

## MINUTES

**Meeting:** State Bar of Michigan – Health Care Law Section Council  
**Date:** April 5, 2011  
**Acting Chair:** Marta Hoffman

### Members Present:

|                   |   |                    |   |            |   |
|-------------------|---|--------------------|---|------------|---|
| John Anderson     | P | Mark Kopson        |   | Joanne Lax | P |
| Amy Barkholz      |   | Thomas McGraw      | P |            |   |
| Steve Bender      |   | Laura Napiewocki   | P |            |   |
| Jennifer Benedict | P | Monica Navarro     | P |            |   |
| Richard Bouma     | P | Donna O'Connor     | P |            |   |
| Beth Derwin       |   | Carol Tarnowsky    |   |            |   |
| Marta Hoffman     | P | Monica Wilkinson   | P |            |   |
| Robert Iwrey      | P | Deborah Williamson | P |            |   |

| <u>Agenda Item</u>                                      | <u>Discussion</u>  | <u>Action/Follow-Up</u> |
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| Call to Order<br>Marta Hoffman                          | Ms. Hoffman called the meeting to order at 4:30p.m.  |                         |
| Roll Call   | See above for members present.   |                         |
| Conflict of Disclosure<br>Marta Hoffman                 | None reported.   |                         |
| Review and Approval of Minutes<br>Marta Hoffman         | Minutes of the March 1, 2011 Council meeting were presented for approval.  | Approved                |
| Treasurer's Report<br>Robert Iwrey                      | The Treasurer's Report was distributed by email on March 9, 2011 with a balance of almost \$86,000. Following the ICLE program (reimbursement, dinner), the balance is closer to \$80,000.   |                         |
| Substantive Law Committee<br>Steve Bender               | None reported.   |                         |
| Publications Committee<br>Donna O'Connor                | The MBJ issue will now be published in June, 2011 because of a delay with the IT Lawyers.  |                         |
| New Lawyers and Law Students Committee<br>John Anderson | The topic for this year's writing competition was posted on the website on April 15 <sup>th</sup> . Carol has sent a letter to each of the law schools to promote the competition. Monica can also submit an insertion into the Bar journal each month, so the May issue will feature the writing competition. A link directly to the site will also be printed. |                         |

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|  | <p>Law school presentations: Mr. Ivrey reported that the Wayne State Law School presentation took place on March 31<sup>st</sup>. The University of Michigan Law School presentation will take place on April 12<sup>th</sup> from 12-1 at the University of Michigan Law School. A panel discussion will take place. Last year there were 3-4 panelists, and panelists are needed for this year. Adil is interested in participating.</p> <p>The New Lawyer Meet and Greet is scheduled for April 21<sup>st</sup> at Goodnight Gracie's in Royal Oak. One email has been sent, and a follow-up email is scheduled for April 14<sup>th</sup>. John also suggests a follow-up phone call closer to the event, and perhaps an additional e-blast. The e-blasts are being sent to over 100 new attorneys.</p>   |  |
| Legislative Committee<br>Mark Kopson               | No report.   |  |
| Technology Committee<br>Jen Benedict<br>Rich Bouma | No report.   |  |
| Pro Bono Committee<br>Joanne Lax                   | <p>Joanne says that the Race for the Cure advertising is going well, and has gone out twice on the listserv. Laura and Rob promoted this at ICLE, and \$260 was raised by selling ribbons and bracelets at the event (Rob's trying to determine what should be done with this cash). There are about 10 bracelets left. 10 new registrants signed up as a result of the recent e-blasts (including a 6-year old!). They already had 4-6 registrations prior to that, and are expecting more activity as they get closer to the event and more e-blasts are sent. Registration closes on May 5<sup>th</sup>. The group will be meeting at the Town Pump following the Race. They are currently working out the details of distributing race packets to the registrants. Monica encourages all of the council members to participate.</p> <p>The Domestic Violence Brochure that was begun a number of years ago was edited to include updates after a review of laws, awareness factors, and other input with regards to appearance. We desired a format that would be easily digested by doctors without spending a lot of time reading it. We were contacted by an individual at the State Bar and the Domestic Violence Committee wanted to review the brochure. We were recently asked to remove this publication from our website pending review of the comments that were made from the Domestic Violence Committee on this publication. Monica feels that unless there is a legal inaccuracy, we should leave this brochure posted. We will let the committee know that we don't have a rolling review of the publication, and that the next time it comes up for review, we will take their comments into consideration.</p> <p>Nightingale: pre-email was sent. They would like to get a feeling amongst the health law community with regards to an understanding about how the industry is dealing with patient care and experience. They want to come up with "best practices" and policies, and then distribute these. They will be starting out with a health care quality improvement survey. There is some concern about how to respond, and whether or not there was a way to respond anonymously. The</p> | <p>Right now, the feeling is that there aren't legal inaccuracies, just a difference in interpretations, and we are viewing this as a completed project within our section. Rob will pass this message along to them.</p> <p>Monica will contact Dave to clarify all of this. Joanne and Monica will look over the historical data to get to the root of this.</p> |

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|  | <p>general feeling is that it would be very difficult to develop “best practices” in this area. It’s suggested that they look to more national groups to assist with this data collection. This may also be redundant with all of the other quality initiatives that are occurring. The general feeling is that most people would not fill this out, and the section is not willing to circulate this to their members. They’re seeking proprietary information. Our section isn’t saying that we’d never do something in the future, but this path is not what the section approves. Marta thought that this was formed to better inform the healthcare community about the perceptions of patients and their families so that we have a better understanding of upsetting issues/relating to the patients. This grew from David’s experience with the system, and this is all supposed to be about raising the consciousness of being in tune with what people are going through, and none of this relates to this original goal. Committee members responded through general interest after a call for participants. Joanne questions of whether or not this committee needs Council approval. Monica says that this isn’t our committee, and that we just sent someone to participate in the task force, and keep tabs on them.</p> |   |
| HITECH   | No report.  |   |
| <p>Council Fellows<br/>Exploration Committee<br/>Joanne Lax</p>  | <p>Joanne says that she, Deb, Monica had their first meeting and decided that while the idea has some merit, they need a lot of background information before they can determine if it will be allowed by the state bar prior to determining what this category of membership would look like. We’d be the first section to do this. The one theme that came through very clear is that we would need some very precise categories and a very concise nomination process. Some people might misconstrue fellow to mean fellowship, and fellow is viewed as gender-specific. The MI Bar is not adverse to the idea though, but it would require an amendment to the bylaws. Some sections do have an award as opposed to a fellowship. The general feeling is that the purpose of this fellowship would be to keep people involved past their terms, and an award won’t accomplish this. One idea would be to include past council members on emails to keep them informed. .</p>  | <p>Deb will check with the HLA with regards to their section.</p> <p>Next meeting: April 26<sup>th</sup>.</p> |
| <p>Annual Meeting<br/>Subcommittee Report<br/>Monica Navarro</p> | <p>Nothing new to report. We are focusing on the theme of MI implementation of health reform and are working on securing potential speakers. A Call for Speakers e-blast was sent, and it garnered only 1 response. The next meeting of this subcommittee will take place in a few days. If anyone has any suggestions for speakers (particularly a dynamic luncheon speaker), send Monica an email.</p>  |   |
| <p>New Business<br/>Marta Hoffman</p>                            | <p>The Section Calendar has been distributed.</p> <p>Michigan Pledge to Achieve Diversity and Inclusion – SBM Request: waiting for formal adoption of minutes. Monica will visit the website and indicated that our Section has agreed to take the pledge. After that, we will let the bar know that we want to explore this further; it is a multi-year project.</p>   |   |

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|                          | <p>The Bar Leadership Forum came up last year, but always seems to come up late, and we never did anything with it. It is held in June, and we would like to send someone. We could elect to cover that individual's expenses (the conference fee, one night at the Grand Hotel on Mackinac Island, transportation, and the attendee fee of a spouse), and other sections do this. This individual would need to be registered by May 13<sup>th</sup> for the conference, and May 10<sup>th</sup> for the hotel.</p> <p>There is also a program in Lansing in October to orient new appointees to section position. In the past, the incoming individuals were sent to this, and it's a little more comprehensive than the Bar Leadership Forum.</p> |  |
| Adjournment/Next Meeting | <p>The meeting adjourned at 6:00 P.M.</p> <p><b>Next Meeting: May 3 at 4:30 P.M.</b></p>   |  |

Minutes recorded by Adrienne Nutter