

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

Wednesday, June 21, 2006

The Health Care Law Section Council meeting was held via telephone. The following Council members participated: David Rogers, Cindy Wisner, Donna Craig, Lisa Panah, Eric Wexler, Marge Marchak, Beth Derwin, Joanne Lax, Ann Hollenbeck, Rob Iwrey, Carol Tarnowsky, Art deVaux and Joy Berent.

1. Call to Order. The meeting was called to order by David Rogers, the Chair-Elect, at approximately 3:05 p.m.
2. Conflict Disclosures (if any - specific agenda items). There were no conflict disclosures made.
3. Minutes. The Minutes of the May 17, 2006 meeting of the Health Care Law Section Council were approved on a motion made and seconded.
4. Treasurer's Report. Donna Craig presented the Treasurer's Report, which she indicated was in good shape.
5. Updates.
 - 5.1 Substantive Law Subcommittee Report. Marge Marchak reported on the *Wexler* program, which was recently held and was well-attended. The next program will be planned for the Fall with Monica Wilkinson as the Chair of the Substantive Law Subcommittee.
 - 5.2 Law Student Reception Update. There was nothing new to report. David Rogers stated that he needs someone to volunteer to take over responsibility for planning a law student reception at Wayne State University Law School.
 - 5.3 Revisions to the Nonprofit Corporation Act Update. Art deVaux had nothing new to report.
 - 5.4 JCAHO/COP Task Force. David Rogers stated that Jennifer Kildea Dewane is coordinating getting this Task Force set up with Ann Williams.
 - 5.5 Updates to Website Regarding Council and Committees. Eric Wexler reported that Section materials are being posted regularly on the website. He stated that the Section Survey will solicit input from members regarding the website and any updates they would like to have.
 - 5.6 Attorney-Client Privilege Task Force. Eric Wexler reported that there is an ongoing debate between in-house counsel and the U.S. Attorney's office

regarding the need to waive the attorney-client privilege in order to demonstrate cooperation in healthcare legal matters. There was discussion on possibly doing a program on this topic in conjunction with the Attorney-Client Privilege Task Force.

- 5.7 Michigan Health Care Regulations. Lisa Panah reported that Jennifer Kildea Dewane, Mike Fraleigh and Joy Berent volunteered to review and provide their input on the index at the last Council meeting. The index was reviewed and approved by Ms. Kildea Dewane. Ms. Panah stated that she would prepare an announcement regarding the new index and provide it to Ms. Kildea Dewane. She reported no one has volunteered to take over responsibility for the index and updating it.
- 5.8 2006 Annual Meeting. Ann Hollenbeck reported on the status of the annual meeting, which will be held on Thursday, September 28, 2006, at the Palmer Commons in Ann Arbor. Speakers are being lined up. She solicited input on a roundtable luncheon proposal where tables would be provided three topics to discuss and then share with the rest of the group toward the end of lunch. Council members expressed their preference for a roundtable luncheon with relevant, substantive law topics discussed at each table.
- 5.9 Lunchbox Series Work Group. Joanne Lax and Beth Derwin reported that the lunchbox meeting was held on May 18, 2006 at the Hotel Baronette in Novi. Around 35 people attended although more people registered. There was discussion on holding the next lunchbox meeting at the beginning or end of the day to hopefully increase attendance.
- 5.10 Pro Bono Work Group. Rob Iwrey stated that the group will pursue working on a brochure on battered women in conjunction with the Oakland County Medical Legal Society. Other pro bono ideas that the group is considering and will weed out include educational materials on rape victims, indigent prescription drug relief, power of attorney, assistance for people with various ailments, including Alzheimer's, Diabetes or Parkinson's disease.
- 5.11 Michigan Stark Law. Ann Hollenbeck reported that the letter approved by the Council at the last Council meeting was sent to Jan Christenson from MDCH regarding the need for MDCH to formally recognize and adopt the Phase II Stark regulations. She will check on the status in a week or two and pursue an in-person meeting. David Rogers volunteered to attend the in-person meeting when scheduled.
- 5.12 Section Survey. Carol Tarnowsky reported that the Section Survey group is working on a survey to gauge Section members' needs, how the Section can improve, and seeking their input on the Section website. The group is pursuing preparing a Zoomerang survey with around 15

questions. It plans to distribute the survey before the annual meeting in September and present the results of the survey at that meeting, if possible.

- 5.13 Nominating Committee Report. Cindy Wisner reported that the nominating committee will meet next week and will have something more definitive to report at the next Council meeting in August.
6. Legislative Liaison. David Rogers solicited a volunteer to serve as legislative liaison. There was discussion and uncertainty regarding the job description and what the job entails. Mr. Rogers stated that a more solid idea of what the position will be would be developed for the next Council meeting.
7. Other Business. There was discussion on hiring someone to provide administrative support to the Substantive Law Subcommittees, as well as to the Council, as needed. The budget includes \$5,000 for administrative support. One person, Kim Adams, has applied for the position at a rate of \$25 per hour. Ann Hollenbeck volunteered to interview Ms. Adams. Beth Derwin mentioned that there is an organization called Peace of Mind organization, which specializes in providing administrative and other types of support to associations that do not have the necessary resources to have their own infrastructure. Ms. Derwin volunteered to find out more about this organization and email David Rogers as soon as possible.
8. Next Meeting Date. The next Council meeting will be held via telephone on Wednesday, August 16, 2006, at 3:00 p.m.
9. Adjournment. There being no further business, the meeting adjourned at approximately 4:00 p.m.