

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

February 19, 2003

The Council meeting was held at the offices of Trinity Health. The following Council members participated: Gerry Griffith, Kathy Kudner, Maurice McMurray, Donna Craig, Lisa Panah, Keith Soltis, Art deVaux, Nancy Lukey, Joy Berent, David Rogers, Cindy Wisner, and Colleen McClorey. Daniel Levy, Section Liaison of the State Bar of Michigan, also attended.

1. Call to Order. The meeting was called to order by Gerry Griffith at approximately 3:08 p.m.
2. Minutes. The minutes of the January 15, 2003 Council meeting were approved, as revised, upon a motion duly made and seconded.
3. Conflict of Interest Disclosures. None of the Council members had any conflicts of interest to disclose. The Council members reported they participate in various professional associations, including serving on the boards and committees of professional associations like AHLA and MSHA, but that such participation does not constitute a conflict of interest.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. Donna Craig gave the treasurer's report, comparing the actual year to date budget to the final budget for 2003.
 - 4.2 Update Reports on Special Projects and Work Groups.
 - 4.2.1 HIPAA Work Group. Joy Berent and Cindy Wisner reported that the Preemption Matrix and various HIPAA forms are posted on the State Bar website. Also, the HIPAA Work Group has converted its purpose to considering practical HIPAA implementation issues and has developed a subgroup to work on clarifying and integrating state law consent and HIPAA Notice of Privacy Practice requirements.
 - 4.2.2 Pro Bono Work Group. Nancy Lukey solicited ideas for pro bono activities from the Council. It was suggested the Pro Bono Work Group identify appropriate health care legal work that can be done on a pro bono basis.
 - 4.2.3 Website Task Force. The report of the Website Task Force was deferred until after its March 28, 2003 meeting.

- 4.2.4 Specialty Certification. In Phil Stoffan's absence, Gerry Griffith presented notes of the Certification Task Force's meeting on February 10, 2003. He reported that Phil Stoffan will look into the Family Law Section's proposals for the examination requirement and how the Section gained approval of its Council and Section members. Keith Soltis will contact the Texas Bar Association and Joy Berent will contact the Florida Bar Association to learn more about how they generated support for their respective certification processes. The Task Force will reconvene on March 7, 2003, and report on what they have learned at the next Council meeting. Emphasis was made on the fact the Task Force is still in the very preliminary stages of exploring the interest and feasibility of health care specialty certification in Michigan. No decisions have been made yet regarding whether to proceed with the project.
- 4.2.5 Law Student Reception. David Rogers reported Wayne State University is still interested in hosting a March law student reception, and he hopes to have some HCLS members attend.
- 4.2.6 Law Student Writing Competition. Kathy Kudner and Cindy Wisner solicited ideas for topics from the Council. Possible topics discussed include: (1) the Michigan physician self-referral law's interplay with the federal physician self-referral law (Stark), and (2) the privacy of pharmacy records. Kathy and Cindy plan to announce the topic by May 2003.
- 4.2.7 Update on ICLE Registrations. Gerry Griffith reported 100 people have registered so far for the ICLE/HCLS seminar.

- 4.3 Subcommittee Reports and Calendar of Events. David Rogers reported that the Legislative Update was held on February 18, 2003 and went really well. There were 33 attendees. The Payors Subcommittee will hold a Patient's Right to Independent Review Act teleconference seminar on March 24, 2003. The Consumers Subcommittee intends to hold a seminar in May for legal aid attorneys. The Medical-Legal and Providers' Subcommittees will jointly put on an EMTALA seminar the end of May. David also reported that the subcommittee group plans to develop a report for future subcommittees to follow.

Cindy Wisner suggested that HCLS co-sponsor a national patient rights teleconference seminar with AHLA sometime in May. The Council agreed this was a good idea and would benefit HCLS.

- 4.4 Update on Plans for Mid-Year Council Dinner. Cindy Wisner reported she is pursuing several restaurants in Troy to hold the mid-year Council dinner. She solicited input from the Council on their preferences.

- 4.5 Update on Michigan Health Law Report. Kathy Kudner reported she is waiting for one more article and will be ready to publish the next Michigan Health Law Report in a few weeks. She plans to approach Governor Granholm again to write about her agenda on health care issues.
- 4.6 Review and Approval of Section Policies.
 - 4.6.1 Volunteer Code of Ethics. Discussion of the Volunteer Code of Ethics was deferred until the next Council meeting.
- 4.7 Other Special Projects.
 - 4.7.1 Update Section Directory/Web-Based. This report was deferred until after the Website Task Force's March 28, 2003 meeting.
 - 4.7.2 Update Index to Michigan Health Law Regulations. Lisa Panah reported she plans to update the index to the Michigan Health Law Regulations by the State Bar annual meeting in September. It was suggested that hot links to relevant websites be included in the index. If Lisa requires additional volunteers to assist on this project, she will contact those people who have requested to take a more active role in Section activities.
 - 4.7.3 Other Ideas. Nancy Lukey reported she was contacted about doing another joint HCLS seminar with MSMS. The Council agreed this was a good networking opportunity and discussed possible topics for the seminar. Nancy volunteered to take the first steps and indicated Phil Stoffan expressed an interest in participating in this project. Kathy Kudner suggested Tom McGraw also be contacted to participate.
- 4.8 Report on Proposed Legislation and Court Rule Amendments. Gerry Griffith presented a summary of proposed legislation and court rule amendments submitted to HCLS for comment. He asked if the HIPAA Task Force would be interested in commenting on the proposed privacy legislation. Joy Berent indicated she would ask the Task Force at their next meeting, but that she doubted they would want to take on this task at this time since everyone is busy with implementing the HIPAA Privacy Rule. Gerry Griffith will ask someone from the subcommittees to explore if the bill is going anywhere.
- 5. Requests to Take More Active Role. Gerry Griffith presented a list of those individuals who have requested to take a more active role in Section activities.
- 6. New Business.
 - 6.1 Report on November 22, 2002 and January 17, 2003 Board of Commissioner's Meetings. Daniel Levy reported the Board is pursuing ways to make it easier for

Bar Sections to take positions on issues without any conflicts with the State Bar. Also, the Board will be holding hearings on the proposal for increasing Bar dues.

- 6.2 Feasibility of Membership Survey Via Zoomerang or State Bar to Determine Interest in Subcommittee Programs and Special Progress. This report was deferred until after the Website Task Force's meeting on March 28, 2003.
- 6.3 Consider Bylaws Amendment Regarding Annual Meeting. Gerry Griffith reported that since HCLS' Bylaws already address the time and place of the annual meeting, no further changes to the Bylaws are needed.
- 6.4 Invitation to Attend 2/27/03 SBM Meeting on Public Advocacy Positions. Gerry Griffith reported he would e-mail the Council to see if anyone was interested in attending the February SBM meeting.
- 6.5 Access to Justice Program. The discussion on what to contribute to the Access to Justice Program was deferred until the next Council meeting.
- 6.6 National Conference of Commissioners on Uniform State Laws. Gerry Griffith requested suggestions on uniform laws and indicated if anyone had any suggestions, they should contact John Barry.
- 6.7 Appointment of Nominating Committee. Art DeVaux, Nancy Lukey and Maurice McMurray volunteered to serve on the Nominating Committee to nominate candidates to fill vacancies on the Council and officer positions. There was discussion on possibly including non-Council members on the Nominating Committee.
7. Next Meeting Date. The next meeting of the Council will be held in Troy, at a restaurant determined by Cindy Wisner, on March 6, 2003.
8. Adjournment. There being no further business, the meeting adjourned at approximately 4:45 p.m.