the ICLE 2003 meeting. Shel Stark at ICLE is compiling a list. There was discussion regarding a key note speaker.
- 6.5 Report on Bar Leadership Conference. This report was deferred until the next meeting.
- 6.6 Proposed Amendments to Michigan Rules of Professional Conduct. Gerry Griffith reported that he had received the proposed Amendments to the ethics rules. It was noted that this was a broader subject but if anyone was interested in submitting comments to send to the State Bar, they could volunteer. At that time, no one volunteered.
- 6.7 SBM Advocacy Meeting. Gerry Griffith reported that this is a meeting at the State Bar Building to review and discuss legislative positions being taken by the State Bar. If anyone can attend, they are to let Gerry Griffith know.
- 6.8 New SBM Sections and Committees Coordinator. Gerry Griffith reported that Susan McMann has taken over Karen Williams' position effective July 7, 2003. Susan has been with the State Bar for 3 ½ years where she was a legal secretary to the general counsel.
- 6.9 Need for August Meeting. The Council determined that there was no need for an August 2003 meeting.
- 7. Next Meeting Date. The next meeting of the Council will be held immediately after the September 11, 2003 Health Care Law Section Annual Business Meeting.
- 8. Adjournment. The meeting was adjourned at approximately 4:10 p.m.