

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

July 31, 2002

The Council meeting was held by teleconference. The following Council members participated: Gerry Griffith, Greg Drutchas, Nancy Lukey, Phil Stoffan, Cindy Wisner, Arthur deVaux, Keith Soltis and Kathy Kudner.

- 1 Call to Order. The meeting was called to order by Greg Drutchas at approximately 3:10 p.m.
- 2 Minutes. The minutes of the June 19 Council meeting were approved without changes upon motion duly made and seconded.
- 3 Old and recurrent Business
 - 3.1 Treasurer's Report. Cindy Wisner had emailed a copy of the treasurer's report for the period ending June 30, 2002. Income exceeded budget by \$3,303.21, primarily due to the sales of the HIPAA preemption matrix. Expenses were \$22,937.81 below budget. Expenses exceed income by \$17,709.98, a lower deficit than budgeted, leaving a balance forward for 2002-3 programs of \$38,749.91. After discussion of the fact that some expenses had not yet been recognized (web site, printing, etc.), and upon motion duly made and seconded, the treasurer's report was adopted.
 - 3.2 Special Projects and Workgroups
 - 3.2.1 HIPAA Workgroup. HIPAA work group is ready to provide a template form on the Section's web site. Consent form will include observations and annotations to assist members in drafting. Target is presentation of the material on the Section web site, but without password protection.
 - 3.2.2 Fraud Manual. Keith Soltis reported that all the sections have been reviewed and the manual is ready for publication. Greg urged that David or Keith contact Stacey Sage to coordinate the publication with an availability date of the annual meeting. Suggestion was made to deliver a disk with the document. The publication could be posted on the site, but in the "members only" section. The Council thanked Keith and the rest of the team for a job well done.
 - 3.2.3 Pro Bono Work Group. No new information to report. Monica Wilkinson has scheduled a working meeting for this fall. Nancy was asked to provide a paragraph status update for the next Council meeting.
 - 3.3 Substantive Committees. On motion duly made and following discussion, the appointment of subcommittee chairs for 2002-2003 were endorsed and recommended for appointment by David Rogers, the chairperson of the Subcommittees. In the event Jan Anderson is not available to serve, Joanne Lax will be asked to serve on the Providers Subcommittee. Final list includes:

<u>Committee</u>	<u>Members</u>
Substantive Committees	Rogers, chair; Marchak and Withrow, vice-chair
Providers	Derwin, Hollenbeck, Anderson
Payors	Broman, Aoun, Lowes
Technology	Schwartz, Dunk, Wexler
Consumers	Fraleigh, Haron, Wilkinson
Medical Legal	Trenta, Kriser, Hughesian

3.4 ICLE Health Law Institute. Gerry Griffith reported that he had talked with ICLE staff about the various tracks and topics for 2002 session, which will follow the same schedule as 2001. More information will be distributed prior to the Annual Meeting.

3.5 Section Bylaws. Nancy Lukey reported the bylaws had been forwarded to the State Bar for publication in the Michigan Bar Journal as required. The Bylaws must be adopted by both the Section and by the Representative Assembly, which also meets at the Annual Meeting, before they can take effect.

3.6 Section Web Site. Eric Wexler reported on the web site progress. Sample of the revised site has been sent to the Council. Objective is to hang the site prior to the Annual Meeting. Eric will make a presentation featuring cached copy at the Meeting. Council members were asked to email comments to Eric. On behalf of the committee, Eric urged that an announcement letter be mailed to the Section members. The directory as placed on the web site is final, not a draft. Gerry offered a suggestion regarding the random appearance of various formatting errors.

On motion, the committee was authorized to make the changes discussed and following approval by the committee of the final product, to instruct the State Bar staff to post the new web site, replacing the current Health Section page(s). Next step will be to monitor the content and appearance of the site, with the possible consideration of having the maintenance done by an outside agency.

Additional content will include the Fraud Manual, the Section newsletter, the publications list and prices and the templates produced by the HIPAA work group. (See preceding discussion.) The URL www.mihealthlaw.com has been reserved for this product, allowing access directly, without going through the State Bar web site. The Council thanked Kathy and the work group for their great work, both in redesigning the site and in working with the State Bar staff. The URL MI Healthlaw.com will become part of the newsletter and nearly all Section communications.

3.7 Michigan Health Law Report. Gerry Griffith reported the first issue is ready for press and suggested that it be posted on the "public" section of the web site. Second issue is in progress, three articles are in, one is promised and four yet to come.

3.8 Annual Meeting. Phil Stoffan reported that both speakers had been confirmed and all arrangements made for their audio visual support. [Post-meeting note – we were informed of a room change, for which the State Bar would handle notification at the site.] Total budget for the meeting and the dinner (see Item 3.9) is less than \$2,500.

- 3.9 Awards Recognition Dinner. Phil Stoffan reported that all arrangements had been made
- 3.10 State of the Law. Nancy Lukey reported that she was actively working on the State of the Law outline and that it would be complete soon.
- 3.11 Publications Policy. Blue Cross has asked for permission to reprint the Records Retention Manual for internal educational purposes. Greg was authorized to negotiate with BCBSM for a license fee for the reproduction of the Manual. On motion duly made and seconded, the Council authorized Greg to accept any offer greater than \$2.50 per copy, with no reproduction costs to be absorbed by the Section.
- 3.12 MSMS/HCLS seminar Nancy Lukey reported the seminar has been planned for October 26, focusing on the Blue Cross enabling legislation. Frank Fitzgerald has agreed to speak and wants to make a short presentation.
- 4. New Business.
 - 4.1 Web linkage with ICLE. ICLE has asked for a set of the URLs from the Section's web site to add to the ICLE web site. Kathrin Kudner will review the request with the web site committee, which was authorized by the Council to take appropriate actions.
 - 4.2 Relationship with Society of Healthcare Attorneys. Cindy Wisner raised the issue of identifying a person to take a more active role in managing the HCLS/Mich Society of Healthcare Attorneys fall seminar. The MHA has arranged for a meeting to be held on November 21, featuring Bill Ballenger to discuss "issues and personalities which arose during the 2002 campaign". Greg Druchas will produce a letter to Sally at MHA offering a co-sponsorship and assistance, with a limited financial commitment.
 - 4.3 Annual Meeting Attendance. Additional promotion of the Annual Meeting is needed, using the listserve (twice) and a postcard mailing. Gerry also noted that the newsletter includes a large ad for the event. The sense of the Council was to approve the postcard mailing the Friday before Labor Day as a reminder to show up. Greg suggested that each Council member call two individuals who rarely attend.
- 5. Next Meeting Date. Next Council meeting will be in Grand Rapids at the conclusion of the program of the Annual Meeting on Sept. 26.
- 6. Adjournment. There being no further business, the Council meeting adjourned at 5:10 pm.