

***State Bar of Michigan
Health Care Law Section
Council Meeting Minutes***

Thursday, April 2, 2009
9:00 a.m. – 10:00 a.m.

Council Officers: Ann Hollenbeck (Chair), Joanne Lax (Chair-Elect)
Margaret Marchak (Treasurer), Marta Hoffman (Secretary)

- I. **Call to Order** (Ann Hollenbeck): 9:02 a.m.
- II. **Roll Call** (Ann Hollenbeck): Present: Ann Hollenbeck, Joanne Lax, Margaret Marchak, Marta Hoffman, Jan Anderson, John Anderson, Rich Bouma, Beth Derwin, Rob Iwrey, Joan Lowes, Lisa Panah, Carol Tarnowsky, Eric Wexler-Joined in progress, Monica Wilkinson. Excused: Amy Barkholz, Donna O'Connor
- III. **Conflict Disclosures** (Ann Hollenbeck): There were none to report.
- IV. **Review and Approval of Minutes of February 12, 2009 and March 5, 2009 Council Meetings** (Marta Hoffman): Both were approved unanimously upon motion and second.
- V. **Treasurer's Report** (Margaret Marchak): The financial report was provided. Margaret reported that a correction will be made reflecting an increase to \$3,500 for scholarship funds. The section continues to operate within budget.
- VI. **Updates**
 - A. **Substantive Law Committee Report** (Joan Lowes):
 1. **General Issues:** Joan reported a phone problem during one of the recent teleconferences. The section will not be charged for phone use during that conference and a recording of the program will be available for members on the section website. A discussion was also held regarding whether the section should continue to charge a fee for non section members.
 2. **Past Programs:** The CON program was well received and evaluations are expected soon.
 3. **Future Programs:** Material will be going out soon for the first part of a Medicare Advantage program which will be held on May 6th.
 4. **Legislative Update:** This event will be held on April 23rd at 3 p.m. in the Michael Franck Bldg. in Lansing.
 - B. **Law School Events** (Amy Barkholz, Rob Iwrey, Marta Hoffman): Rob Iwrey reported that the Wayne State University event went well. Presenters were Rob Iwrey, Monica Wilkinson, Art Deveau, and Virginia D____? Marta Hoffman reported that the Ave Maria Law School event on March 25th also went well. Presenters were Ann Hollenbeck, Marta Hoffman, and Eric Wexler. It was noted that Ave Maria will not have a Michigan presence after June as it is relocating to

Naples Florida. The University of Michigan event was scheduled for this afternoon.

- C. **Technology and Access Committee** (Rich Bouma): There was nothing to report.
- D. **Legislation Committee** (Jan Anderson, Eric Wexler, Amy Barkholz, Marta Hoffman) There was nothing to report.

- 1. **2009 Law School for Legislators**, March 24, 2009 (Jan Anderson): Ann Hollenbeck praised Amy Barkholz and Jan Anderson for the tremendous effort they put into this project. Unfortunately, there was a poor turnout. There was discussion about doing a webinar instead next year.

- 2. **Medical Marijuana Regulations** (Marta Hoffman): Marta has spoken with Amy Barkholz about common issues/questions providers seem to have about the legislation. Discussion was held about possibly forming a task force to begin investigating potential problems/issues as a result of the legislation. Some issues involve the law's effect on how to deal with ADA issues, other employment related issues and conflicts with the federal law.

- E. **2009 Annual Meeting Committee** (Ann Hollenbeck): The group has met and several potential speakers have been identified. The group will continue to narrow the list of candidates. The program is scheduled for September 24th at Cranbrook. Discussion was held about Tom Trenta's death on March 22d and about Tom's dedication and work on the annual meetings in the past. There was discussion and a recommendation that this year's meeting be dedicated to Tom's memory. There was also discussion about naming the law student writing competition after Tom. This was unanimously approved upon motion and second. Marta will contact Tom's widow and seek consent to name the competition after him. She will also invite Mrs. Trenta and family members to this year's meeting when the section will announce it's renaming of the law student writing competition.

- F. **Pro Bono Work Group** (Rob Iwrey, Carol Tarnowsky); Rob is having ongoing discussions with MSMS about assisting with publication and mailing, They have expressed interest and have in house capacity to assist. Carol has also had preliminary discussions with MHA. The group discussed obtaining price comparisons.

- G. **Redesigned IRS Form 990 Task Force** (Ann Hollenbeck); It was unanimously approved to disband the task force upon motion and second.

- H. **Publications Committee** (John Anderson, Donna O'Connor)

- 1. **Health Law Index**: This will be updated on a quarterly basis.

- 2. **Planned Publications for 2009**: The Record Retention update is ongoing. The fraud and abuse manual may be updated as well. Monica Navarro and David Haron have expressed an interest in assisting.

- I. **Charitable Donations Policy** (Monica Wilkinson): Monica presented a draft policy. There was considerable discussion. Concern was expressed about donating funds for public advocacy and influencing legislation given our diverse membership. It was unanimously approved upon motion and second, to remove the public advocacy portion from the draft policy.

- J. **Student Writing Competition** (Joanne Lax, Carol Tarnowsky, Monica Wilkinson): Flyers are going out and the competition has already been promoted at the law school events. The information is posted on the section web site as

well. As noted above, the competition will be named after Thomas Trenta on a permanent basis. This will be announced at the annual meeting in September.

- K. **Review of Health Law Update** (Ann Hollenbeck): Margaret reported that feedback from ICLE was good. The program received very positive comments. The group discussed holding joint programs with MSHRM (Michigan Society of Healthcare Risk Management) in the future.
- L. **Nightingale Task Force** (Ann Hollenbeck): The task force will be meeting later this month. Ann would like a council member to serve as a liaison with the task force. Ann is currently serving in that capacity.
- M. **Corporate Practice of Medicine Task Force** (Marge Marchak): Multiple people volunteered to serve on the task force. A conference call is scheduled for April 20th and will be followed by an in person meeting.

VII. **New Business**

- A. **HITECH Act** - Lisa Panah suggested that the council consider forming a task force to help keep track of issues relating to this act. Discussion was deferred until the next meeting.
- B. **New Medicare Lien (mandatory reporting) law** – Rob Iwrey discussed this briefly and noted that there is a significant penalty of \$1,000 a day for violation.

VIII. **Next Meeting Date: Thursday, May 21, 2009, 9:00a.m.**

- IX. **Adjournment** (Ann Hollenbeck) 10:12 a.m.