

**STATE BAR OF MICHIGAN  
HEALTH CARE LAW SECTION  
Thursday, April 19, 2007  
3:00 pm – 4:30 pm**

The Health Care Law Section Council meeting was held on April 19, 2007 via telephone. The following Council members participated: David Rogers, Lisa Panah, Tom Trenta, Monica Wilkinson, Joanne Lax, Beth Derwin, Ann Hollenbeck, Rob Iwrey, Jan Anderson, Eric Wexler, Donna Craig, Joy Berent, Jennifer Kildea Dewane. Kim Adams, Administrative Assistant, was also present.

**1. Call to Order (*David Rogers*)**

Rogers called the meeting to order at 3:18 PM

**2. Conflict Disclosures (*David Rogers*)**

Rogers called for conflicts. There were none.

**3. Review and Approval of Minutes of February 15, 2007 Council Meeting (*Ann Hollenbeck*)**

Hollenbeck called for comments or changes to the February 15, 2007 minutes. Derwin said that she is not on the Legislative Committee (Item 6) and asked that her name be removed. Iwrey said that Section 5.2 should indicate 3 speakers instead of 5. Hearing no further comments, a motion was made to approve the minutes. It was seconded and approved unanimously.

**4. Treasurer's Report (*Margaret Marchak*)**

In Marchak's absence, Rogers reported that the treasurer's report had been circulated via email. In her absence, a review and approval of the report will be postponed until the next meeting.

**5. Updates**

**5.1 Substantive Law Subcommittee Report (*Monica Wilkinson*)**

Wilkinson was pleased to report that the Substantive Law Committee has the remainder of the fiscal year planned. She said that the schmooze on the 17<sup>th</sup> was well attended and received. She also reported that there was a discussion amongst the committee members regarding scheduling future schmooze events. The SLC felt that schmooze events should be scheduled every other month. Summer months (July and August) would be skipped and a new schmooze would be scheduled in October so not to interfere with the Annual meeting. The June Schmooze will be in Grand Rapids but Wilkinson said that we do not have Council representation in Grand Rapids. In a previous conversation with Rogers she said that he felt that schmooze events should continue in SE Michigan in June but to also try to find a Grand Rapid location for a June date. Rogers and Wilkinson also discussed breaking off the schmooze responsibility from the SLC and set up a separate sub committee. After a lengthy

discussion, the Council agreed to set up a separate committee, keep the SE Michigan locations every other month and to seek to hold these programs in locations other than SE Michigan, such as Lansing and Grand Rapids. It was also agreed that there will be a June date in Grand Rapids as well as SE Michigan. A review of the survey results will help to determine next steps and locations. Rogers will make connections with his contacts in Grand Rapids and get back with Wilkinson.

There was a discussion on how the structure of the room impacts the kind of discussions – substantive vs. social during a schmooze. It was agreed to aim toward scheduling rooms that allow a substantive discussion environment.

Wilkinson reported that the following events are scheduled.

Legislative Update is scheduled for April 25. Registration is lower than it has been in the past. Rogers will send out another reminder.

May 2 teleconference on Metadata is set and there's been a lot of registration interest. The SLC will look into recording the teleconference.

May 17 Medicare Secondary Payer Teleconference is scheduled.

Sept. 11 Uniform Standards is in the planning process.

## **5.2 Law Student Receptions (*Rob Iwrey, Ann Hollenbeck, Amy Barkholz*)**

Iwrey reported that the Wayne State University reception was held. They received positive feedback from the students.

## **5.3 Revisions of the Non-Profit Corporation Act Update (*Joanne Lax*)**

Lax reported that there is no updated information re this subject at this time.

## **5.4 JCAHO/COP Project Update (*Joy Berent*) – Members: Joy Berent, Beth Derwin, Jennifer Kildea Dewane**

Berent reported that her contact, Ann Williams, has law clerks working on the project but requested additional assistance from the section. Berent and Derwin will provide assistance. The project will be jointly produced and identified as a HCLS product.

## **5.5 Website (*Eric Wexler*)**

Wexler asked Adams to provide feedback on the website. Adams reported that all teleconference and seminar registrations are now facilitated through the State Bar website. There was a brief discussion on the timeliness of the State Bar getting the Section's information on the web. Wexler said that he would call Sandi Barger to determine if there is anything the Section may do to facilitate a quicker response.

## **5.6 Attorney-Client Privilege Task Force (*Eric Wexler*)**

Wexler reported that there are no new developments other than what's already been reported in the Business Law Section Journal. Wexler encouraged the members to read the article and will try to email it to the members.

## **5.7 Michigan Health Care Regulations Update (*Kim Adams*)**

Adams reported that there were a few updates to the CON section and will email those updates to the Council.

## **5.8 2007 Annual Meeting Committee (*Joanne Lax*) -- Members: Lisa Panah, Margaret Marchak, Joanne Lax, Ann Hollenbeck, Joy Berent, David Rogers**

Lax reported that the planning is coming along well. Facility (Ford Field), food and entertainment are set. She said that the committee is still looking for topics/speaker suggestions and encouraged the Council to contact her with their ideas. The next annual meeting of the committee will be Monday, April 23<sup>rd</sup> at 3 PM via telephone.

## **5.9 Pro Bono Work Group (*Robert Iwrey, Jan Anderson, Mike Fraleigh*)**

Iwrey reported that there is nothing new to report. Rogers asked if the project would be completed by September. Iwrey said that he does not know how long the production/distribution schedules will take. Adams offered to help with production.

## **5.10 Michigan Stark Law—Request for Legislature to take notice of Stark II Regulations (*Ann Hollenbeck; David Rogers*)**

Rogers reported that when he last spoke with Howard Marderosian, he was informed that a draft has been completed and forwarded on for review and approval. Hollenbeck suggested contracting with Walt Wheeler to get this done. Rogers said that as a Section, we might consider our individual clients retaining a consultant before hiring an outside consultant. Rogers will also speak again with Marderosian and asked Hollenbeck to contact Wheeler to see if he is a member of the section and to determine if he would work with the Section on a voluntary basis.

## **5.11 Section Survey (*Carol Tarnowsky*)**

In Tarnowsky's absence, Rogers reported that the survey is up and urged members to fill it out. He will send out a second notice to the listserve and perhaps one more with a closing date at the end of the month. Adams will tabulate the results for review at the next meeting.

## **6. Legislative Liaison Committee (*Jan Anderson*) – Members: Jan Anderson, Donna Craig, Donna O'Connor, and Eric Wexler**

Anderson reported that a set of proposed statutes has been circulated 2 or 3 times to the Council and she has received no responses. Wexler reported that he did respond and said

that it will be on the agenda of the Trade Association of Health Plans Legislative Committee. Craig thought that the Section is lacking a process to put forth the Section's opinion on this and other issues and offered to work with Anderson on developing a process for review and recommendation. Craig will work with Anderson to follow-up with the State Bar and other Sections to determine what their process is on taking official positions on issues.

**7. Update on HCLS Scholarship for National Association of the Administrative Law Judiciary Spring 2007 Conference (Rogers)**

Rogers reported that the ALJ conference has been canceled due to the State budget cuts. He is hoping that a new mechanism will be established to make the scholarship go forward. Iwrey asked if we could put something up on the site that announces this as we have already announced the scholarship program to students referring them to our website for more information. Rogers and Adams will work on language to post on the web.

**8. Budget Hours for administrative assistant**

Rogers suggested that the administrative assistant hours be increased due to additional work on Section business. The current agreement is 10 hours per month and the recommendation is to increase this to 15 hours per month. The Council agreed. Adams will meet with the Executive Committee this summer to review the job description and hours.

**9. Other Business**

Berent reported she and Adams are working on reviewing the Section publications to determine whether they need to be updated and to develop an archive. Rogers noted this and will include this as an ongoing agenda item.

Rogers also noted that he needs to name a nominating committee.

**10. Next Meeting Date: Thursday, May 17, 2007, 3:00 pm.**

Subsequent meetings: Third Thursday of each month, 3:00 pm:

Jun 21, Aug 16, Sep 19

**11. Adjourn**

Meeting was adjourned at 4:38 P.M.

Council Members and Project Assignments:

Chair: David Rogers (2008)

Secretary: Ann Hollenbeck (2009) – Michigan Stark Task Force; Law Student  
Receptions, Annual Meeting Committee

Treasurer: Margaret Marchak (2009) -- Annual Meeting Committee

Chair-Elect: Lisa Panah (2008) – Annual Meeting Committee

Past Chair: Jennifer Kildea DeWane (2007) – JCAHO/COP Task Force

Substantive Law Committee Chair: Monica Wilkinson (2009) – NAALJ Scholarship Committee

Jan Anderson (2007) – Pro Bono Work Group; Legislative Liaison Committee

Amy Barkholz (2008) – Law Student Reception

Joy Berent (2007) – Annual Meeting Committee; JCAHO/COP Project ; Section Publications

Donna Craig (2007) – Legislative Liaison Committee

Beth Derwin (2008) – JCAHO/COP Task Force

Mike Fraleigh (2009) – Pro Bono Work Group

Rob Iwrey (2008) – Law Student Reception; Pro Bono Work Group

Joanne Lax (2008) -- Annual Meeting Committee

Donna O'Connor (2009) – Legislative Liaison Committee

Carol Tarnowsky (2008) – Web Survey

Tom Trenta (2009) – NAALJ Scholarship Committee

Eric Wexler (2009) – Website; Attorney-Client Privilege Task Force; Legislative Liaison Committee

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