

MINUTES

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

Date: July 13, 2017

Chair: Timothy Gutwald

Members Present:

Martha Boonstra	P	Trish Schabath	P
Mercedes Dordeski	P	Sheerin Siddique	P
Timothy Gutwald	P	Nicole Stratton	P
Patrick Haddad	P	Louis Szura	P
John Hazewinkel	P		
Cara Jansma	E		
Matthew Keuten	P		
Mark Kopson	P		
Josh Moore	P		

Guests Present:

Pete VanLaan

Agenda Item	Discussion
Call to Order (Timothy Gutwald)	Tim called the meeting to order at 4:32 p.m.
Roll Call (Timothy Gutwald)	See above.
Conflict of Interest Disclosures (Timothy Gutwald)	None.
Review and Approval of Minutes of June 1, 2017 Council Meeting (Patrick Haddad)	The minutes were unanimously approved.
Treasurer's Report (Josh Moore)	<p>The year-to-date financials are tracking behind where we were last year with a difference of about \$700 in expenses for Member Outreach. Membership is down some too, but this is not a significant decrease in revenue.</p> <p>Motion: Approval of spending an additional \$111.39 for a total of \$1,211.39 for the June 15, 2017 Tigers Game and Pre-Event Networking at Bodman. Motion was unanimously approved.</p>
Technology Report (John Hazewinkel)	<p>There was a data breach announced today at DMC, a staffing agency's employee provided the information to unauthorized people. The health information involved 1,500+ patient records seen at one of its facilities between March 2015 and May 2016.</p> <p>Department of Justice Fraud Action on July 13 - The largest ever health care fraud enforcement action by the Medicare Fraud Strike Force, involving 412 charged defendants across 41 federal districts, including 115 doctors, nurses and other licensed medical professionals, for their alleged participation in health care fraud schemes involving approximately \$1.3 billion in false billings. The defendants were charged for their roles in billing Medicare, Medicaid, and TRICARE for medically unnecessary prescription drugs and participating in schemes to submit claims and kickbacks paid for treatments that were medically unnecessary and often never provided. There were 7 defendants named from Michigan in connections with \$132 million of fraud.</p>
Committee Reports	
Legislative Committee Report (Patrick Haddad)	The following Bills are still in Committee and the Legislative Committee will continue to monitor them.

	<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. 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. 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. 4. Senate Bill 274 – This Bill prohibits prescribers from prescribing opioids under specified circumstances. 5. House Bill 4404 – This Bill would regulate “pain management facilities.” 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. 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. 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. 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.
Substantive Law Committee Report (Nicole Stratton)	<p>There were two (2) June webinars as follows:</p> <ul style="list-style-type: none"> • June 20 - Midlevel Provider Scope of Practice Updates • June 28 or June 29 - Pitfalls of EMR Systems and the Impact on Facilities <p>Sixty-two (62) members attended the June 20 webinar and thirty-five members attended the June 28 webinar. The comments for both webinars were very positive. It was suggested for a future topic that the committee investigate speakers that can give even more detail on mid-level providers and other suggestions were given for several topics. Nicole will share these topics with the new committee chair.</p>
Publications Committee Report (Louis Szura)	<p>The committee is on track for the following publications:</p> <ul style="list-style-type: none"> • <u>Corporate Integrity Agreements</u> - GinaMarie Geheb and Kim Commins-Tzoumakas of Hall Render. Published on June 13. • <u>A Provider's Guide to the Audit Process</u> - Jessica C. Forster of Wachler & Associates, P.C. Due to be published in mid-June. • <u>Representing Physicians in Fair Hearing Proceedings</u> - Fatima M. Mansour and Theresamarie Mantese of Mantese Honigman. Due to be published near the end of June or July. <p>The Pandemic Task Force is looking at writing a publication on unclaimed bodies and body disposal. Lastly, the committee is finalizing a single page handout of the published publications to be used at the Annual Meeting.</p>
Pro Bono Committee Report (Trish Schabath)	<p>The committee is continuing to pursue new pro bono opportunities.</p> <ul style="list-style-type: none"> • Neighborhood Legal Services of Michigan - Trish had a conference call with two people from this clinic, and they are putting together information for the HCLS to distribute about the needs of the clinic. • Wayne State University Disability Law Clinic - Trish learned that this clinic was put on hiatus for this year and next year while the professor establishes a civil rights clinic. However, they do have a Legal Advocacy for Persons with Cancer Clinic, and Trish now has the contact information for the

	<p>director of that clinic. Trish will move forward with gathering information about the Legal Advocacy for Persons with Cancer Clinic, publicizing it to the membership, and gauging interest.</p> <p>Trish is looking at arranging a Noon time webinar for Sept./Oct., so that each of the groups offering opportunities can speak on what their needs are. This would help the members in analyzing which group they would like to volunteer their time with.</p>
Fellows Committee Report (Martha Boonstra)	<p>The committee put together a memo of with Bios and descriptions on each of the 2017 nominees, the memo was circulated prior to the meeting. The following is the 2017 slate of nominees.</p> <ul style="list-style-type: none"> • Steven B. Bender • Elizabeth Callahan-Morris • Keith J. Soltis • Lisa Diehl Vanecaveye • Andrew B. Wachler <p><u>Motion:</u> To approve the 2017 slate of nominees. Motion was unanimously approved.</p>
New Lawyers and Law Students Committee Report (Matthew Keuten)	<p>The committee is finalizing the Academic Achievement Awards process. Michigan State University College of Law, Wayne State University Law School, Thomas M. Cooley Law School and the University of Detroit Mercy School of Law have identified their recipients and checks have been processed. The University of Michigan Law School stated they posted the award and no one claimed it. Therefore, the award may not be awarded this year. Matt is trying to figure out what happened as to why no one applied.</p>
Membership Committee Report (Mark Kopson)	<p>Upcoming Events:</p> <ul style="list-style-type: none"> • Grand Rapids Event (ArtPrize) for Sept. - Cara is working on a request for funding. The committee would like to do a tour of ArtPrize with stops downtown at the law offices featuring art from ArtPrize. • University of Michigan Law School Lawyers reception is being planned for Oct.
Old Business	
Annual Meeting (Timothy Gutwald)	<p>The deadline to submit speaker proposals for the Annual Meeting is July 17. The Annual Meeting Planning Committee will look at the proposals and finalize the agenda by the end of July.</p> <p>The Nomination Committee is still working on finalizing individuals for Council positions and Chairs, as well as soliciting new HCLS members for the 2017-18 year. Five (5) Council members will be terming off the Council and therefore need to be replaced. A slate will be distributed in August.</p>
New Business	
Matters for Next Agenda (Tim Gutwald)	<p>No new business. There will not be an August meeting. If additional items need to be addressed an email will be sent to the entire Council. The Annual Meeting is Tuesday, September 12, at the Detroit Athletic Club.</p>
Adjournment (Timothy Gutwald)	<p>The meeting adjourned at 4:57 p.m.</p>

Minutes recorded by: Susan Stokes