

**MINUTES OF THE COUNCIL MEETING OF
THE HEALTHCARE LAW SECTION OF
THE STATE BAR OF MICHIGAN**

April 10, 2002

The Council meeting was held in Novi, Michigan at the Trinity Offices. The following Council members attended: Joy Berent, Kathy Kudner, Keith Soltis, Jennifer Kildea Dewane, Nancy Lukey, Greg Drutchas, Gerry Griffith, Cindy Wisner, Donna Craig, Colleen McClorey, Maurice McMurray, and Phil Stoffan.

1. Call to Order. The meeting was called to order by Greg Drutchas at approximately 3:05 p.m.
2. Minutes. The minutes of the March 7, 2002 Council meeting were approved upon a motion duly made and seconded.
3. Old and Recurrent Business.
 - 3.1 Treasurer's Report. Cindy Wisner reported that the balance sheet for March had not yet been generated but would be distributed to Council members as soon as the State Bar makes it available. Cindy further reported that the Section has income in the amount of \$26,485 and expenses in the amount of \$19,579. The Section has spent \$1800 on seminars thus far and has an annual budget of \$30,000. The Section is under budget on newsletter costs, speaker costs, printing, etc. Cindy reported that we have not spent as much as has been budgeted but that the Section has many projects in which various expenses will be incurred.
 - 3.2 Reports on Special Projects and Work Groups.
 - 3.2.1 HIPAA Work Group. Joy Berent reported that the Preemption Matrix has been completed by the Work Group and that the Work Group is currently working on compiling last minute changes. The Foreword will address the fact that the Department of Health and Human Services recently released revised changes to the HIPAA Privacy Regulations and that due to these changes, the Matrix may need to be updated. Cindy Wisner recommended that Section Members will receive their first copy of the Matrix for free, whether it be a hard copy or an electronic version. The State Bar will assist the Council in setting up passwords to allow Members to retrieve the Matrix electronically through the Section's website. Additional hard copies may be sold to Section Members for \$50. Only hard copies will be available to Non-Section Members. Non-Section Members may purchase the Matrix for \$200 per copy. Cindy Wisner further reported that she had discussed with the Michigan Society of Healthcare Attorneys (the "Society") on how to offset the costs of creating and publishing the Matrix. Upon a motion duly made and seconded, it was decided that the

Council and the Society will split profits with the Society 50/50—meaning that once all costs have been recouped through sales, then the Society and the Council will split the profits. There was discussion regarding sending a mailing to the Members explaining that the Matrix would be available either in hard copy or through a mailing. Upon a motion duly made and seconded, the Council decided to send out a form to Members in which Members will select how they would like to receive their first free copy. Upon a motion duly made and seconded, the Council further decided that Section Members would receive electronic access to the Matrix and a hard copy of the Matrix for free. In addition, the Council decided that additional copies for Members would be \$50 each; that only hard copies will be available to Non-Section Members at \$200 per copy.

3.2.2 Fraud Manual Work Group. Keith Soltis recommended to the Council that the Fraud Manual be reviewed efficiently for quality purposes. Keith suggested that some experienced eyes review the latest draft. There was discussion on who would be willing to review the Fraud Manual. Individuals at Honigman, Butzel Long (Deb Guru), Dykema Gossett, and Foster Swift (Jennifer Kildea Dewane and Gary McRay) will be asked whether they would be willing to review the Fraud Manual.

3.2.3. Pro Bono Work Group. Nancy Lukey reported that the Pro Bono Work Group held another conference call in early April. The Work Group is planning to do a program in late spring or early fall. Nancy reported that the Offices of Services for the Aging has been an excellent resource. Nancy further reported that she has received 6-8 responses to her email requesting volunteers for this project.

3.3 Health Care Records Retention Manual. Jennifer Kildea Dewane reported that the Council could order 100 additional copies of the Health Care Records Retention Manual from the State Bar. Upon a motion duly made and seconded, it was determined that Members would received their first copy of the manual for free and additional copies for \$35 per copy and that Non-Section Members may purchase the Manual for \$50 per copy. Greg Drutchas also recommended that Jennifer send a letter out to the Michigan Society of Healthcare Attorneys and the Michigan Health & Hospital Association to advise them of the latest version of the Manual and its cost.

3.4 Resignation. Greg Drutchas reported that John Blanchard had submitted his resignation from the Council.

3.5 Subcommittees. Gerry Griffith reported that the Technology Subcommittee is planning a HIPAA Preemption/Privacy and Security Program for April 11,2002. The Program has been sold-out in person. Some of the speakers' power point presentation will be available via the internet through the use of the Genysys Conference Center's website. Cindy Wisner, Joy Berent, Linda Ross, and Mike

Friedman will speak on privacy. Joel French will speak on security. On April 23, 2002, the Providers subcommittee is sponsoring a teleconference entitled "Anatomy of an EMTALA Investigation". The program is scheduled from 9:30am-11:30am on April 23, 2002. Bob Daly, Walt Wheeler and MPRO's Medical Director are scheduled to speak. On May 2, 2002, the Payors Subcommittee is sponsoring a program on the current developments in Lansing with a focus on the Office of Financial and Insurance Services. On May 23, 2002, the Consumers Subcommittee is sponsoring a legal aid/elder law program in Lansing from 9 a.m. until 2 p.m. Box lunches will be provided for \$10 per lunch. Gerry Griffith further reported that Deb Withrow on behalf of the HFMA requested an opportunity to send an email out to Council members about an upcoming program. The Council determined that this was an appropriate use of the Section's listserve.

- 3.7 ICLE Health Law Institute. Greg Drutchas reported that there will be a planning luncheon in June to plan next year's program.
- 3.8 Membership Directory Update. Gerry Griffith reported that the Membership Directory had been sent to the State Bar on April 4, 2002. The State Bar presented a draft on April 15, 2002. Gerry Griffith presented the mock-up version of the publication.
- 3.9. Bylaws Review. Nancy Lukey and Maurice McMurray reported that they had made proposed changes to the bylaws. There was discussion regarding whether the number of Members that must be on the Council should be revised. There was discussion regarding finalizing the bylaws so that they may be published in the State Bar Journal as required by the State Bar. Nancy requested that any suggested revisions be immediately sent to the Committee. It was suggested that 13 council members be the minimum number and that the committee structures be evaluated. Upon a motion duly made and seconded, the council moved to delegate to the Bylaws Committee the authority to approve the revised Bylaws on behalf of the Council.
- 3.10 Website Report. Kathy Kudner reported that the test site is almost done and that the committee opes to get the draft website to the Council at is May meeting.
- 3.11 Michigan Health Law Report. Gerry Griffith reported that the Michigan Health Law Report will be in a two page format with articles and some type of copyright release. Gerry suggested and the Council agree that each author should receive 10 complimentary copies. Authors could then obtain additional copies at a cost yet to be determined. At this time, there was discussion on developing a Publications Policy so that there is consistency each time the Section publishes a work (i.e., copyright release, determining costs, etc). Jennifer Kildea Dewane agreed to work on this policy. Greg Drutchas suggested that this be a new agenda item for future meetings.

- 3.12 Annual Meeting. Donna Craig reported that David Coates from the Hunter Group has confirmed that he will speak at the annual meeting on reorganization issues. There was further discussion on what other speakers the Council should approach to speak at the annual meeting. Upon a motion duly made and seconded, the Council delegated the task of finding a second speaker to the Annual Meeting Subcommittee.
- 3.13 Date and Nature of Social Function. Nancy Lukey distributed various materials on Kensington Metro Park. She reported that the park has picnic areas, catering. It was decided that family members would be invited, that Thursday afternoons might be the best time, and that July 11, 2002 could be the target date for the function. There was discussion on having the Section pay for the cost of catering and the shelter area. The Council would then charge for meals. Nancy will draft an invitation that will be included in the next mass mailing.
4. Request to Take More Active Role. Greg Drutchas reported that Thomas Trentor requested to take a more active role in the Section's activities.
5. New Business.
- 5.1 "State of Law" Outline for Annual Meeting. The Council reviewed the letter from Shel Stark regarding the State of the Law outline. It was suggested that Jeanne Dunk and Kathy Kelly be approached about putting this outline together by using the MHA web page and the e-journal.
- 5.2 Bar Leadership Forum. Greg Drutchas and Gerry Griffith reported that the Bar Leadership Forum is set to take place on May3-4, 2002. Greg encouraged Council members to attend, and Gerry reported that he would be attending.
- 5.3 Nominations Committee. Greg Drutchas requested that Council members submit their nominations to the committee as soon as possible.
- 5.4 Awards Recognition Dinner. Greg Drutchas stated that this will be on the agenda next meeting. There was no further discussion on this issue.
6. Next Meeting Date. The next meeting of the Council is set for May 8, 2002 at 3:00 p.m. at the law offices of Foster, Swift, Collins & Smith, P.C.