

STATE BAR OF MICHIGAN  
HEALTH CARE LAW SECTION  
COUNCIL MEETING MINUTES

Wednesday, January 16, 2008

The Health Care Law Section Council meeting was held via telephone. The following Council members participated: Jan Anderson, Amy Barkholz, Beth Derwin, Marta Hoffman, Ann Hollenbeck, Rob Iwrey, Joanne Lax, Margaret Marchak, Donna O'Connor, Lisa Panah, David Rogers, Tom Trenta, Eric Wexler, Monica Wilkinson.

Excused absences: Rich Bouma, Carol Tarnowsky

1. Call to Order. Lisa Panah called the meeting to order at 3:06 p.m.
2. Conflict Disclosure. There were no conflict disclosures.
3. Approval of Minutes. Joanne Lax presented the minutes of the December 16, 2007 Council meeting and asked for comments or corrections. Upon motion made and seconded, the minutes as presented were unanimously approved.
4. Treasurer's Report. Margaret Marchak reported that the State Bar has not yet distributed the Section's financial statement through the end of the year. The formal Treasurer's report will be deferred until the February Council meeting.
  - 4.1 Section Funds and Use of Same. There was discussion on whether or not to donate to the Access to Justice fund. Upon motion made and seconded, the Council determined not to donate to the Access to Justice fund.
5. Updates.
  - 5.1 Substantive Law Committee Report. Monica Wilkinson reported that the January 9, 2008 Blue Cross Blue Shield program had 57 registrants, which is the largest turn out yet for a SLC educational program. Part 1 of the 5-part Stark III series is scheduled for January 24, 2008 and already has 78 registrants. Notices are being sent for part 2 (introductory) and for the three advanced case studies scheduled for February 14<sup>th</sup>, March 6<sup>th</sup> and April 23<sup>rd</sup>. The SLC is also planning a program for late summer early fall on e-prescribing, to feature Gladys Wheeler of CMS, pending approval from her boss. The annual Legislative Update program will occur in the Spring in Lansing. Association speakers have already committed. The format may be updated to a roundtable discussion of one or two pre-set topics.
  - 5.2 Health Law Schmooze Committee. David Rogers reported that a schmooze is scheduled for February 7, 2008 at his office. Donna O'Connor reported on the May Tigers' game schmooze. Upon motion made and seconded, the Council unanimously decided to advance \$1,750 to purchase a block of 50 tickets for the May 2008 Tigers-Yankees game, and to hold a pre-game schmooze with a baseball theme at a nearby venue.

- 5.3 Law Student Events. Ann Hollenbeck, Marta Hoffman, Amy Barkholz, and Rob Iwrey reported on the law student events planning. Events at UM, Ave Maria, and Wayne State University will occur in March. No date is yet set for the events at Lansing law schools. The Council recommended that the events occur at lunchtime, and that the speakers should be health attorneys from various sectors of the health care law industry.
- 5.4 Technology and Access Committee. The report of this Committee was deferred until the next Council meeting.
- 5.5 Health Law Index. Lisa Panah reported that Maribeth Dickerson will update the index on a volunteer basis.
- 5.6 Legislation Committee.
- 5.6.1 Amicus Curiae Invite. Marge Marchak reported that Hall Render has taken the lead on preparation of the amicus brief in *Miller v. AllState* due to Foley's conflict of interest. Marge plans to circulate a proposed outline of the brief to the Council at an ad hoc meeting. Following the Council's discussion, the outline will be circulated to the Section membership for comment. The brief is due in March.
- 5.6.2 Corporate Practice of Medicine Legislation. It was reported that the Legislature is holding hearings in January to discuss bills intended to resolve the corporate practice of medicine issues, but the political interests of various stakeholders may make a legislative resolution of the issue difficult.
- 5.7 HCLS Appreciation Dinner after ICLE. Rob Iwrey reported that invitations were sent by Lisa Panah and many people have responded.
- 5.8 2008 Annual Meeting Committee Update. Lisa Panah reported that Committee members conducted site visits at the MGM Grand and the DIA. The facilities at the DIA are more appropriate and interesting. The Committee will take steps to finalize facility and catering contracts with the DIA.
- 5.9 Pro Bono Work Group. Rob Iwrey reported that the domestic violence brochure being prepared by the pro bono workgroup was sent for the second level of editing and Rob is awaiting a response.
- 5.10 Michigan Stark Law. Margaret Marchak reported that the Michigan Department of Community Health is drafting regulations to take official notice, as required under MCL 333.16221 of changes to the Stark Physician Self-Referral Regulations, but this has not yet been completed.
- 5.11 Section Survey Report. The report on this topic was deferred to the February Council meeting.
- 5.12 Revised IRS 990 Form. Ann Hollenbeck reported that there was no update regarding the task force on the IRS Form 990.

- 5.13 Revisions to Michigan Nonprofit Corporation Act. Joanne Lax reported that there is no new information on this topic, and she will notify the Council if there are any updates to report.
- 5.14 Law Student Writing Competition. The report on this topic was deferred until the February Council meeting.
- 5.15 Administrative Assistant Search. Lisa Panah reported that Ann Hollenbeck and Margaret Marchak will be interviewing a candidate with good skills. Monica Wilkinson and Joanne Lax will also interview her if Ann and Margaret are satisfied.
  - 5.15.1 Speaker agreement. Margaret Marchak reported on the sample speaker agreement distributed to the Council. She recommends basing the HCLS form on forms used by ICLE and AHLA. This topic will be further discussed at the February Council meeting.
- 5.16 Website Password-Protected Section Directory. The report on this topic was deferred to the February Council meeting.
- 5.17 Bylaws Amendment. Monica Wilkinson and Lisa Panah reported on a draft amendment to the HCLS Bylaws circulated to the Council to permit law professor attorneys who are not members of the State Bar to be non-voting members of the Section. The Council determined that this category of Section membership would be open to any attorney who is a full or part time faculty member in a health law related position at any college or university in Michigan. Lisa Panah explained that the revised amendment to the Bylaws will be presented to the Council along with a resolution for approval at a future meeting, followed by submission of the Bylaws amendment to the Section for vote and approval at the Annual Meeting in September, and submission to the State Bar.
6. New Projects/Initiatives. Lisa Panah reported that upcoming programming may include a joint educational presentation with the Alternative Dispute Resolution Section.
7. List of Individuals Interested in Participating in Section Activities. Lisa Panah noted the individuals who have expressed an interest in participating in Section activities and asked Council members to keep them in mind.
8. Other Business. Eric Wexler proposed that the Section support the Symposium of the MSU Journal of Medicine and Law being held on March 21, 2008. The Council agreed to explore the possibility of holding a schmooze after the symposium and possibly to coordinate this event with the Lansing-based law student events. Eric will investigate options and report at the February Council meeting.
9. Next Meeting Date. Lisa Panah reported that the next meeting of the Council will be held on February 20, 2008, by phone only.
10. Adjourn. The meeting was adjourned at 4:35 p.m.