

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

June 18, 2003

The Council meeting was held at the offices of Foster, Swift, Collins & Smith, P.C. The following Council members participated: Gerry Griffith, Kathy Kudner, Lisa Panah, Keith Soltis, Art deVaux, Nancy Lukey, Greg Drutchas, Colleen McClorey, David Rogers, Joy Berent, Maurice Mc Murray, Jennifer Kildea Dewane, and Phil Stoffan.

1. Call to Order. The meeting was called to order by Gerry Griffith 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 minutes of the May 21, 2003 Council meeting, as amended, 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. Joy Berent reported that the HIPPA Work Group continues to meet. Members are still expressing interest. There are fewer participants than in the past and most meetings are held by telephone conference.
 - 4.2.2 Pro Bono Work Group. Nancy Lukey reported that there were no new developments regarding Pro Bono Work Group projects, and she reported that she had received contact from one interested person regarding pro bono activities.
 - 4.2.3 Website Task Force. Kathy Kudner reported on the errors that have been fixed on the website. She further reported that the Website Task Force has sent some website questions to the State Bar.
 - 4.2.4 Specialty Certification. Gerry Griffith and Phil Stoffan reported that the Specialty Certification Group met, and it was recommended that a meeting

be held with other section chairs to determine other section interest in seeking specialty certification.

- 4.2.5 Law Student Receptions at MSU and WSU. David Rogers and Jennifer Kildea Dewane reported that they would hold a planning telephone conference to discuss how and when the Law Student Receptions should be held.
- 4.2.6 Law Student Writing Competition. Kathy Kudner reported that she and Cindy Wisner had met to discuss the Law Student Writing Competition. They have discussed the topic, award, procedures, how the competition will be judged, etc. The Law Student Writing Competition will be announced in the second volume of the Michigan Health Law Report. Kathy and Cindy anticipate bringing a package regarding the Law Student Writing Competition to the Council for its approval.
- 4.2.7 MSMS Co-Sponsored Program. Nancy Lukey reported that Alice Gosfield has confirmed that she will speak at the MSMS Program. The program will be held on November 7, 2003 at the Sommerset Inn in Troy. Ms. Gosfield will be speaking on one of her new theories. There was discussion regarding advertising the MSMS Program in the Michigan Health Law Report and Gerry Griffith's Chair Report. The Michigan Society of Health Care Attorneys will contribute \$1,000 towards Ms. Gosfield's speaker fee.
- 4.2.8 Update Section Directory/Web-Based. There was discussion regarding the website directory and the fact that it is not yet interactive.
- 4.2.9 Update Index to Michigan Health Law Regulations. Lisa Panah reported that this project should be done sometime next month. She requested that any suggestions on how to format the publication should be emailed directly to her attention.
- 4.2.10 Update on ICLE Program. This report was deferred until the next meeting.
- 4.3 Subcommittee Reports and Calendar of Events. David Rogers reported that the Technology Subcommittee is scheduled to hold a program on the HIPAA Security Rules on October 2, 2003. There may also be an upcoming Long Term Care Program. There was also discussion on how to incorporate people who are not co-chairs into planning educational seminars. David Rogers also reported that he will be holding a meeting with the new co-chairs on September 11, 2003 at Section's Annual Meeting.

- 4.4 Report of Annual Meeting Committee. Gerry Griffith gave a brief summary regarding the Annual Meeting. It was suggested that the Section's business meeting be at 1:00 p.m. on September 11; the Program be at 1:30 p.m. and that we adjourn sometime around 5:00 p.m. and then hold the first short Council meeting for the 2003 - 2004 term. There was further discussion on holding a Council Meeting dinner immediately after the program. There was discussion of the time and location of that dinner.
- 4.5 Update on Michigan Health Law Report. Kathy Kudner reported that the next issue of the Michigan Health Law Report should be out very soon. She is currently working on the next issue of the Michigan Health Law Report. Suggested topics are mental health; CON controversy; the Privacy Bill; and Blue Cross Blue Shield of Michigan issues. There was discussion regarding having Anne Baker author a Corporate Practice of Medicine article for the Michigan Health Law Report. There was also discussion regarding a Dispute Resolution/Arbitration article.
- 4.6 Review and Approval of Section Policies.
- 4.6.1 Consider Need for Separate Website Policy. Kathy Kudner reported that the Website Task Force is currently working on whether to implement a website policy and their first thoughts were that it is initially a good idea.
- 4.6.2 Volunteer Code of Ethics. This report was deferred until the next meeting.
- 4.7 Other Special Projects.
- 4.7.1 Publication of Michigan Public Health Code. Greg Drutchas reported that he has received emails in which people have volunteered to work on this project.
- 4.7.2 First Annual Section Luncheon. There was discussion that this may be a good idea.
- 4.8 Report on Proposed Legislation and Court Rule Amendments. Gerry Griffith reported that there did not appear to be any new legislation that is core to the Health Care Law Section's areas of interest.
- 4.9 Report of Proposed Amendments to the Non-Profit Corporation Act. Art deVaux reported that there was discussion regarding updating the Non-Profit Corporation Act to incorporate provisions regarding electronic signatures, electronic filings, and proxies.

- 4.10 Updated Report From Nominating Committee. Upon a motion duly made and seconded, the Council approved filling the four Council Member positions that will become vacant at the end of the Council's year as well as the two vacancies that currently exist -- meaning that six (6) Council positions will be filled. There was discussion regarding the Nominating Committee's Report and the Committee's nominees.
- 4.11 National Conference of Commissioners on Uniform State Laws. There was discussion regarding a Uniform State Law on Privacy.
5. Requests to Take More Active Role. There was nothing to report on this matter at the meeting, and the Council was encouraged to review this list for any future projects.
6. New Business.
- 6.1 Feasibility of Membership Survey via Zoomerang or State Bar. There was discussion regarding sending a survey to Section members via Zoomerang. The survey could perhaps be a grid of interest taking existing activities and asking members to rank them in order of preference.
- 6.2 State of the Law Outline. Gerry Griffith reported that the Section had not received a request from ICLE to draft a State of the Law outline to summarize health law cases and regulations that came out in 2002.
- 6.3 MSHA 2003 Annual Meeting. Gerry Griffith reported that that had been no requests received from MSHA regarding its Annual Meeting.
7. Next Meeting Date. The next meeting of the Council will be held via telephone conference on July 16, 2003 from 3:00 - 5:00 p.m.
8. Adjournment. There being no further business, the meeting adjourned at approximately 4:40 p.m.