

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

**Wednesday, August 16, 2006**

The Health Care Law Section Council meeting was held via telephone. The following Council members participated: Jennifer Kildea Dewane, David Rogers, Donna Craig, Lisa Panah Eric Wexler, Beth Derwin, Joanne Lax, Ann Hollenbeck, Carol Tarnowsky, Joy Berent and Mike Fraleigh.

1. Call to Order. The meeting was called to order by Jennifer Kildea Dewane at approximately 3:05 p.m.
2. Conflict Disclosures (if any - specific agenda items). There were no conflict disclosures made.
3. Minutes. The Minutes of the June 21, 2006 meeting of the Health Care Law Section Council were approved on a motion made and seconded.
4. Treasurer's Report. Donna Craig presented the Treasurer's Report, which she indicated was in good shape.
5. Updates.
  - 5.1 Substantive Law Subcommittee Report. Jennifer Kildea Dewane reported that the next program will be the annual meeting, which the annual meeting group will discuss in further detail in a following agenda item.
  - 5.2 Law Student Reception Update. Jennifer Kildea Dewane and David Rogers asked for a volunteer to take over responsibility for planning a law student reception at Wayne State University Law School. It was mentioned that Rob Iwrey expressed an interest. Mr. Rogers stated that he would follow up with Mr. Iwrey. He also mentioned that he had contacts at WSU Law School who can advise on when to hold the reception.
  - 5.3 Revisions to the Nonprofit Corporation Act Update. There was nothing new to report. Jennifer Kildea Dewane asked someone to take over responsibility for serving as the liaison to the Council since Art deVaux's second Council term expires in September. Ann Hollenbeck volunteered. She indicated that she participates on the Nonprofit Corporation Act Committee, which has been inactive recently.
  - 5.4 JCAHO/COP Task Force. Jennifer Kildea Dewane re-stated that Ann Williams has volunteered to head the JCAHO/COP task force. Council members reiterated their support for this project, which will basically entail creating a crosswalk of JCAHO accreditation standards, Medicare

conditions of participation and relevant Michigan law. Ms. Kildea Dewane stated that she would follow up with Ms. Williams to proceed creating the task force and preparing a summary of the project. Joy Berent volunteered to serve as the liaison to the Council.

- 5.5 Website. Discussion was deferred to the next Council meeting.
- 5.6 Attorney-Client Privilege Task Force. Discussion was deferred to the next Council meeting.
- 5.7 Michigan Health Care Regulations. Lisa Panah reported that the index was reviewed and approved by Jennifer Kildea Dewane and Mike Fraleigh. Maribeth Dickerson has updated the index through August 4, 2006, which Sandi Barger is in the process of inputting. An announcement regarding the index has been prepared for the Chair to send to HCLS members once it is completed. Updates will be made periodically for the State Bar to input. Since the State Bar needs time to input new material, there will be some lag time in getting new information posted. However, the website will post the date through which the index is current. There was discussion on including a hit list on the website so that the Council can gauge the use of the index. If it looks useful to members, the Council will seriously pursue finding someone to take over responsibility for the index.
- 5.8 2006 Annual Meeting. Members of the annual meeting planning committee reported on the status of the annual meeting, which will be held on Thursday, September 28, 2006, at the Palmer Commons in Ann Arbor. There was discussion on the speakers, tentative agenda, including the luncheon and reception. Jennifer Kildea Dewane asked for volunteers to help at the meeting. Mike Fraleigh volunteered to head the registration effort. There was discussion on the possible price for the meeting, as well as methods for advertising the meeting. Notices via email, mailings, e-journal and other publications were discussed. There was discussion on submitting expenses incurred for the meeting to the Treasurer before the first week of October to ensure timely reimbursement of expenses.
- On a motion made and seconded, the Council authorized members of the planning committee to take action required to implement the meeting, including entering into contracts for services with vendors and making arrangements with speakers.
- 5.9 Pro Bono Work Group. Rob Iwrey reported via email to certain Council members that he has contacted Deb Spicer and Tom Trenta regarding a battered/abuse women brochure that would inform health care providers of their duties/obligations/rights to report and to guide them in providing assistance to such women and their children. Ms. Spicer will provide Mr. Iwrey with sample brochures that have been used in the past and the

names of individuals who have expressed an interest in updating the brochures to assure their compliance with changes in the law. Mr. Trenta, who chairs the Oakland County Medical Legal Society, expressed an interest to assist on the brochure. He told Mr. Iwrey that he would discuss the project with the new chair of the Society.

- 5.10 Michigan Stark Law. Ann Hollenbeck reported that she has not heard back from Jan Christenson from MDCH or anyone else there regarding MDCH formally recognizing and adopting the Phase II Stark regulations. Ms. Hollenbeck has asked for help from Walt Wheeler. She suggested that Mr. Christenson be invited to speak at the annual meeting regarding state health law issues, including the status of Michigan "Stark" law. Council members thought this was a good idea.
- 5.11 Section Survey. Carol Tarnowsky reported that she has pursued creating a survey with Zoomerang. For around \$300, Zoomerang will assist with creating the survey and tailoring up to 25 questions. For around \$600, in addition to the above, Zoomerang will help track the survey, analyze the results, send reminder notices, post it on the website and provide other helpful services. Council members expressed in leveraging Zoomerang as much as possible. Ms. Tarnowsky indicated that she would create questions for consideration by the Section Survey work group. David Rogers asked to be involved. Ms. Tarnowsky indicated that the survey will not be ready for discussion at the annual meeting, but it should be announced to the members as forthcoming. She will seek obtaining a copy of the Zoomerang survey done by the Council a few years ago and using it as a starting point in creating questions for the new survey. It was believed that Cindy Wisner headed that survey. Lisa Panah stated that she would check old minutes to confirm this. There was discussion on the Secretary keeping copies of contracts signed by Council members for section activities from now on.

On a motion made and seconded, the Council authorized Carol Tarnowsky to take action necessary to implement the survey, including signing a contract with Zoomerang to retain its services for the package costing approximately \$600.

- 5.12 Nominating Committee Report. Jennifer Kildea Dewane reported on the Nominating Committee nominations. Nominees for officer positions, and nominees for new Council members and renewed terms will be presented for vote by the HCLS members at the annual meeting. Ms. Kildea Dewane will also report at the annual meeting that the following individuals have been appointed by her, the current Chair, based on recommendations from the Nominating Committee, to serve as leaders of the substantive law subcommittees for the 2006-2007 fiscal year:

Medical Legal Subcommittee:	Marta Hoffman (Chair), Gail Pabarue, Paul Shirilla
Payors Subcommittee:	Alice MacDermott, Kathy Kelly, Irita Matthews
Providers Subcommittee:	Max Hoffman (Chair), John Anderson, Tom McGraw
Technology Subcommittee:	Andrea Hool (Chair), Deborah Biggs, Monica Navarro
Committee Chair:	Monica Wilkonson
Committee Vice-Chair:	Joan Lowes

6. Inquiry by Cooley Student for List of HCLS Members. Jennifer Kildea Dewane reported that a Cooley student is requesting information regarding HCLS members. It is not known why the student wants this information. Ms. Kildea Dewane will follow up with the student, and if additional information is obtained, it will be presented for discussion at the next Council meeting.
7. Other Business. There was discussion on pursuing hiring someone to provide administrative support to the Substantive Law Subcommittees, as well as to the Council, as needed. The budget includes \$5,000 for administrative support. It was re-stated that, Kim Adams, has applied for the position at a rate of \$25 per hour. David Rogers, Ann Hollenbeck, Joanne Lax and Joy Berent will pursue obtaining administrative support.
8. Next Meeting Date. The next Council meeting will be announced by David Rogers at a later time.
9. Adjournment. There being no further business, the meeting adjourned at approximately 4:20 p.m.