

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

May 8, 2002

The Council meeting was held at the law offices of Foster, Swift, Collins & Smith in Lansing, Michigan. The following Council members attended: Gerry Griffith, Greg Drutchas, Jennifer Kildea Dewane, Nancy Lukey, Phil Stoffan, Joy Berent, Cindy Wisner, Donna Craig, Arthur deVaux, Carol Isaacs, Keith Soltis, Kathy Kudner, and Maurice McMurray.

1. Call to Order. The meeting was called to order by Greg Drutchas at approximately 3:15 p.m.
2. Minutes. The minutes of the April 10, 2002 Council meeting were approved, as revised, upon a motion duly made and seconded.
3. Old and Recurrent Business.
 - 3.1 Treasurer's Report. Cindy Wisner provided the Council members with a monthly treasurer's report with numbers current through March 31, 2002. Cindy Wisner reported that there had been no significant expenses and that the Section had an income of \$26,600 and expenses were approximately half of what's been budgeted at \$34,919. Upon a motion duly made and seconded, the Council adopted the Treasurer's Report.
 - 3.2 Reports on Special Projects and Work Groups.
 - 3.2.1 HIPAA Work Group. Joy Berent and Cindy Wisner gave the report on the HIPAA Work Group. The Work Group is currently working with the American Bar Association. The American Bar Association will provide a link to the Section's website in order to allow individuals access to the order for the HIPAA Preemption Matrix. Cindy and Joy reported that the State of Maryland's Preemption Matrix is also available. The letters to Members are in the mail regarding the HIPAA Preemption Matrix. The State Bar is currently working on some glitches in downloading issues in an effort to make downloading the HIPAA Preemption Matrix easier. The Work Group is now working on model samples of HIPAA forms, which will be posted for free on the website.
 - 3.2.2 Fraud Manual. Keith Soltis reported the target date for publication of the Fraud Manual would be sometime in June. The Council recommended that the Fraud Manual contain the same disclaimer language as that used for the HIPAA Preemption Matrix.

- 3.2.3 Pro Bono Work Group. Nancy Lukey reported that the Pro Bono Work Group is working on a demonstration project in which one volunteer has agreed to participate. John Blanchard has agreed to continue to facilitate relations with the Offices of Services for the Aging. There may be a possibility of receiving some funding from the American Bar Association, and the Pro Bono Work Group is following up on whether they can receive such funding.
- 3.3 Health Care Records Retention Manual. Jennifer Kildea Dewane reported that she is preparing a letter to be sent to the MHA, MSMS, HFMA, Health Information Association, MAHAP, and MAHSA regarding the publication of the Health Care Records Retention Manual along with other publications. The letter will emphasize the HIPAA Preemption Matrix and the Health Care Records Retention Manual.
- 3.4 Subcommittees.
- 3.4.1 Providers. Gerry Griffith reported that the Providers Subcommittee held the “Anatomy of an EMTALA Investigation” seminar which had 32 participants. The subcommittee received very positive evaluations and materials will be made available on the website.
- 3.4.2 Payors. The Payors Subcommittee is preparing a session sometime in October regarding OFIS regulation.
- 3.4.3 Technology. The Technology Subcommittee held a HIPAA seminar on April 11, 2002. It was mix of live and phone participation. It was standing room only and had at least 45 participants and there was a low no-show rate. 17 locations were signed up by phone.
- 3.4.4 Consumers. Gerry Griffith reported that on May 23, 2002, the Consumers Subcommittee is sponsoring a seminar entitled “Working Through Red Tape” which will take place at Cooley Law School. The subcommittee has received 25 RSVPs. The seminar will be on legal aid and elder law. A box lunch will be provided for \$10. Mike Fraley and Dave Heron and one other speaker regarding billings and collections will present at the seminar. The session will be taped because of the program’s important training value.
- 3.4.5 Miscellaneous. Gerry Griffith reported that the subcommittee co-chairs will meet in a few weeks to talk about the upcoming year.
- 3.5 ICLE Health Law Institute 2002 and 2003 Organization. Greg Drutchas and Gerry Griffith reported that they have already begun to start organizing the ICLE Health Law Institute for 2002 and 2003.

- 3.6 Membership Directory Update. Gerry Griffith presented a copy of the Membership Directory. He reported that the Directory has been sent to Members and that they have ordered 200 extra copies. There was discussion on when to update the Directory, and Phil Stoffan will report on his recommendation as to whether to keep the Directory up annually. There was discussion on posting the Directory on the website.
- 3.7 Section Bylaws. Nancy Lukey reported that the Bylaws have been revised. There was discussion on clarifying terms and discussion regarding term language. Upon a motion duly made and seconded, the Council approved a motion that if a person is elected to an unexpired term, that person may serve the remainder of such unexpired term and then may be elected for two 3-year terms afterwards. Upon a motion duly made and seconded, the Council moved for adoption of the Bylaws as revised. Nancy Lukey reported that she will get the Bylaws published as required by the State Bar.
- 3.8 Website. Kathy Kudner reported that the website link will be e-mailed to all Council members on Friday, May 10, 2002.
- 3.9 Michigan Health Law Report. Gerry Griffith reported that he has received 4 or 5 articles for the first edition of the Michigan Health Law Report. The Michigan Health Law Report will advertise the Annual Meeting.
- 3.10 Annual Meeting. Donna Craig reported that the Annual Meeting Subcommittee has confirmed two speakers: Dr. Porter and David Coates. Donna reported that she will send a confirming letter to the speakers and that she has already sent out the agenda to Council members. The Annual Meeting Committee had determined that it is easier not to do a breakfast. There was discussion regarding when to do the Council meeting for September. It was suggested to do a 9:00 to 9:15 a.m. short meeting with a consent agenda on September 26, 2002. Donna also presented the Committee's idea that rather than a gift of a pen or a plaque to the Annual Meeting's speakers that the Section donate \$250.00 to each speaker to donate to the charity of each speaker's choice. Upon a motion duly made and seconded, the Council approved the recommendation to donate \$250.00 to the speaker's charity of choice for each speaker.
- 3.11 Awards Recognition Dinner. Donna Craig and Phil Stoffan reported that Phil is in the process of picking a location for the Awards Recognition dinner. It was discussed that subcommittee co-chairs, past chairs and Council members and those who have made outstanding efforts to the Section have typically been invited to the Awards Recognition dinner. Jennifer Kildea Dewane will get a list of those invited to last year's Awards Recognition dinner and a copy of the invitation sent last year to Phil Stoffan. The Council discussed those who have made outstanding contributions to the Section to determine the invitees. Keith Soltis and Joy Berent will submit to Phil Stoffan a list of those people who should also be invited to the Awards Recognition dinner for their work on the Fraud

Manual and the HIPAA Preemption Matrix. The Annual Meeting will be publicized in the first edition of the Michigan Health Law Report.

- 3.12 Social Function. Nancy Lukey reported that she had reserved July 11, 2002 at Kensington Metro Park. She reported that it cost \$90 to make the reservation. There was discussion on whether people are going to attend the outing and the fact that the function will be priced by the number of attendees. Nancy Lukey will send a notice out to Section members and ask for RSVPs by a certain date to determine the Section's interest.
- 3.13 Nominations Committee. Greg Drutchas presented the Nominations Committee's Report and it was discussed by the Council. The slate was announced for the officers. Upon a motion duly made and seconded, the Nominations Committee's Report was approved as it relates to Officers, Chairperson-Elect and Substantive Law Committee Chairperson and Co-Chair. It was further recommended that there be two co-chairs (vice chairs) for the Substantive Law Committee. Maurice McMurray will follow up with one individual to determine if that individual has an interest in serving as a Substantive Law vice chair.
- 3.14 State of Law Outline for Annual Meeting. Jennifer Kildea Dewane at Foster, Swift, Collins & Smith, Jeanne Dunk at Care Choices and Kathy Kelly at Cook, Goetz, Rogers and Lukey, P.C. will work together to create the State of Law outline.
- 3.15 Bar Leadership Forum. Gerry Griffith reported that he attended the Bar Leadership Forum and the Bar requested input from sections in an effort to be more service oriented. There was a full report given on the Bar's website. Gerry Griffith thought it was worth it going to the Bar Leadership Forum and in getting a chance to talk with other section leaders.

4. New Business.

- 4.1 New Medical Legal Subcommittee. Greg Drutchas brought up the idea of whether there should be a new subcommittee called the Medical Legal Subcommittee. There was discussion on the need for this new committee and upon a motion duly made and seconded, the Council moved to create such a subcommittee. Greg Drutchas requested that the Council members e-mail suggestions regarding who should serve as subcommittee co-chairs for the new Medical Legal Subcommittee and requested that such suggestions be e-mailed to him.
- 4.2 Mental Health Survey. Greg Drutchas presented the idea that we had been requested to conduct a mental health survey by the State Bar. The Council determined that it would not undertake this task at this time.

- 4.3 Chairperson's Grill. Greg Drutchas reported that he would be holding the Chairperson's Grill on June 20, 2002 at his home and would be inviting co-chairs, Council past chairs as well as their significant others.
- 4.4 Section Summit on June 13, 2002. Greg Drutchas presented the letter from Bruce Neckers regarding the Section Summit on June 13, 2002.
- 4.5 MSMS/HCLS Seminar. Nancy Lukey reported that this seminar would not likely be in September. It was determined that October seems like a good time. It is likely that the subject matter will be Blue Cross Blue Shield of Michigan reform. Art deVaux, Phil Stoffan, Kathy Kudner and Nancy Lukey will coordinate the seminar. Art deVaux will determine an appropriate date in October and will advise David Rogers of such date so that it can be coordinated with the Substantive Law Committee.
- 4.6 Annual Report of the Section. Greg Drutchas presented his draft annual report of the Section to Council members.
- 5. Next Meeting Date. The next meeting of the Council will be held via telephone conference on June 19, 2002 at 3:00 p.m. In addition, the Council has reserved July 10, 2002 from 3-5 p.m. for a telephone conference only, if necessary.
- 6. Adjournment. There being no further business, the Council meeting adjourned at 5:25 p.m.

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