

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

Wednesday, April 21, 2004

The Council meeting was held at the corporate offices of Trinity Health in Novi, Michigan. The following Council members participated: Ann Hollenbeck, Donna Craig, Keith Soltis, Art DeVaux, Marge Marchak, Cindy Wisner, Jennifer Kildea Dewane, Gerry Griffith, Phil Stoffan, Kathy Kudner, Lisa Panah, and Mike Fraleigh.

1. Call to Order. The meeting was called to order by Kathy Kudner at approximately 3:10 p.m.
2. Minutes. The Minutes of the March 4, 2004 Council Meeting of the Health Care Law Section of the State Bar of Michigan were approved upon a motion duly made and seconded.
3. Old and Recurrent Business.
 - 3.1 Treasurer=s Report. Donna Craig reported that the budget is on track and that the Section has almost hit its budget for dues collection.
 - 3.2 Updated on Special Projects and Work Groups.
 - 3.2.1 HIPPA Work Group. Cindy Wisner reported that the Work Group is still active and meeting. The last meeting was cancelled due to the release of the Phase II Stark regulations. The HIPAA Work Group is working on an email policy and reviewing Michigan=s Medical Record Access Statute.
 - 3.2.2 Website Task Force. There was no report given.
 - 3.2.3 Specialty Certification. Phil Stoffan led the discussion regarding the meeting amongst various section Leaders regarding specialty certification. There was discussion regarding whether this is an issue for the Section to continue to work on. Upon a motion duly made and seconded, the Council approved having the Specialty Certification Task Force work on developing a draft curriculum and program, similar to that of the Probate Section, in which a Section Member would complete prior to receiving a Certificate of Completion. Cindy Wisner indicated that she will also participate on the Specialty Certification Task Force.
 - 3.2.4 Law Student Reception at MSU and Wayne (Spring 2004) Jennifer Kildea Dewane reported that the MSU DCL Law Student Reception held on April 20, 2004 was attended by approximately 15 students and 8 attorneys and that it went well. There was discussion regarding the format of the program and the desire of the Council to continue this program next year. It was recommended that another program be done in the fall. As far as the

Detroit Law Student Reception, the Council will continue to work to get Wayne State and the University of Detroit to host a Law Student Reception next year.

- 3.2.5 Law Student Writing Competition (Spring 2004). Kathy Kudner reported that she has made contact with all of the faculty at the various law schools in Michigan. The writing competition packet is nearly completed, and the schools have suggested that the competition take place in early fall to avoid law review writing competitions this summer.
- 3.2.6 Update - Index to Michigan Health Law Regulations. Lisa Panah reported that she is continuing to work on this project and hopes to complete it within the next few months.
- 3.3 Subcommittee Reports and Calendar of Events. Kathy Kudner reported on behalf of David Rogers there will be a HIPAA Security Question and Answer Teleconference on October 5, 2004 sponsored by the Technology Committee. The Payors Committee will sponsor a Small Group Reform Panel Teleconference on May 12, 2004. The Consumer Subcommittee is planning its annual program for legal aid. Other topics that may be addressed this year include mental health, insurance round table, and medical errors.
- 3.4 Update on Michigan Health Law Report. Cindy Wisner reported that the next issue of the Michigan Health Law Report will include an article regarding Michigan=s Medical Records Access Statute. In addition, she will obtain the permission of ICLE to Are-publish@ Gary McRay=s and Jennifer Kildea Dewane=s State Law Year in Review ICLE seminar materials in the Michigan Health Law Report.
- 3.5 Other Special Projects.
 - 3.5.1 Publication of Michigan Public Health Code. Cindy Wisner indicated that the Work Group continues to meet and it is the intent of the Group to produce an index that may also identify accompanying regulations for the Public Health Code.
 - 3.5.2 First Annual Section Luncheon. Ann Hollenbeck reported that the First Annual Section Luncheon is scheduled for Wednesday, June 2, 2004, at Laurel Manor. The cost of the program including the box lunch will be \$20. There was discussion regarding the potential round table topics to address at the First Annual Section Luncheon. There was further discussion on which attorneys should serve as discussion leaders for the round tables.
 - 3.5.3 Review of Corporate Practice and Medicine. Kathy Kudner reported that she and Mike Fraleigh met with Ann Baker and James Smirthka. Mike, Kathy,

Ann and James exchanged their various concerns regarding the corporate practice of medicine. There was discussion on whether the Section could produce a position paper on the corporate practice of medicine.

3.5.4 Glossary of Health Definitions. Cindy Wisner reported that she and Jennifer Kildea Dewane have exchanged ideas on the Glossary and will continue to work to finalize the Glossary.

3.6 Report of Proposed Amendments to Non-Profit Corporation Act. There was nothing to report.

3.7 National Conference of Commissioners on Uniform State Laws. There was nothing to report.

3.8 Report on ICLE 2004. Kathy Kudner reported that she had received the evaluations on the ICLE 2004 seminar. There were 175 registrations. There was a request to reverse the schedule of the ICLE seminar and make Thursday a full day seminar and have a half day on Friday. This is apparently because attendance greatly drops off on Friday afternoon. Kathy Kudner also went over the comments received by Shell Stark regarding the ICLE seminar.

3.9 New Business.

3.9.1 Stark II Task Force. Gerry Griffith reported that he and Maria Abrahamson will co-chair the Stark II Task Force. Currently, they have 15 people who have volunteered and will meet in the near future.

3.9.2 Michigan Bar Annual Meeting. Phil Stoffan reported that a potential speaker had been contacted and work continues on the planning process.

3.9.3 Appointment of Nominating Committee. Kathy Kudner reported that the Nominating Committee needs to start meeting to nominate Section Members for officer, council member, and subcommittee position. Ann Hollenbeck volunteered to serve on the Nominating Committee, along with Cindy Wisner and Kathy Kudner. The Nominating Committee will also seek a past Council Member to assist them in the process.

3.9.4 Bar Leadership Forum. Cindy Wisner reported that she plans to attend the Bar Leadership Forum.

4. Next Meeting. The next meeting of the Council of the Health Care Law Section will be held at the Law Offices of Foster, Swift, Collins & Smith, P.C. at 3:00 p.m. on May 19, 2004.