

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

Wednesday, July 21, 2004

The Council meeting was held via telephone conference. The following Council members participated: Kathy Kudner, Gerry Griffith, Cindy Wisner, Joy Berent, Marge Marchak, Lisa Panah, Ann Hollenbeck, Mike Fraleigh and David Rogers.

1. Call to Order. The meeting was called to order by Kathy Kudner at approximately 3:05 p.m.
2. Conflict Disclosures (if any - specific agenda items). There were no new conflicts of interest to report.
3. Minutes. The revised Minutes of the June 16, 2004 Council Meeting of the Health Care Law Section of the State Bar of Michigan were approved upon a motion made and seconded.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. There were no comments to report to Donna Craig.
 - 4.2 Update Reports on Special Projects and Work Groups.
 - 4.2.1 HIPAA Work Group. Cindy Wisner reported that the HIPAA Work Group continues to meet on a bi-monthly basis. A matrix has been prepared regarding the Michigan Medical Records Access Act. Kathy Kudner reported that a HIPAA research work group was formed.
 - 4.2.2 Website Task Force. There was nothing new to report.
 - 4.2.3 Specialty Certification. There was nothing new to report.
 - 4.2.4 Law Student Reception at Wayne. There was nothing new to report.
 - 4.2.5 Law Student Writing Competition. Kathy Kudner reported that the writing competition package is ready to be sent to law schools when the new school year starts.
 - 4.2.6 Update Index to Michigan Health Law Regulations. Lisa Panah reported that she is continuing to work on this project.

- 4.3 Subcommittee Reports and Calendar of Events. Marge Marchak reported that she and Cindy Wisner are working on changes to the subcommittee rules.
- 4.4 Update on Michigan Health Law Report. There was nothing new to report.
- 4.5 Update on First Annual Section Luncheon. There was discussion on holding the next Section luncheon in the Fall and deciding on future Section luncheons at subsequent Council meetings.
- 4.6 Report on Stark II Task Force. Gerry Griffith reported that comments on the Phase II Stark regulations were submitted to CMS. The Stark II Task Force will next meet on August 4, 2004 to discuss possibly approaching the State regarding applying the new Stark regulations to Section 16221 of the Michigan Public Health Code.
- 4.7 Report from Planning Committee on 2004 Michigan Bar Annual Meeting. Kathy Kudner reported that the planning process for the annual meeting is done. Lisa Panah reported that Jennifer Kildea Dewane is finalizing the details for the Council's dinner meeting after the annual meeting.
- 4.8 Other Special Projects (2003-2004 Bar Year).
 - 4.8.1 Publication of Michigan Public Health Code. Cindy Wisner reported that another meeting is in the process of being scheduled.
 - 4.8.2 Review of Corporate Practice of Medicine Doctrine. Kathy Kudner reported on continued problems with the State and the need for the Work Group to decide whether or not to pursue challenging the State's position of rejecting renewals for corporations based solely on their names, regardless of the purposes of the corporation.
- 4.9 Report on Proposed Amendments to Nonprofit Corporation Act. There was nothing new to report.
- 5. New Business.
 - 5.1 Report of Nominating Committee. Gerry Griffith reported that all Council nominations have been made. Marge Marchak and Cindy Wisner reported that they have prepared a list of possible subcommittee co-chairs and will contact those individuals to determine their interest.
 - 5.2 Listserve. Kathy Kudner reported the Council must make a decision on a vendor to maintain the listserve by October 1, 2004. This will be an agenda item for a future Council meeting.
 - 5.3 ICLE 2005 - Potential Topics. Kathy Kudner reported that the planning committee met and discussed possible topics. There was discussion on

possible new formats for breakout sessions, including a roundtable/facilitated discussion format. Kathy Kudner invited Council members to submit additional ideas on topics and format for the 2005 ICLE seminar to her, Cindy Wisner or Marge Marchak.

- 5.4 Michigan Society of Healthcare Attorneys. Cindy Wisner reported that an informal panel discussion will be held on August 19, 2004, on the new Michigan Medical Records Access Act. The next MSHA Board meeting will be held on July 27, 2004.
- 5.5 Michigan State Medical Society. There was discussion on whether or not to co-sponsor an event with MSMS. Council members expressed interest in helping MSMS with speakers, topics and publicizing MSMS' educational event, but not in co-sponsorship.
6. Agenda Items for Subsequent Meetings.
 - 6.1 Ideas for 2004-2005 and Beyond. Kathy Kudner requested everyone to submit their ideas to Cindy Wisner.
7. Next Meeting. The next meeting of the Council of the Health Care Law Section will be at the Health Law Section annual meeting in Lansing on September 30, 2004.
8. Adjournment. There being no further business, the meeting adjourned at approximately 3:45 p.m. upon a motion made and seconded.

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