

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

December 17, 2003

The Council meeting was held at the corporate offices of Trinity Health in Novi, Michigan. The following Council members participated: Donna Craig, Michael Fraleigh, Gerry Griffith, Phil Stoffan, David Rogers, Marge Marchak, Ann Hollenbeck, Kathy Kudner, Eric Wexler, Lisa Panah and Arthur deVaux.

1. Call to Order. The meeting was called to order by Kathy Kudner at approximately 3:20 p.m.
2. Conflicts. Upon request of Kathy Kudner, there were no conflicts of interest to disclose by any Council members.
3. Minutes. The Minutes of the November 19, 2003 Council Meeting of the Health Care Law section of the State Bar of Michigan were approved upon a motion duly made and seconded.
4. Old and Recurrent Business.
 - 4.1 Treasurer=s Report. Donna Craig presented the Treasurer=s Report which was accepted by the Council.
 - 4.2 Update Reports on Special Projects and Workgroups
 - 4.2.1 HIPAA Work Group. The State Bar received a complaint that the State Bar was sending out the old (not the updated) version of the matrix. Eric Wexler agreed to follow up with the State Bar regarding the use of the updated matrix.
 - 4.2.2 Wed Site Task Force. Eric Wexler solicited input from the Council members regarding any revisions that may be necessary to the Web Site for the upcoming Task Force Meeting. Kathy Kudner asked the Task Force to consider whether any web site specific policies are needed.
 - 4.2.3 Specialty Certification. Phil Stoffan presented a proposed letter to the other State Bar section leaders inquiring about their interest in attending a meeting on specialty certification. Phil Stoffan was working with the State Bar to determine an appropriate date for this meeting. The Council expressed concern with the Health Law Section leading this discussion when the Health Law Section membership has not yet expressed its opinion on specialty certification. After discussion, the Council passed a

motion supporting the letter and the concept of having a meeting among the various section leaders within the State Bar subject to the Council members providing comments to the draft letter prior to its mailing.

- 4.2.4 Law Student Reception. David Rogers= contact as Wayne State University is leaving the school which may delay the reception date at Wayne State until next semester.
- 4.2.5 Law Student Writing Competition. The packet for the competition is ready for mailing. Kathy Kudner and Cindy Wisner are working with the schools regarding timing of when the packets should be sent (whether or not to allow the students to have the materials to work on over the holiday vacation). Keith Soltis and Phil Stoffan agreed to be judges.
- 4.2.6 Update Index to Michigan Health Law Regulations. Lisa Panah reported that work on this project continues. One outstanding issue is the amount of detail that should be included (e.g., use of broader topic headings versus the current level of detail). Lisa Panah and Jennifer Kildae Dewane were going to meet and work with the State Bar to determine web site capabilities to evaluate options for this Index.
- 4.3 Subcommittee Reports. A presentation on small group insurance reform is planned for the end of January. On January 15, 2004, a lunch program on EMTALA will be provided. At the end of January or beginning of February, a presentation on telemedicine is planned by the Technology Subcommittee. The legislative update will occur on February 11, 2004. The Medical Legal Subcommittee is looking at a presentation in April on liability insurance issues. The Payors Subcommittee is contemplating a presentation on the Southeast Michigan Health Authority in May. The Consumers Subcommittee is looking at its Legal Aide presentation in May. The Consumers Subcommittee proposed a program, currently provided in Boston, where lawyers advise patients and families at a Children=s Hospital. Monica Wilkinson is taking the lead on investigating this project.
- 4.4 Update on Michigan Health Law Report. There was no discussion of this topic.
- 4.5 Budget. \$1500 was added to the 2004 Budget presented at the last meeting for the Law School Writing Competition. The Council discussed whether to stop charging for conferences in light of the budget surplus. The Council decided it would continue to charge a participation fee for more expensive presentations and consider waiving fees for less expensive presentations on a case-by-case basis. The Budget was approved subject to the addition of \$1,000 for an annual Section Luncheon. The Council also approved the use of Section funds for an in-person meeting of the Subcommittee Chairs.
- 4.6 Other Special Projects

- 4.6.1 Publication of Michigan Public Health Code. There was no discussion of this topic.
- 4.6.2 First Annual Section Luncheon. The Council discussed the goals behind the Luncheon. Ann Hollenbeck agreed to determine an approximate cost of the Luncheon. The Council also discussed what the appropriate location for the Luncheon should be.
- 4.6.3 Guardianship and Priority of Rights. This item was removed from the agenda.
- 4.6.4 Review of Corporate Practice of Medicine. Ann Baker has agreed to talk with representatives from the Council and Kathy Kudner is trying to set up a date for this discussion.
- 4.6.5 ADR. There was no discussion of this topic.
- 4.6.6 Glossary of Health Definitions. There was no discussion of this topic.
- 4.6.7 Other Ideas. There was no discussion of this topic.
- 4.7 Amendment to Nonprofit Corporation Act. Art deVaux gave a background on the first meeting and that little activity has occurred since the first meeting. Art deVaux agreed to follow up with Jane Forbes regarding the status of this project.
- 4.8 National Conference of Commissioners on Uniform State Laws. There was no discussion of this topic.

5. New Business

- 5.1 MSHA Annual Meeting. The Council reported that no MSHA 2003 Annual Meeting is planned.
- 5.2 ICLE 2004. Kathy Kudner passed out a request from ICLE for anyone who has attended all ten ICLE Health Law Seminars. The label list provided by the State Bar appears to be incomplete. Kathy Kudner intends to follow up with the State Bar.
- 5.3 Stark II Task Force. This task force is to-be-formed based upon when the Phase II Regulations are finally issued. Gerry Griffith and Maria Abrahamsen have agreed to chair this Task Force. The Phase II Regulations have been submitted to the OMB.
- 5.4 Council Biographies. Discussion on this topic was tabled to the next meeting.

- 5.5 Manual for Consent Forms. This item was removed from the agenda.
- 5.6 State Bar President and Executive Director. Kathy Kudner reported that the State Bar President and Executive Director indicated that they would like to attend one of the Council Meetings. Kathy Kudner will provide them with a list of future meetings.
- 6. Next Meeting. The next meeting of the Council will take place on January 21, 2004 via a telephone conference.
- 7. Adjournment. There being no further business, the meeting was adjourned at approximately 4:30 p.m.