

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

**WEDNESDAY, APRIL 16, 2008**

The Health Care Law Section Council meeting was held via telephone. The following Council members participated:

Rich Bouma, Beth Derwin, Marta Hoffman, Ann Hollenbeck, Rob Iwrey, Lisa Panah, Margaret Marchak, Donna O'Connor, Carol Tarnowsky, Eric Wexler, and Monica Wilkinson.  
Administrative Assistant Denise Adams was also present.

Excused absences: Joanne Lax and David Rogers.

Unexcused absences: Tom Trenta and Jan Anderson.

1. Call to Order. Lisa Panah called the meeting to order at 3:04 p.m.
2. Conflict Disclosure. There were no conflict disclosures.
3. Approval of Minutes. Approval of the March 19, 2008 Council Meeting minutes will be deferred until the May 21, 2008 Council meeting.
4. Treasurer's Report.
  - 4.1 Budget Issues. Margaret Marchak lead discussion regarding budgeted amounts for the Pro Bono Projects, programs and teleconference calls, Annual Meeting, Joint Antitrust meeting, writing competition awards, stipend for Hall Render and current year awards. She will present a proposal for a revised budget, if necessary, to be discussed at the May 21, 2008 Council meeting.
5. Updates.
  - 5.1 Substantive Law Committee Report.
    - 5.1.1 Monica Wilkinson reported that the fifth Stark III program will be held on April 23<sup>rd</sup> as a teleconference only.
    - 5.1.2 Monica Wilkinson reported that the Legislative Update will be held on April 29<sup>th</sup> at the Foster Swift firm in Lansing.
    - 5.1.3 Monica Wilkinson reported that the Medical Legal Subcommittee will present a teleconference about the Learned Professions and corporate practice of medicine issue on April 30<sup>th</sup>. Confirmed speakers are Michael Philbrick and Amy Barkholtz. The emcee will be Margaret Marchak.

- 5.1.4 Monica Wilkinson reported that planning for the May 7, 2008 Joint meeting with the Antitrust Section is going smoothly.
- 5.1.5 Monica Wilkinson reported that a program regarding e-prescribing with speaker Gladys Wheeler of CMS will take place in the fall.
- 5.1.6 Speaker Release Form. Margaret Marchak will review various options for a speaker release form and report at the May 21, 2008 Council meeting.

5.2 Health Law Schmooze Committee.

- 5.2.1 Donna O'Connor reported that the next event will be May 13<sup>th</sup> in the Lansing offices of Miller Canfield.
- 5.2.2 Detroit Tiger Game at Comerica Park, June 6<sup>th</sup>, 2008. Donna O'Connor reported that the pre-game schmooze will be hosted by Bill Shipman at the Bodman law offices at Ford Field. The Council will open registration to non-member guests one month before the game.
- 5.2.3 Donna O'Connor reported that there will also be a Schmooze in Traverse City on a Friday in October.
- 5.2.4 Donna O'Connor recommended that the Council better market future schmooze events. Discussion ensued. Suggestions included marketing to local Bar sections, more colorful marketing materials, including Schmooze details into the monthly HCLS newsletter, and more e-blast notices.

5.3 Law Student Events.

- 5.3.1 Rob Iwrey reported that the WSU and U of D Law Schools event was held on March 20<sup>th</sup>. The speakers, Art DeVaux, Monica Wilkinson, and Michigan Assistant Attorney General Virginia Trascoma, did an excellent job. About 20 students attended. He has received good feedback regarding the event.
- 5.3.2 Ann Hollenbeck reported that the University of Michigan Law School event was held on March 26<sup>th</sup>. Fifty students attended. Ms. Hollenbeck reported that the students were engaged and knowledgeable in health care law and that there was lively discussion.
- 5.3.3 Marta Hoffman reported that the Ave Maria Law School event was held on March 27<sup>th</sup>. Approximately forty students attended and heard three speakers. Ms. Hoffman added that it was a promising event.
- 5.3.4 Amy Barkholz reported that the Cooley Law School and MSU law school events were still in the planning stages for fall dates.

Separate events for each school are being planned. Mr. Eric Wexler offered to help with the MSU event. Walt Wheeler was suggested as a possible speaker.

5.4 Technology and Access Committee.

5.4.1 Health Law Wiki. Rich Bouma reported that he spoke with Sandra Barger, Joanne Lax, Amy Barkholz and Margaret Marchak regarding the Wiki. It is their collective recommendation that the council not go forward with the Wiki at this time.

5.4.2 HCLS Website Updates. Lisa Panah reported that she asked Sandra Barger to create a link to the ListServ. She also had a Save the Date for the Annual Meeting added.

5.4.3 Electronic Newsletter. Lisa Panah reported that the April HCLS newsletter went out to the section. The goal is to publish one per month. Suggestions or information for inclusion in the newsletter should be sent to Lisa Panah.

5.5 Health Law Index. Lisa Panah reported that the index is continually updated by Mary Beth Dickerson and that the index is current thru March 20, 2008.

5.6 Legislation Committee.

5.6.1 Miller v. Allstate. Lisa Panah reported that there is a link to the brief on the HCLS website. Summary on the April 10, 2008 oral argument prepared by Leah Romano was circulated with the agenda for today's meeting.

5.6.2 Corporate Practice of Medicine Legislation. Amy Barkholz reported that the Senate committee will be holding the bills until the courts decision.

5.7 2008 Annual Meeting Committee Update. Lisa Panah reported that she is working with the DIA on logistical issues regarding classroom seating for the educational portion of the meeting. Kresge Court is reserved for the event. Other possibilities are Prentis Court or the lecture hall.

Beth Derwin reported that the program will include an integrated speaker panel looking at the issues of disclosure for adverse events. Ms. Derwin also reported that they are narrowing down their list of speakers and have added a representative from Aetna as a possibility. She reported that Tom Trenta has located Harvard's film on the subject and that it is being considered as key to the panel presentation.

5.8 Pro Bono Work Group. Rob Iwrey reported that he has received comments from the Elder Law section. He has incorporated them into a revised draft. Amy Richards of Oakwood has scheduled a meeting with First Step Shelter for their perspective. Upon receiving final comments,

Rob will send the draft to the Council for input before it goes into production.

- 5.9 Revised IRS 990 Form. Ann Hollenbeck reported that there is much interest in a task force to comment on the IRS instructions. She will keep the council informed of their progress.
- 5.10 Law Student Writing Competition. Carol Tarnowsky reported that invitations to participate were sent out to each law school. She has not received any feedback. Deadline for submissions is June 30. Jennifer Benedict has offered to help Joanne Lax and Carol read the responses.
- 5.11 Bylaws Amendment-Law Faculty Membership Category. Monica Wilkinson reported that she will submit the Bylaws Amendment to the State Bar of Michigan.
- 6. New Project Initiatives.
  - 6.1 Stark Law Task Force. Lisa Panah reported that the deadline is June 13<sup>th</sup>. Comments should be emailed to Ms. Panah for inclusion in the May 1<sup>st</sup> newsletter.
- 7. List of Individuals Interested in Participating in Section Activities. Lisa Panah noted the individuals who have expressed an interest in participating in Section activities and asked Council members to keep them in mind.
- 8. Other Business.
  - 8.1 Wiring Michigan for Health Information Exchange Program. Margaret Marchak reported that she will send a notice regarding this conference through the ListServ.
- 9. Calendar of Meetings. The next meeting of the Council will be held on Wednesday, May 21, 2008, 3:00-5:00 p.m. via call-in only.
- 10. Adjourn. Lisa Panah adjourned the meeting at 3:54 p.m.