

**STATE BAR OF MICHIGAN
HEALTH CARE LAW SECTION
COUNCIL MEETING AGENDA
Thursday, February 15, 2007**

The Health Care Law Section Council meeting was held on February 15, 2007 via telephone. The following Council members participated: David Rogers, Margaret Marchak, Monica Wilkinson, Rob Iwrey, Joanne Lax, Donna O'Connor, Eric Wexler, Carol Tarnowsky, Joanne Lax, Ann Hollenbeck, Tom Trenta and Beth Derwin. Kim Adams, Administrative Assistant, was also present.

1. Call to Order (*David Rogers*)

Rogers called the meeting to order at 3:16 P.M.

2. Conflict Disclosures (*David Rogers*)

Rogers called for conflicts. There were none.

**3. Review and Approval of Minutes of January 18, 2007 Council Meeting
(*Ann Hollenbeck*)**

Hollenbeck called for comments or changes to the January 18, 2007 minutes. Lax asked that the name of the statute – Medical Records Retention Act be added in Section 6. Hearing no further comments, a motion was made to approve the minutes. It was seconded and approved unanimously.

4. Treasurer's Report (*Margaret Marchak*)

Marchak referred the Council to the budget emailed previously and discussed how the budget numbers were developed. She reported that the current fund balance is approximately \$100,000.00 and that it should have been reflected in the budget. Derwin suggested that the budget be redrafted so that it reflects the fund balance. Marchak will draft a new budget and present it at the March 1 meeting.

5. Updates

5.1 Substantive Law Subcommittee Report (*Monica Wilkinson*)

Wilkinson reported that the first Health Law Schmooze was well attended (27 people). Based on the evaluations received that evening the SLC agreed to hold additional schmooze events approximately every other month. Hosting locations will be rotated with the next schmooze to be held at Hall Render and the third schmooze to be held in the Lansing area. Rogers suggested that the locations in

different parts of the state could function independently. Wilkinson said that she would discuss the issue with the committee.

Wilkinson informed the Council of SLC upcoming programs:

- Year in Review held in March – date to be announced in a few days.
- Legislative Update held in late April.
- A program presented by Cyber Controls in May.
- A program presented by the Technology Committee in September.

Wilkinson also reported:

- The SLC received several responses from members wanting to be involved in the sub committees.
- A letter will be emailed by Rogers to members inviting them to utilize the Listserv.
- She is working with Adams on ways to enhance the web site to make it more useful to members.

5.2 Law Student Receptions (*Rob Iwrey and Amy Barkholz*)

Iwrey reported that the first reception would be held Thursday, March 22 from noon to 1:30 at Wayne State University. He is in the process of identifying three speakers including, Leslie Wisner, who expressed interest in participating.

Ann Hollenback reported that the Ann Arbor reception is March 6. Speakers include Ed Goldman, Walt Wheeler, and a first year attorney from Honigman.

5.3 Revisions of the Non-Profit Corporation Act Update (*Joanne Lax*)

It was reported that there is no updated information re this subject at this time.

5.4 JCAHO/COP Project Update (*Joy Berent*)

Berent reported that she is working with Ann Williams from U of M.

5.5 Website (*Eric Wexler*)

Adams reported that all of the links have been checked and corrected.

5.6 Attorney-Client Privilege Task Force (*Eric Wexler*)

No report

5.7 Michigan Health Care Regulations Update (*Kim Adams*)

It was reported that there is no updated information re this subject at this time.

5.8 2007 Annual Meeting Committee (*Joanne Lax*) -- Members: Lisa Panah, Margaret Marchak, Joanne Lax, Ann Hollenbeck, Joy Berent, David Rogers

Lax reported that the committee met to discuss venues and potential topics. After narrowing down venues from a larger list, proposals have been received from The Max and Ford Field. Expenses at either location will be approximately \$10,000. Tours of the venue would be included. Preliminary topic discussions have focused on Transparency, pricing, consumer directed health care; Point counter point policy discussion from a Republican and Democrat and/or government overview. Next planning meeting will be Feb. 28.

5.9 Pro Bono Work Group (*Robert Iwrey, Jan Anderson, Mike Fraleigh*)

Iwrey reported that he now has the brochure copy edited and revised by Lisa Gorcyca. She also revised the Elder Law/domestic violence brochure. He will have his assistant incorporate the edits and merge the two and send a draft to Rogers. He will begin production once the content is agreed upon.

5.10 Michigan Stark Law—Request for Legislature to take notice of Stark II Regulations (*Ann Hollenbeck; David Rogers*)

It was reported that there is no updated information re this subject at this time.

5.11 Section Survey (*Carol Tarnowsky*)

Tarnowsky thanked Rogers for his edits and reported that she is ready to send the questions to Zoomerang. Tarnowsky will involve Adams with Zoomerang procedures once questions are finalized.

6. Legislative Liaison Committee (*Jan Anderson*) – Members: Jan Anderson, Donna Craig, Donna O'Connor and Eric Wexler.

6.1 Request for comments on proposed 2% service tax.

O'Connor reported that the Committee received a notice from the State Bar on its position on the proposed 2% tax on legal services. The State Bar does not support the proposed tax on legal services and asked that HCLS provide information that would support their position. There was a lengthy discussion on how HCLS will respond to the request. The Legislative Liaison Committee will survey the membership and forward responses to the State Bar.

7. Update on HCLS Scholarship for National Association of the Administrative Law Judiciary Spring 2007 Conference (*Rogers*).

Rogers reported that he, Wilkinson and Trenta will be developing criteria based on the preauthorized parameters. Rogers also reported that he received correspondence from Greg Holliday stating that they may not use State money for the reception and that he would like to revisit the conversation to reconsider a \$200 donation toward the costs of the reception. Motion: Shall HCLS contribute \$200 toward the cost of the scholarship reception? It was seconded and approved unanimously.

Iwrey said that he would like to promote the scholarship during the upcoming law student receptions and asked if the criteria would be developed prior to the first reception on March 6. Rogers said that he would try having this done prior to that date.

8. "Access to Health Care Information in Michigan" published by HCLS in 1997: Request by State Bar for update or for deletion from list of available publications.

Rogers called for discussion on the request. The Council agreed to pull the book from distribution and to develop a workgroup to inventory and review past publications to determine whether they should be updated. Berent will take the lead developing the inventory. O'Connor and Derwin will assist.

9. Other Business.

Reminder that there are coffee cups to send to speakers, etc.

10. Next Meeting Date: Dinner meeting on March 1, 2007 after ICLE

Subsequent meetings: Third Thursday of each month, 3:00 pm: Apr 19, May 17, Jun 21, Aug 16, Sep 20

11. Adjourn 4:30 P.M.