

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

Wednesday, June 15, 2005

The Health Care Law Section Council meeting was held via telephone. The following Council members participated: Cindy Wisner, Kathy Kudner, Lisa Panah, Jennifer Kildea Dewane, Ann Hollenbeck, Eric Wexler, David Rogers, Joy Berent and Keith Soltis.

1. Call to Order. The meeting was called to order by Cindy Wisner at approximately 3:05 p.m.
2. Conflict Disclosures (if any - specific agenda items). There were no conflicts to report.
3. Minutes. The Minutes of the May 18, 2005 meeting of the Health Care Law Section Council of the State Bar of Michigan were approved on a motion made and seconded.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. There was nothing new to report.
 - 4.2 Annual Meeting. Cindy Wisner provided an update on the annual meeting planning. Save the Date notices have been sent. A proposed budget with registration choices and fees has been prepared.
 - 4.3 Special Projects.
 - 4.3.1 AHLA Affiliation. Eric Wexler and Cindy Wisner reported that the AHLA affiliation will take effect when the new AHLA list serv is ready, which is expected to be this July.
5. Updates.
 - 5.1 Substantive Law Subcommittee Report. Cindy Wisner reported on the recent educational programs. The program on the Terry Schiavo aftermath was extremely successful. There were over 70 participants, 30 percent of which were not Health Care Law Section members.
 - 5.2 Marketing. Cindy Wisner reported on the status of the Section's marketing efforts.
 - 5.3 New JCAHO Task Force. Cindy Wisner reported that a notice of the new JCAHO task force, headed by Rachel Nosowsky, and solicitation for

members were sent out. Members for the task force are being compiled. The task force's mission is to prepare a crosswalk of Medicare Conditions of Participation, JCAHO and applicable state law requirements for hospitals.

- 5.4 Health Care Intensive Study Update. Cindy Wisner reported that Phil Stoffan is in the process of identifying subject matters for obtaining a certificate of proficiency and will convene a task force meeting soon.

5.5 Other Business.

5.5.1 Corporate Practice. Kathy Kudner reported on continued problems with the State's position of rejecting renewals for corporations based solely on their names, regardless of the purposes of the corporation. There was discussion on lawsuits involving health care insurers' refusal to pay claims based on alleged non-compliance with state corporate practice of medicine requirements.

5.5.2 HIPAA Task Force. Cindy Wisner reported that the HIPAA Task Force is working on guidance regarding e-mail communications and drafting a sample e-mail policy.

5.5.3 PAST Force. Lisa Panah reported that Marcia Malouin and Nancy Lukey have agreed to participate in the Patient Advocate Simplification Task Force. Ms. Panah participated in the most recent task force meeting held on May 20, 2005. The task force's mission is to educate the public via the Internet regarding patient advocate designation issues and requirements, and update and simplify state forms.

5.5.4 Nominating Committee Appointments. Cindy Wisner reported that she is in the process of seeking additional members to serve on the Nominating Committee. Kathy Kudner reported that three Council positions need to be filled for the upcoming year due to the second terms expiring for Cindy Wisner, Kathy Kudner and Keith Soltis. She reported that the first terms of Lisa Panah and David Rogers will expire this year. Ms. Panah and Mr. Rogers indicated they were interested in serving on the Council for a second term.

6. New Business.

- 6.1 Proposed Legislation and Rules. Cindy Wisner distributed to the Health Care Law Section Council proposed legislation and rules sent from the Public Policy Committee. Comments are due on July 13, 2005. Proposed legislation and rules relevant to the Section include proposals on medical record protection for human services; the Shiavo bill, which prohibits physicians from terminating nutrition or hydration if family members disagree and there is no advance directive or clear evidence of the

patient's intent; drug liability immunity; and insurance enrollee liability. There was discussion on whether or not the Health Care Law Section should prepare and submit comments to the Public Policy Committee. Ms. Wisner reported she would solicit the Section's interest, and if there is a lack of strong interest or unanimity, no comments will be submitted.

7. Upcoming Dates. Cindy Wisner reported that she will contact the Council regarding the next Council meeting, which will be held sometime in July, 2005.
8. Adjournment. There being no further business, the meeting adjourned at approximately 4:00 p.m.