

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

January 15, 2003

The Council meeting was held via telephone conference. The following Council members participated: Kathy Kudner, Lisa Panah, Gerry Griffith, Keith Soltis, Art deVaux, Jennifer Kildea Dewane, Carol Isaacs, Greg Drutchas, Nancy Lukey, Joy Berent, Phil Stoffan, Donna Craig, David Rogers, and Cindy Wisner.

1. Call to Order. The meeting was called to order by Gerry Griffith at approximately 3:15 p.m.
2. Minutes. The minutes of the December 18, 2002 Council meeting were approved upon a motion duly made and seconded.
3. Congratulations to Carol Isaacs. Gerry Griffith congratulated Carol Isaacs on her new appointment as Deputy Attorney General.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. Donna Craig presented the final budget and asked for any further questions. Donna deferred discussion of the Treasurer's Report as the financial statements from the State Bar of Michigan had just come in and she had not had time to prepare her report.
 - 4.2 Council Philosophy on Fund Balance. Donna Craig and Gerry Griffith raised the issue of whether the Council should establish an appropriate level at which to maintain its fund balance. After discussion, the Council's consensus was to maintain a fund balance at or above \$10,000.
 - 4.3 Update Reports on Special Projects and Work Groups.
 - 4.3.1 HIPAA Work Group. Joy Berent reported that the HIPAA Work Group feels that it has met its original objectives in completing the Preemption Matrix and various HIPAA forms. There was discussion on the HIPAA Work Group's desire to continue to meet to discuss HIPAA issues.
 - 4.3.2 Pro Bono Work Group. Kathy Kudner and Nancy Lukey reported that the Pro Bono Work Group would not be holding a legal clinic on advance directives. They also solicited ideas for pro bono activities from the Council.

- 4.3.3 Website Task Force. Kathy Kudner reported that the following various assignments have been delegated to each of the task force members: (1) to review the website privacy policy; (2) to review whether to survey membership through the use of the zoomerang; (3) to review whether there should be a website policy; and (4) to research the feasibility of creating a web-based section directory. The committee members will be reviewing these issues and will report back at the next task force meeting on March 28, 2003 at 4:00 p.m. In addition, Gerry Griffith raised the idea of whether the Council should post documents for distribution on the Section's website rather than e-mailing the documents to one another before meetings. There was discussion on this issue and both the pros and cons of doing so. The Council consensus appeared to be that if such documents were to be posted on the website, that access must be password protected for Council members.
- 4.3.4 Specialty Certification. Phil Stoffan presented the notes he had compiled from the January 8, 2003 Work Group meeting on whether the Section should pursue health care law specialty certification. He laid out the pros and cons. He indicated that the work group will provide the Council with a detailed proposal regarding specialty certification including how to gauge the membership's interest in obtaining such certification process sometime in February. The Work Group is not reaching any sort of conclusion at this time but rather is investigating the interest and feasibility of doing such a project. There was further discussion on the various pros and cons regarding specialty certification (exclusion issues, breadth of certification, etc.).
- 4.3.5 Law Student Reception. David Rogers through Gerry Griffith reported that Wayne State University is interested in hosting a March law student reception. Jennifer Kildea Dewane reported that she will discuss with her contact at Michigan State University Detroit College of Law the possibility of doing a Lansing-based law student reception at the Michigan State University Detroit College of Law that would also allow Cooley Law School students to participate.
- 4.3.6 Law Student Writing Competition. Kathy Kudner stated that there was nothing to report on this issue at this time.
- 4.4 Subcommittee Reports and Calendar of Events. In David Rogers' absence, Gerry Griffith reported that the Payors Subcommittee intends to hold a Patient's Right to Independent Review Act seminar which will also discuss the related Department of Labor's claims procedures sometime at the end of March. This seminar will take place in Lansing. In addition, the Legislative Update is currently being planned and will likely be held sometime in mid-February.

- 4.5 Update on Plans for Mid-Year Council Dinner. Cindy Wisner reported that she is still looking into a place in which to hold the mid-year Council dinner. She solicited input from the Council on their preferences.
- 4.6 Update on Michigan Health Law Report. Kathy Kudner reported that she had extended the due date for articles from authors until February 15, 2003. She has also made a preliminary request for Governor Granholm to write her testimonial and tentative agenda on health care issues.
- 4.7 Review and Approval of Section Policies
 - 4.7.1 Publications Policy. Jennifer Kildea Dewane and Greg Drutchas presented the revised Publications Policy, and the Council discussed further revisions to the Policy. Upon a motion duly made and seconded, the Council approved the Policy with the changes discussed at this meeting and moved for its adoption.
 - 4.7.2 Conflicts of Interest. Gerry Griffith presented the revised Conflict of Interest statement. Upon a motion duly made and seconded, the Council approved the policy and moved for its adoption. There was discussion on routine disclosures by Council members of their membership on other boards or participation in other organizations that may pose potential conflicts. Gerry Griffith indicated that at the next meeting, he will include an agenda item in which Council members will have the opportunity to disclose such conflicts.
 - 4.7.3 Reconciliation of Member Privacy Policy and Website Privacy Policy. As Kathy Kudner indicated in her Website Task Force report, the Website Task Force is reviewing these issues and will report back to the Council after its March 28, 2003 meeting.
 - 4.7.4 Need for Separate Website Policy. As Kathy Kudner indicated in her report on the Website Task Force, the Website Task Force is reviewing this issue and will report back to the Council after its March 28, 2003 meeting.
 - 4.7.5 Volunteer Code of Ethics. Cindy Wisner presented a draft Volunteer Code of Ethics and requested that Council members direct their comments regarding the Volunteer Code of Ethics directly to Cindy.
- 4.8 Other Special Projects

- 4.8.1 Update Section Directory/Web-Based. As Kathy Kudner stated in her report on the Website Task Force, the Website Task Force is reviewing this issue and will report back to the Council after its March 28, 2003 meeting.
 - 4.8.2 Representative Assembly Liaison. Gerry Griffith reported that the Representative Assembly Liaison may discuss possible dues increases at its next meeting.
 - 4.8.3 Update Index to Michigan Health Law Regulations. Lisa Panah volunteered to work on updating the index to the Michigan Health Law Regulations. In the event that 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.
- 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 Board of Commissioner's Meeting. Gerry Griffith reported that Daniel Levy who was expected to report on this issue had a conflict with today's meeting, and therefore, this report was deferred until the next meeting.
 - 6.2 Feasibility of Membership Survey Via Zoomerang or State Bar to Determine Interest in Subcommittee Programs and Special Progress. As Kathy Kudner indicated, the Website Task Force is looking into this issue and will report back to the Council after the Website Task Force meeting on March 28, 2003.
 - 6.3 Review of Committees/Assignments. Due to her extensive responsibilities on the Council, Kathy Kudner will step off of the Pro Bono Work Group but will remain a member of the Website Task Force Committee.
 - 6.4 Dues for Law Students, Legal Administrator and Legal Assistant Members. Donna Craig reported that law students pay \$20 to the State Bar for dues (\$15 of which is for the Student Section and \$5 of which is for the Health Law Section). Legal Administrators and Legal Assistant members of the Section pay \$110 per year (\$75 of which is for State Bar dues and \$35 of which is for Health Law Section dues).
 - 6.5 Report on Medical Legal Subcommittee Recommendations for Comments on Proposed Amendment of Court Rules 2.502, 7.302, 7.304 and 7.315 and 8.116.

In David Rogers' absence, Gerry Griffith stated that there was no report on this issue at this time.

- 6.6 Feedback on Public Advocacy Positions. Gerry Griffith discussed a proposal he had received requesting feedback on public advocacy positions. Essentially, the proposal would require sections of the State Bar to follow a certain process in order to support a position. There was discussion on the proposal and the Council decided that they did not feel strongly enough to state a position on the proposal one way or another, but that the Council will continue to monitor the progress of the proposal.
- 6.7 Annual Meeting. Gerry Griffith reported that the Annual Meeting will take place in Lansing in September of 2003. Jennifer Kildea Dewane, Phil Stoffan and Cindy Wisner volunteered to serve on the Annual Meeting Work Group.
- 6.8 Access to Justice. Gerry Griffith reported that at this time the Council had not received a solicitation to donate to the Access to Justice program. Cindy Wisner, however, reported that in previous years the Council has actually sought out the proper way in which to make a donation to the Access to Justice fund.
- 6.9 National Conference of Commissioners on Uniform State Laws. Gerry Griffith presented the National Conference of Commissioners on Uniform State Laws' request for suggestions on uniform laws and indicated that if anyone had any suggestions, they should contact John Barry with any ideas.
7. Next Meeting Date. The next meeting of the Council will be held at the offices of Trinity Health in Novi on February 19, 2003. Gerry Griffith also reported that the telephone call-in number and passcode used for today's meeting will be the same for the February 19, 2003 meeting.
8. Adjournment. There being no further business, the meeting adjourned at approximately 4:45 p.m.