

**STATE BAR OF MICHIGAN  
HEALTH CARE LAW SECTION  
COUNCIL MEETING MINUTES  
April 6, 2010**

Council Officers: Joanne Lax (Chair), Monica Wilkinson (Chair-Elect), Robert Iwrey (Treasurer), Marta Hoffman (Secretary)

- I. **Call to Order (Joanne Lax):** The meeting was called to order at 4:30 p.m.
- II. **Roll Call (Marta Hoffman): Present:** Joanne Lax, Monica Wilkinson, Marta Hoffman, Jan Anderson, Steve Bender, Richard Bouma, Beth Derwin, Joan Lowes, Donna O'Connor, Carol Tarnowsky **Excused:** John Anderson, Jennifer Benedict, Ann Hollenbeck, Rob Iwrey, Tom McGraw. Laura Napiewocki, Monica Navarro, Amy Barkholz.
- III. **Conflict Disclosures (Joanne Lax):** There were none to report.
- IV. **Review and Approval of Minutes of March 2, 2010 Council Meeting (Marta Hoffman):** The minutes from the March meeting were presented and were unanimously approved upon motion and second.
- V. **Treasurer's Report (Robert Iwrey):** No report was presented.
- VI. **Updates**
  - A. Substantive Law Committee Report (Tom McGraw, Steve Bender): The RAC program was held and had approximately 35 in attendance. The legislative update will be held at the State Bar office from 3 to 5 p.m. on April 22d. Industry representatives from MSMS, MOA, MHA, Mich Health Plan, Sen. George and Rep. Corriveau are expected to attend. On April 26<sup>th</sup>, a program on the Impact of Healthcare Reform on Employer Sponsored Welfare Plans will be held in conjunction with the Employment Section. A program on Meaningful Use will be held on April 29<sup>th</sup> and a program on GINA will be held on May 27<sup>th</sup>. A program regarding Healthcare Reform's impact on tax exempt providers is being planned for May. A joint program with the ADR group has been tabled until next fall.
  - B. Publications Committee report (Donna O'Connor, Monica Navarro): All planned tasks have been completed. Website updates are near completion.
  - C. Legislative Committee report (Jan Anderson, Monica Wilkinson, Amy Barkholz): A guidance document describing the role and activities of the

committee was presented. The committee will not be monitoring pending legislation because it is too time consuming. The committee will review legislation if approached by the State Bar or upon request of a section member. The committee will then make a recommendation about whether the section should take a position in advocacy. A checklist has been prepared to assist in this regard. Also distributed for the council's review was the State Bar's report on public policy positions and its form that needs to be filled out if the section wishes to take a position on legislation. The committee recommended changing the name of the committee to the Legislative/Advocacy committee. All of the above were discussed and unanimously approved upon motion and second. Proposed legislation regarding notary publics was then discussed at length. The committee recommended that the section take a position in opposition because of the undue burden placed on the notary who may not possess the ability to make determinations required by the legislation which does not provide any guidance for the notary. Others opposing this legislation include the State Bar, the judicial initiatives section and the real estate section. All of the other sections' well articulated reasons for opposing are available on the State Bar website. The council unanimously agreed to take a position in opposition to the proposed legislation amending the notary statute upon motion and second.

- D. De-briefing on the March 2010 ICLE Health Law Institute and Council appreciation dinner: All agreed that the program was a success. Discussion ensued about starting the dinner earlier and about the possibility of consolidating the program into one day with more tracks or making it two days with reduced fees for partial attendance. ICLE will be consulted.
- E. Technology Committee and web site re-design initiative report (Rich Bouma, Jennifer Benedict): Notice has been sent to firms about the website search engine. Mr. Bouma will also be sending direct e-mails re: same.
- F. HCLS Directory report (Joan Lowes): No one has requested to opt out. The deadline for doing so was the end of March. Ms. Lowes will ask the State Bar to publish the directory.
- G. Race for the Cure report (Rob Iwrey, Monica Navarro, John Anderson) No report.
- H. Pro bono Committee report (Carol Tarnowsky): The brochure is complete and a bill from MHA has been received. Ms. Tarnowsky will be communicating with Mr. Iwrey for his input before a cover memo can be prepared.
- I. Law student events report (Amy Barkholz, Robert Iwrey, Marta Hoffman):

Ms. Hoffman reported that last of the events at U of M was held on March 10<sup>th</sup> and had about 30 in attendance.

- J. Annual meeting subcommittee report (Joanne Lax, Monica Wilkinsen, Ann Hollenbeck, John Anderson, Marta Hoffman, Carol Tarnowsky, Amy Barkholz): The facility contract is still being worked on and Ms. Hoffman will communicate with the Section administrative assistant about the status of details she is still negotiating. The call for speakers resulted in only 8 responses, most of which had already been presented, or which did not appeal to the committee. Another call for speakers will be sent out with a request to emphasize the impact of healthcare reform on various aspects of healthcare law. Discussion also ensued about getting industry speakers to address implementation of Healthcare reform into practice.
- K. Law student writing competition (Joanne Lax, Monica Wilkinsen, Carol Tarnowsky, Marta Hoffman): The topic concerns EMTALA . Notice of the writing competition will be sent out to law schools and will be posted to the section website.
- L. Nightingale Task Force report (Laura Napiewocki) No report.
- M. HITECH Act update(Joanne Lax): It was determined that the best way to inform the membership about HITECH is through teleconference programs as needed. There is no need to form a task force at this time.
- N. State Bar Journal feature publication report (Rob Ivrey): Ms. Lax forwarded State Bar guidelines for the publication and reported on the State Bar deadlines for the July 2011 publication as follows: August 2010 for articles and authors--documents must be submitted to the State Bar by February 2011. Discussion ensued about having the publications committee work with Ms. Wilkinson on this. Some items needing discussion include the number and length of articles to be submitted. A decision will need to be made by May. It was also noted that the State Bar has specific requirements for footnotes, citations, etc.

## **VII. New business**

- A. Proposal to support Race for the Cure activities in Lansing: An unidentified person has requested collaboration with, and/or support of the section but didn't state specifically, what kind of support. No details were provided and it was agreed that more information was needed.
- B. Adjournment (Joanne Lax): The meeting was adjourned at 5:38 p.m.
- C. Next meeting: May 4, 2010 at 4:30 P.M.