

**STATE BAR OF MICHIGAN
HEALTH CARE LAW SECTION
COUNCIL MEETING AGENDA
Thursday, January 18, 2007
3:00 pm – 4:30 pm**

The Health Care Law Section Council meeting was held on January 18, 2007 via telephone. The following Council members participated: David Rogers, Margaret Marchak, Lisa Panah, Monica Wilkinson, Jan Anderson, Rob Iwrey, Joanne Lax, Donna O'Connor, Eric Wexler, Carol Tarnowsky and Beth Derwin. Kim Adams, Administrative Assistant, was also present.

1. Call to Order (*David Rogers*)

Rogers called the meeting to order at 3:05 PM.

2. Conflict Disclosures (*David Rogers*)

Rogers called for conflicts. There were none.

**3. Review and Approval of Minutes of December 21, 2006 Council Meeting
(*Ann Hollenbeck*)**

In Hollenbeck's absence, Rogers called for comments or changes to the December 21, 2006 minutes. Hearing none, 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 three months ending 12-31-06 Treasurer's Report distributed previously. She noted that there has not been much activity with the exception of an influx of dues as expected. Most of the expenses reflect obligations from last year's annual meeting. A budget has been drafted and sent out to the Executive Committee will be reviewed at the next meeting.

5. Updates

5.1 Substantive Law Subcommittee Report (*Monica Wilkinson*)

Wilkinson reported that there were 55 registrants for yesterday's JCAHO teleconference. Evaluation forms have been sent out and will be tabulated. She said that there was a technical issue with caller noise but that this will be corrected for the next teleconference.

The Dec.14, 2006 panel discussion in Lansing received positive feedback from the registrants. The presenters liked it as well and expressed interest in being invited back.

The Jan. 31, 2007 Health Law Schmooze has about 20 registrants. The schmooze will be held at David Rogers' office. Schmooze topics to include latest changes in medical record keeping and security breaches. An evaluation form will be made available.

A Feb. 14, 2007 event, Current Issues in Coordination of Benefits, has been scheduled.

The January and February event has been announced to the Listserv.

The March 2007 date has not set but the topic will be Year in Review for Medical Malpractice with a point counter point set-up. The Legislative Update will be in April. The month of May will see two programs – a technology program on metadata and a Medicare secondary payor program. The members of the SLC have made a commitment to use the Listserv at least twice a month to encourage participation. Rogers will send copy to Adams inviting members to participate. Wilkinson said that a second message will sent encouraging non-member participation.

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

No update to what has been previously reported

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*)

No report

5.5 Website (*Eric Wexler*)

Wexler said that he has been monitoring the updates to the site and referred the report to Adams. Adams reported that she has been working with Sandi Barger at the State Bar to upload current teleconference information in a timely manner and to make corrections to the Links and Index pages. Adams said that she also spoke with Becky Hunter at the State Bar about establishing online registrations for all events. Hunter said that there will be a \$15 an hour fee for setting up the online form and manual entry and that if HCLS uses the State Bar's commerce server for online credit card registrations then all registrations, including checks

must go through the State Bar. It was agreed that all registrations starting after the Feb. 14 event go online.

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

Wexler said that there was nothing new to report other than discussions moving forward on program content.

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

Adams reported that the Index has been updated for the month of January but that there is a problem with the CON section. All of the PDF (except one) links result in an error message. She said that she is working with Sandi Barger at the State Bar to correct the problem. Adams said that the Index needs further link testing before it's promoted to the list. Panah suggested that Adams contact Maribeth Dickerson to assist in the testing.

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

Panah reported that the members of the annual planning committee meeting, held on Tuesday, January 16, 2007, discussed potential locations, content, etc. She said that based on feedback from last year, it was decided to hold the business meeting first followed by a round table luncheon with an afternoon session with no break-outs. There would be a networking affair at the end of the day. The committee seeks topic suggestions and will meet again in three weeks.

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

Iwrey reported that he contacted Lisa Gorcyca to get a timeframe on her turnaround of reviewing the draft copy of the brochure. He may receive something back in three weeks. Once it's updated, there will be more progress moving forward.

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

Rogers reported that he is still working with Howard Marderosian's office.

5.11 Section Survey (*Carol Tarnowsky*)

Rogers reported that he has finished his review of the document Tarnowsky sent him. Tarnowsky will review his comments and get back to him.

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

Anderson reported that nothing has happened. She expressed concern that the statute, Medical Records Retention Act, is problematic and holds considerable risks the way it's drafted. There was a discussion about how the legislation may be interpreted. Rogers asked if HCLS should hold a teleconference to discuss the issues. Wilkinson suggested that this might be a good topic to ask for discussion on the Listserv.

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

Rogers reported that he got back with the Greg Holliday on the decision made at the last meeting. He said that Holliday was appreciative of HCLS's support. Rogers asked Wilkinson and Trenta to assist him in developing the criteria for the scholarship. Holliday will get back with Rogers on criteria suggestions.

8. Other Business.

There was no further business. The next meeting will be held Feb. 15, 2007 via telephone. Rogers urged the HCLS Council members to please come to the schmooze.

9. Next Meeting Date: Thursday, February 15, 2007, 3:00 pm.

Subsequent meetings: Third Thursday of each month, 3:00 pm:
Mar 15, Apr 19, May 17, Jun 21, Aug 16, Sep 20

10. Adjourn

Meeting adjourned at 3:48.