



## **COUNCIL MEETING MINUTES**

**November 3, 2009**

Council Officers: Joanne Lax (Chair), Monica Wilkinson (Chair-Elect), Robert Iwrey (Treasurer), Marta Hoffman (Secretary)

- I. Call to Order (Joanne Lax):** Called to order at 4:31 p.m.
- II. Roll Call (Joanne Lax) Present:** Joanne Lax, Monica Wilkinson, Robert Iwrey, Marta Hoffman, Jan Anderson, John Anderson, Amy Barkholz, Steve Bender, Jennifer Benedict, Beth Derwin, Joan Lowes, Tom McGraw, Monica Navarro, Donna O'Connor, Carol Tarnowsky, **Excused:** Richard Bouma, Ann Hollenbeck, Laura Napiewocki.
- III. Conflict Disclosures (Joanne Lax):** There were none to report.
- IV. Review and Approval of Minutes of October 8, 2009 Council Meeting (Marta Hoffman)** The minutes from the October 8, 2009 meeting were presented and were unanimously approved upon motion and second.
- V. Treasurer's Report (Robert Iwrey):** No financial reports were presented as the State Bar had not yet released them to Mr. Iwrey. Mr. Iwrey reported that he believes the State Bar has paid all invoices that were submitted.
- VI. Updates**
  - A. Substantive Law Committee Report (Tom McGraw):** Two programs are scheduled for November 12<sup>th</sup> and for November 19<sup>th</sup>. The first program is on negotiating and drafting HIT contracts. Speakers are Marge Marchak and Linda Ross. The second program is on The Effect of Fraud Enforcement and Recovery Act provisions on overpayment liability and Whistleblower Retaliation Claims. Seth Lloyd and Buck O'Leary are the speakers. Future programs may involve something jointly presented with the Federal Bar Health Law Section as a result of recent interest expressed by Leslie Wizner of the U.S. Attorney's Office. Discussion was held that a second program on false claims might be a good topic for a co-sponsored program with the Federal Bar section. A series of programs relating to Health Reform Legislation is also being considered. The SLC will be meeting again within the next week. The committee has been discussing replacing the speaker appreciation mugs with something else; possibly a Starbucks gift card. A discussion was held about the dollar limit that may need to be placed on such gifts due to restrictions applicable when we have government speakers. Ms. Lax believes that we may not be able to exceed

\$10. It was suggested that Mr. Iwrey look at the budget with respect to the financial impact this will have on the section. Mr. McGraw reported that Suzette is still investigating how/whether we can post audio recordings of section conferences on the website.

- B. Publications Committee report (Donna O'Connor, Monica Navarro): Ms. O'Connor reported that Eric Klein on the Publications committee is trying to coordinate with the Technology committee to present a program involving HIPAA and the HI Tech Act. The committee continues to meet. The record retention manual should be finalized within a month.
- C. State Bar Journal feature publication report (Rob Iwrey): Mr. Iwrey spoke with Linda Novac at the State Bar about the section's request for a special health law edition. The State Bar accepted our request and will be appointing an editor who will service as our liaison. The edition probably won't be published until July 2011 however we will need to begin submitting information to the editor in February or March of 2010. We will know more once the editor is appointed. We will need to determine what article(s)/themes to include.
- D. Pro bono Committee report (Carol Tarnowsky): Ms. Tarnowsky, with Ms. Barkholz's assistance, has been working with MHA's graphic design personnel on the brochure. We are waiting for a projected budget from MHA relative to its work on the project.
- E. Race for the Cure report (Rob Iwrey, Monica Navarro): Ms. Navarro reported the need to begin recruiting runners and walkers for this event, possibly by sending an email to the membership. About 15 people have already committed to the event. Mr. Iwrey reported success in recruiting several people from the Attorney General's Licensing Office as runners. The section team, which must register by January, still needs a name. Discussion was held regarding holding a contest to name the team. Ms. Barkholz will assist with preparing an announcement that will be sent out to the membership.
- F. Technology Committee and web site re-design initiative report (Rich Bouma): Ms. Lax reported that the committee hopes to have a plan in place to redesign the website by February. Ms. Lax and Ms. Benedict offered to assist Mr. Bouma in this regard.
- G. HCLS Directory report (Joan Lowes): Ms. Lowes had nothing new to report except that she needed contact information for the appropriate State Bar person. Ms. Wilkinson will provide her with that information.
- H. Legislative Committee report (Jan Anderson, Monica Wilkinson, Amy Barkholz): The council was informed that Elizabeth Lyons sought council input on a couple of pending issues including a proposal to tax legal services and

concerning a proposed modification to the mediation rule. After discussion, it was unanimously decided that the section would decline comment on both and would defer to the Negligence Section of the State Bar as to the latter issue. Discussion ensued about the section taking a more active role in monitoring and reporting pertinent new or amended legislation to the membership. The section's role in advocacy was much less clear given the divergent interests of the membership. The council will continue to explore and discuss the issue.

- I. Law student events report (Amy Barkholz, Robert Iwrey, Marta Hoffman): Ms. Barkholz has had a difficult time getting the MSU/Cooley event planned due to school conflicts and difficulty getting school contacts to call her back. November 19<sup>th</sup> was offered as a potential date pending further discussion with school contacts. Neither Mr. Iwrey nor Ms. Hoffman had anything to report with respect to the other law schools. Discussion was held about drawing law students to the ICLE Health Law Update by offering reduced rates to students.

## **VII. New Business**

- A. Golf outing initiative (Joanne Lax): Ms. Lax discussed scheduling an in person social event as a means of getting the members together. A golf outing, feather bowling and schmooze events were discussed. Golf was ruled out due to the expense, difficulty in planning, and variables such as weather. A schmooze is still a possibility. Feather bowling at the Cadieux Café and Bocce Ball were identified as possibilities for early next summer.

- B. Next Meeting: **December 1, 2009 at 4:30 p.m.**

## **VIII. Adjournment (Joanne Lax): 5:32 p.m.**