

## **MINUTES OF THE COUNCIL MEETING OF THE HEALTH LAW SECTION**

### **STATE BAR OF MICHIGAN**

**March 10, 1999**

The meeting was held at Mercy Health Services in Farmington Hills, Michigan. The following Council members attended: Maria Abrahamsen (chair), Gregory Drutchas, Gerald Griffith, Nancy Lukey, Maurice McMurray, Gary McRay and Leslie Wizner.

1.Minutes. Consideration of the Minutes of the January 13, 1999 meeting was deferred until the next meeting. Ms. Lukey indicated that she had emailed the January 13 Minutes to all Council members shortly after the January 13 meeting, and had emailed revised Minutes to all members on March 8 after receiving a proposed correction from Ms. Abrahamsen.

2.Treasurer's Report. Mr. Drutchas distributed the Treasurer's report to all Council members before the meeting. After brief discussion, the report was unanimously approved upon motion of Mr. McRay and second by Ms. Wizner.

3.Liaison Report. Mr Wachler was not present. However, Ms. Abrahamsen indicated that Mr. Wachler had notified her that the AMA and MHA are jointly sponsoring a seminar in Chicago in June 1999.

4.Legislative Report. Ms. Abrahamsen distributed a copy of the Legislative Service Bureau's Legislative Action Reports which she received from the State Bar. The State Bar will send continue to send the Ms. Abrahamsen updated to the Action Reports.

5.Health Law Index. Ms. Abrahamsen reported that the Michigan Society of Hospital Attorneys contacted her regarding the publication of the Health Law Index. All members agreed that joint publication of the Index should be explored further. Ms. Abrahamsen will obtain additional information from MSHA regarding the cost of prior publications, distribution and sales, and other matters which may be pertinent to the Section's participation in the project.

6.Bench/Bar Conference. Ms. Abrahamsen reported that the State Bar will host the Bench-Bar Conference in May 1999 in Grand Rapids and Flint and that the Bar has asked each Section to select a delegate and alternate delegate to attend. All

agreed that Alan Gilchrist and Joseph Nuyen should be selected. Ms. Abrahamsen will contact Mr. Gilchrist regarding his interest in attending, and Mr. Griffith will contact Mr. Nuyen. The Section will pay the Conference registration fee on behalf of the delegate.

7. Year in Review. Mr. McRay reported that three or four students from Wayne Law School and Ms. Mary Romine are working on summaries and the Section will pay them \$10.00 per hour. Mr. McRay also indicated that several Section members volunteered to prepare summaries in their responses to the Section survey. Mr. McRay's office will contact all of the volunteers.

#### 8. Co-Sponsorship of Seminars.

1. ICLE Seminar. Ms. Abrahamsen reported that 140 people had registered for the ICLE Health Law Seminar. She will have Section publication order forms and Section membership forms at the seminar.

2. MSMS Seminar. Ms. Wizner reported that a conference call among Section committee members is scheduled for March 17, and that the meeting with MSMS is scheduled for March 18 in Lansing. Council members discussed possible topics for the seminar, including managed care contracting, physician governance in tax-exempt organizations, and fraud investigations.

9. Health Care Regulations Manual. Mr. Drutchas indicated that there is a delay at the State Bar in producing the initial draft. The draft should be available before the next Council meeting.

10. Section Web Page. All agreed that the Section's Web page should contain additional links to other sites. Ms. Abrahamsen will contact Vence Bonham regarding links. Also, Ms. Abrahamsen will ask Richard Cassard about the procedure for updating the page and purging outdated material. Ms. Lukey will send copies of Council Minutes to Mr. Bonham.

11. Annual Meeting. Members discussed possible topics for the annual meeting including attorney indictments, attorney liability exposure, attorney-client privilege, year 2000 liability and attorney ethics and conflicts of interest. Mr. Griffith will contact one of the attorneys (Mark Thompson) indicted in the Kansas City case about speaking at the annual meeting. Mr. Griffith will

also talk with the Section co-chairs about a joint seminar in June regarding Year 2000 liability. It was suggested that HFMA

may wish to co-sponsor the Year 2000 seminar. Mr. Drutchas will discuss this with HFMA's legal committee of which he is

co-chair. Ms. Abrahamsen will talk with the malpractice insurers association about attorney liability. All agreed that the

Section would cover travel and lodging expenses for speakers as well as provide an appropriate honorarium.

## 12.Substantive Law Committees.

1.Payors Committee. Mr. Griffith reported that the Payors Committee will meet in Lansing on March 18. The Insurance

Commissioner, Frank Fitzgerald, will be the speaker.

2.Providers Committee. Mr. Griffith reported that the Committee co-chairs are attempting to arrange a meeting with

Representative Law or Senator Sugars. It was suggested that the co-chairs may wish to contact MHA and MSMS

regarding legislative speakers if they are unable to arrange a meeting with Rep. Law or Sen. Sugars.

3.Policy and Ethics. Ms. Abrahamsen indicated that thirteen individuals expressed an interest in the Policy and Ethics

Committee. Given the relatively small number of interested persons, it was agreed that Ms. Abrahamsen should send

a letter to the individuals who expressed an interest and indicate that they may contact Mr. Griffith or Ms. Ross if they

wish to formally organize a committee or undertake a project. Their suggestions and participation in other Section

activities would also be welcomed.

13.Member Survey. Ms. Abrahamsen reported on the results of the Member survey.

Based on the responses to the survey, it

was agreed that:

a. Ms. Abrahamsen will ask Ms. McClorey about preparing an explanation of how to access current legislation and legislative

digests. Also, the Section's Web page should contain a link to the Michigan legislative web site.

1.Ms. Wizner will contact CCH and BNA about sponsoring a listserve for the Section to facilitate communication and

exchange of ideas.

2.The Year in Review should continue.

3.The Council should not further pursue a Health Care Fundamentals seminar due to lack of member interest.

4.A contracts manual should not be prepared due to the availability of numerous other contract resources.

5.The Record Retention and Confidentiality Manuals should be updated next year.

14.Program Task Force. Report and discussion concerning the Task Force were deferred until the next meeting.

15.Nominating Committee. Ms. Abrahamsen will contact the nominating committee regarding nominations to fill vacancies in co-chair positions. Ms. Abrahamsen or the nominating committee will contact co-chairs whose terms do not expire this year to confirm that they wish to continue in office.

16.Subcommittee Co-Chairs. All agreed that the Subcommittee Co-Chairs should be invited to attend the next Council meeting.

17.Adjournment and Next Meeting. The meeting was adjourned at 5:30. The next meeting will be held on April 14, 1999 at Mercy Health Services in Farmington Hills. The meeting originally scheduled for May 12 is canceled but a meeting will be held on June 9.