

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

December 18, 2002

The Council meeting was held at the offices of Trinity Health. The following Council members participated: Lisa Panah, David Rogers, Keith Soltis, Cindy Wisner, Greg Drutchas, Kathy Kudner, Maurice McMurray, Gerry Griffith, Donna Craig, Phil Stoffan, and Jennifer Kildea Dewane.

1. Call to Order. The meeting was called to order by Gerry Griffith at approximately 3:10 p.m.
2. Minutes. The minutes of the November 20, 2002 Council meeting were approved upon a motion duly made and seconded.
3. Old and Recurrent Business.
 - 3.1 Treasurer's Report. Donna Craig gave the treasurer's report, indicating that approximately \$19,000 has been collected in dues. At this time last year, the Section had collected approximately \$17,800 in dues and therefore the Section is ahead of last year in collecting dues. Donna also reported that one law student had also paid dues.
 - 3.2 2002-2003 Budget. Donna Craig presented the revised budget and went over the latest revisions to the budget with the Council. Revisions were made to the teleconferencing costs, fraud manual sales, and web page entries. In addition, the HIPAA Task Force expenses were reduced by Donna. Further discussion regarding the budget took place. Upon a motion duly made and seconded, the budget was approved.
 - 3.3 Update Reports on Special Projects and Work Groups.
 - 3.3.1 HIPAA Work Group. Cindy Wisner reported that HIPAA forms were posted on the Section's website on December 13, 2002. She also reported that the updated Preemption Matrix will be sent to the State Bar for posting on the Section's website.
 - 3.3.2 Pro Bono Work Group. Kathy Kudner reported that little progress had been made on doing a legal clinic on advance directives at Madonna University and that at this point, such a clinic would not take place. There was discussion on malpractice issues and their effects on lawyers' participation in pro bono work projects. The Council discussed other ideas on how to get involved with pro bono activities.

- 3.3.3. Website Task Force. Kathy Kudner reported that the group will meet on December 20, 2002, and she will make a detailed report on the group's progress in January 2003.
- 3.3.4 Specialty Certification. Phil Stoffan reported that he has been researching other states that have specialty certification for health care attorneys. Florida and Texas have such specialty certification. The contacts in those states are helping the work group in gathering information on how to implement a specialty certification process. He indicated that it appears that the State Bar is in favor of the Section's efforts. There was discussion on getting more information on the Family Law Section of the State Bar of Michigan's former attempt to get specialty certification. There was discussion on the Section's membership's reaction to specialty certification and the idea of soliciting input from the membership on the Section's interactive listserve. Phil further reported that the specialty certification task force members and State Bar employees will meet to discuss specialty certification on January 8, 2003.
- 3.3.5 Law Student Reception. David Rogers and Jennifer Kildea Dewane indicated that contacts at Wayne State University and Michigan State University's Detroit College of Law appear to be very interested in law student receptions. Representatives from both schools indicated that they would help bring in other law schools to participate in the reception.
- 3.3.6 Law Student Writing Competition. Cindy Wisner and Kathy Kudner reported on the idea that the Section sponsor a writing competition for students to write over the summer on a Michigan health law topic. Kathy and Cindy will meet to discuss possible future topics and more details on how the competition would be run.
- 3.4 Subcommittee Reports and Calendar of Events. David Rogers reported that the HIPAA Trilogy, those HIPAA seminars that took place on December 3, 2002, December 10, 2002 and December 17, 2002, had been completed and that good feedback had been received regarding each of those sessions. David further reported that sometime at the end of January there will be a seminar on the Patient's Right to Independent Review Act. In February the Providers Subcommittee plans to have the Legislative Update and would like to utilize Foster, Swift, Collins & Smith's CLE room to host such event. There will also be an upcoming legal aid seminar.
- 3.5 Webcasting Contracting. Gerry Griffith reported that there was nothing to report on this matter as there was no webcasting contract.
- 3.6 Update on Michigan Health Law Report. Kathy Kudner reported that she expects the Michigan Health Law Report to be published sometime in the end of January.

- 3.7 ICLE Health Law Institute 2002 and 2003 Organization and Co-Sponsorship. Upon a motion duly made and seconded, the Council approved sponsoring a reception at the ICLE Health Law Institute March seminar.
- 3.8 Chair's Letter. Gerry Griffith presented the final draft of the Chair's Letter.
- 3.9 Review and Approval of Section Policies.
- 3.9.1 Publications Policy and Pricing Structure for Publication. Jennifer Kildea Dewane presented the draft of the Publications Policy. There was discussion on the ownership of works jointly authored by the Section and individual authors. Jennifer Kildea Dewane and Greg Drutchas requested any comments to the policy and will continue to revise the Policy.
- 3.9.2 Conflict of Interest. The Council discussed the Conflict of Interest Policy. Gerry Griffith discussed the issue of Council Members having conflicts by membership and other associations. The Conflict of Interest statement will be revised, and the Council deferred approval until its next meeting.
- 3.9.3 Member Privacy. Upon a motion duly made and seconded, the Council approved the Member Privacy Policy. This policy will be compared to the Website Privacy Policy to ensure consistency on privacy issues.
- 3.9.4 Website Policy. This issue was deferred until the next meeting.
- 3.9.5 Program Registration Fees. There was discussion on whether there is a need for a program registration fee policy. David Rogers reported that there may not be a need for such a policy.
- 3.10 Special Projects.
- 3.10.1 Update Section Directory/Web-based. This report was deferred until the next meeting.
- 3.10.2 Representative Assembly Liaison. Discussion on this matter was deferred until the next meeting.
- 3.10.3 Update Michigan Hospital Law Index. There was discussion on whether it may be too early to revise the Hospital Law Index.
- 3.10.4 Update Michigan Health Law Regulations Manual. There was discussion on whether the Health Law Regulations Manual should be updated.
- 3.10.5 Administration of Justice Grants. Gerry Griffith discussed the grants available for innovative educational projects. There was discussion as to

whether the Pro Bono Work Group should consider such grants as a funding source.

4. Requests to Take More Active Role. It was reported by certain Council members that Marcia Malouin of Kitch, Drutchas, Wagner, DeNardis and Valitutti, P.C., Meredith Jagutis of Foster, Swift, Collins & Smith, and Deb Spicer have all requested to take a more active role in the Section's activities.
5. New Business.
 - 5.1 Report on November 22, 2002 Board of Commissioner's Meeting. This item was deferred until the next meeting.
 - 5.2 Feasibility of Membership Survey Via Zoomerang or State Bar to Determine Interest in Subcommittee Programs and Special Projects. This issue was deferred until next the meeting.
 - 5.3 Mid-Year Council Dinner After ICLE March 6, 2003 Seminar. Cindy Wisner volunteered to look into a location in which to have the mid-year Council dinner (which will coincide with the ICLE Seminar).
 - 5.4 Bar Leadership Conference on June 13-14, 2003. Gerry Griffith reported that the Bar Leadership Conference would be held on June 13-14, 2003 and asked whether anyone had an interest in going. Kathy Kudner expressed such interest.
 - 5.5 Need for Council Retreat and Planning Meeting. The Council discussed whether there was a need for a Council retreat and planning meeting. There was some indication that there was not a need at this time. There was also discussion on incorporating educational opportunities with such a retreat if such a retreat took place.
 - 5.6 Volunteer/Appointment of Interim Secretary. Lisa Panah volunteered to act as Interim Secretary during Jennifer Kildea Dewane's leave (February 2003 through May 2003).
 - 5.7 Review of Committees and Assignments. Gerry Griffith presented a list of committees and assignments. He noted that Kathy Kudner has many responsibilities. There was discussion on whether there was anyone to replace her on the Website Task Force.
 - 5.8 Dues for Law Students, Legal Administrator and Legal Assistant Members. Gerry Griffith suggested further investigating the amount of dues that law students, legal administrators and legal assistants must pay to belong to the Section.

- 5.9 Request for Comments on Proposed Amendments of Court Rules 2.502 (sua sponte dismissals for lack of progress), 7.302, 7.304, & 7.315 (expansion of court discretion in appellate procedures related to allowing oral argument), and 8.116 (guidelines for closing court proceedings). There was discussion on asking the co-chairs of the Medical/Legal Committee to review the Court Rules and provide any comments pursuant to this request.
- 5.10 Section Summit Advisory Group Report and Feedback on Public Advocacy Positions. There was discussion on the Section Summit.
- 5.11 Request for Support of Open Justice Commission Program. Gerry Griffith discussed the fact that the Open Justice Commission Program had requested some type of support from the Section. Upon a motion duly made and seconded, the Council approved endorsing and marketing the conference to the Section's membership.
- 6. Next Meeting Date. The next meeting of the Council will be a telephone conference held on January 15, 2003.
- 7. Adjournment. There being no further business the meeting adjourned at approximately 5:15 p.m.