

Health Care Law Section Council Minutes

January 18, 2006

Participants: *(Confirm this with Jennifer!)* Kildea Dewane, Lax, Craig, DeVaux, Wexler, Anderson, Rogers, Barkholz, Frahle, Derwin, Marchak, Tarnowsky, Berent, Hollenbeck

1. Call to Order.

Chairman Kildea Dewane called the meeting to order at 3:06 p.m.

2. Conflict Disclosures.

No conflicts were declared by any members of the Council.

3. HIPAA Preemption Matrix (see item 6.4 from Agenda).

Jan Anderson discussed some recent questions concerning the HIPAA Matrix. Specifically she asked for clarification in the document about when state and federal law takes precedence when an issue is covered by both laws. Jan also asked for future updates to include a more convenient way to look up state law when the HIPAA provision is known.

Joy Berent agreed to follow up with Cindy Wisner, Liz Callahan and Jan Anderson to review these issues. The group will provide an update on this issue at the next meeting.

4. Approval of Minutes.

The minutes of the December 14, 2005 meeting were deferred to the next meeting.

5. Treasurer's Report.

Donna Craig provided a budget overview and proposed budget for 2005-2006.

She indicated that the section was doing well financially and provided the Council with a written budget document. The Council reviewed various line items in the proposed budget.

The Council discussed the appropriateness of reimbursing the Kitch law firm for time spent on Council-related projects such as the annual Health Law Update. The Council discussed the need to develop a policy regarding reimbursement to private firms/organizations for work conducted on behalf of the Council. The Council expressed concern that the parameters of the project and expenses should be discussed as part of the proposed policy.

The Council agreed to discuss this issue at the next meeting and Jennifer Kildea Dewane agreed to follow up with Lisa Panah and the Kitch firm to obtain an invoice for the expenses that they incurred in developing the update.

The Council deferred approval of the proposed budget to give members a chance to review the document and follow up with the Kitch firm about reimbursement costs.

6. Updates.

6.1: Substantive Law Subcommittee Report (Marge Marchak)

February - Legislative Update. A new date will be selected. The Friday, February 10, 2006 date was determined not to be convenient.

Additional educational programs are being planned in March, April and May on the following topics, respectively: "I'm Sorry" legislation, Certificate of Need and telemedicine.

6.2: Law Student Reception Update (Dave Rogers/Jennifer Kildea Dewane)

Dave Rogers reported that a reception at the Wayne State Law School was tentatively scheduled for January 24. Jennifer Kildea Dewane is working with Nancy Lukey to coordinate a reception at the MSU law school in conjunction with Ms. Lukey's health care law class.

6.3: Revisions to the Non-Profit Corporation Act Update (Art DeVaux)

No update.

6.4: HIPAA Task Force (Joy Berent)

The Council discussed any new issues and referenced Jan Anderson's earlier concerns. Joy Berent suggested having a contact group for further questions regarding matrix and agreed to report on this discussion after follow-up with Jan and Liz Callahan.

6.5: JCAHO/COP Project Update (Jennifer Kildea Dewane)

Jennifer Kildea Dewane talked with Rachel Nosowsky about the project Rachel wishes to pursue comparing COP and JCAHO standards. Because such a resource already exists, Jennifer has suggested to Rachel that comparison of COP and JCAHO standards be made to applicable state law standards. Rachel wishes to proceed with development of a such a resource. Marge Marchak questioned whether a similar resource may have already been created by Veronica Marsich. Jennifer Kildea Dewane understands from Rachel that she and Veronica are working together, but Jennifer will specifically discuss such with Rachel. The Council will

clarify that this is not a project that will require reimbursement to a private firm or organization.

6.6: Updates to Website Re: Councils and Committees (Eric Wexler)

No report.

6.7: ICLE (Jennifer Kildea Dewane)

Jennifer reported that ICLE is on course. She suggested that we invite past Section Chairs to the dinner meeting held the evening of ICLE, but the Council agreed to continue the tradition of inviting past Section Chairs to dinner in connection with the Annual Meeting.

6.8: Michigan Health Care Regulations

No report.

6.9: 2006 Annual Meeting (Jennifer Kildea Dewane)

The first meeting of the planning committee will take place next week where the annual meeting planning will begin.

6.10: List of Individuals Interested in Participating in Section Activities

No report.

6.11: Roundtable Programs

Beth Derwin reported on the survey to be sent out in connection with the roundtable programs to the Section membership. Extensive discussion of the roundtable format took place. Beth Derwin and Joan Lowes will consider the various thoughts and ideas as they proceed with planning.

6.12: Pro-Bono Work Group

No report.

6.13: Michigan Stark Law

Ann Hollenbeck reported that she spoke to W. Wheeler, who indicated Melanie Brim is appropriate contact. Ann has left a detailed message with Ms. Brim. No response has been received yet.

6.14: Section Survey

No report.

6.15: Distribution of Section Members

Jennifer and David Rogers will review and perhaps work to amend processes related to subscription issues and access issues to the e-mail distribution list.

Jennifer presented information, which was provided by e-mail.

7. Other Business.

None.

8. Next Meeting Date.

Wednesday, February 15, 2006, 3:00 p.m. to 5:00 p.m. Teleconference participation only.

9. The meeting was adjourned at 4:25 p.m.

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