

## MINUTES

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

**Date:** August 6, 2015

**Chair:** Jennifer Benedict

### Members Present:

Steve Bender	P	Mark Kopson	P
Jennifer Benedict	P	Thomas McGraw	P
Martha Boonstra	P	Josh Moore	A
Mercedes Dordeski	P	Laura Napiewocki	P
Timothy Gutwald	P	Monica Navarro	P
Patrick Haddad	P	Donna O'Connor	P
John Hazewinkel	P	Trish Schabath	P
Cara Jansma	E	Deborah Williamson	E
Matt Keuten	P		

### Guests Present:

Greg Nowakowski

Agenda Item	Discussion
Call to Order (Jen Benedict)	Jen called the meeting to order at 4:31 p.m.
Roll Call (Jen Benedict)	See above for members present.
Conflict of Interest Disclosures (Jen Benedict)	None.
Review and Approval of Minutes of June 9, 2015 Council Meeting (Cara Jansma)	The minutes were unanimously approved.
Update on HIPAA Matrix (Greg Nowakowski)	<p>Greg presented the history, current status, and next steps for the HIPAA Matrix.</p> <p><b>HISTORY</b> The project arose from a discussion in the Publications Committee between Monica Navarro and Elizabeth Callahan-Morris, who noted that the HIPAA Privacy Rule Preemption Analysis Matrix for Michigan Law publication dated December 2002 had not been updated in over ten years (despite the Publication Committee's update of the HIPAA Privacy Rule and Michigan Medical Records Access Act publication dated April 2013). Monica Navarro recommended to the Council that the HIPAA Task Force (the body that originally prepared the 2002 publication) be reconvened to update and consolidate the 2002 and 2013 publications. The Council approved reconvening the HIPAA Task Force, and also approved plan submitted by Linda Ross, Elizabeth Callahan-Morris and Greg Nowakowski, who, along to Deborah Marine, were approved as Co-Chairs of the HIPAA Task Force.</p> <p><b>RECENT ACTIVITY</b> As part of the approved plan, in the spring of 2015, five students from Michigan State University and Cooley Law School received course credit by helping as student members of the HIPAA Task Force. Weekly calls helped the students learn HIPAA and preemption concepts, and the students prepared a preliminary revision to the 2002 and 2013 publication.</p> <p><b>NEXT STEPS</b> Greg noted that contact had been made to the lawyers previously a part of the HIPAA Task Force, and next steps included completing the membership in the HIPAA Task</p>

	Force with members of the Health Care Law Section. The bulk of the work in updating the 2002 and 2013 publications is expected to be underway in late 2015 and early 2016; Jen asked that Greg give an update possibly on progress before ICLE in March 2016.
Treasurer's Report (Tom McGraw)	Tom submitted financial information in advance of the meeting. The financials are through June. There were 3 large expenses in June, \$3,000 for DAC for the Annual Meeting, \$900 for administrative expenses and \$800 for Tigers tickets. There was \$35,000 in revenue, \$19,000 in expenses, so a balance of \$15,000 for 2014-15. There is \$74,000 in the bank. The Section is in good shape.
Technology Report (John Hazewinkel)	SBM Connect is not being used much. Please go to website and check out the resources there, such as, who to call for State Bar connection.
<b>Committee Reports</b>	
Substantive Law Committee Report (Matt Keuten)	<p>Their committee wrapped up the year with 2 final webinars in June as follows:</p> <ul style="list-style-type: none"> <li>• <b>June 22</b> - NPDB Guidebook - How changes impact facility reporting and medical staff processes. Speakers: Gregory Drutchas &amp; Elise Arsenault, Kitch Drutchas Wagner Valitutti &amp; Sherbrook</li> <li>• <b>June 30</b> – HIPAA 101 Speakers: Norbert Kugele &amp; Nathan Steed, Warner, Norcross &amp; Judd</li> </ul> <p>The attendance and comments were good and the webinars were well received.</p> <p>The Committee is working on an OCR webinar with MHA for October 6.</p> <p>All the slides and webinar recordings have been posted to the library section of the HCLS website.</p>
Publications Committee Report (Monica Navarro)	The Publication Committee has completed the work plan for the year. "Trouble Shooting the ACA: Lessons from the Trenches," has been published and posted to the HCLS website. It gives information on history, compliance, ACA/no-fault, waivers and other guidance, and business opportunities. Susan will send out an announcement to the section about the publication of the paper. The Publication committee received notice that they should use a new combined author/ webinar speaker release letter. Monica indicated the publication committee documents are more involved and the release letter that was approved 2 years ago by the council should be used for the Publications committee. This needs to be addressed in the fall by the new committee chair and council.
Legislative Committee Report (Patrick Haddad)	There has been no change in status on any bills. Things are dormant until September.
Pro Bono Committee Report (Trish Schabath)	There will be another training session for the Veterans Law Clinic in August. Trish will get the date and make sure we inform the HCLS members. Trish has been in contact with Peggy Costello and 6 - 10 people are participating from the Section. Trish would like to get 15 - 20 people involved before thinking about moving on to another group that needs pro bono volunteers.
Fellows Committee Report (Deborah Williamson)	All 2015 Fellows have been notified and accepted.
New Lawyers (Steve Bender)	U of M Law has no applicants for the law school academic achievement award for this year. Cooley Law School will not be participating in the law school academic achievement award this year, as they did not offer any healthcare law courses. Wayne State is participating this year and are looking at candidates. Michigan State University submitted a candidate. Steve will coordinate the checks with Tom. Tom will

	cut checks to the schools and the school will cut checks to the students.
Membership Committee (Tim Gutwald)	There are 30 people going to the Tigers game event. Bodman is hosting the pre-event and free parking. The Section first ordered 20 tickets and the response was great. There was a wait list for tickets; 10 additional tickets were purchased so all those that were interested in the social event could attend. An event is being planned for October for the west side of the state. The event is Great Lakes Pedaling Cab, you take a bike tour around the city of Grand Rapids during ArtPrize. The tour ends at a pub. The event will take place sometime during Oct 1 - 11. The pedaling cab holds 15 people and the cost is \$20 per person. <b>Motion:</b> Approval of \$300 for the pedaling cab social event which will take place in Grand Rapids in October. The motion was unanimously approved.
Communicable Diseases and Pandemic Preparedness Ad Hoc Task Force (Cara Jansma)	The first document has been uploaded to the HCLS library. Working on creating a linked area so papers can be posted. The committee is sifting through areas that may fall short, such as OSHA. There will be a call for authors if areas fall short. There is a call coming up to move things forward.
<b>Old Business</b>	
Annual Meeting – Thursday, September 24 (Jen Benedict)	Two announcements were emailed so far. As of today, there are 30 people registered.
Nominations Committee (Jen Benedict)	The nominations committee met. Johanna Novak, Louis Szura and Sheerin Siddique were nominated for Council.  The Officers will be as follows for 2015-16: Mark Kopson - Chair Tim Gutwald - Vice-Chair Cara Jansma - Secretary Matt Keuten - Treasurer
Adjournment (Jen Benedict)	The meeting adjourned at 5:14 p.m.
	Next meeting September 3, 2015 @ 4:30 p.m.

Minutes recorded by: Susan Stokes  
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