

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

**May 21, 2003**

The Council meeting was held at the offices of Foster, Swift, Collins & Smith, P.C. The following Council members participated: Gerry Griffith, Kathy Kudner, Lisa Panah, Keith Soltis, Art deVaux, Nancy Lukey, Greg Drutchas, Colleen McClorey, David Rogers, Jennifer Kildea Dewane, and Phil Stoffan.

Also present: Linda Ross and Richard Bouma

1. **Call to Order.** The meeting was called to order by Gerry Griffith at approximately 3:05 p.m.
2. **Conflict Disclosures (if any - specific agenda items).** There were no new conflicts of interest to report.
3. **Minutes.** The minutes of the April 16, 2003 Council meeting, as amended, were approved upon a motion duly made and seconded.
4. **Old and Recurrent Business.**
  - 4.1 **Treasurer's Report.** The Treasurer's Report was deferred until the next meeting.
  - 4.2 **Update Reports on Special Projects and Work Groups.**
    - 4.2.1 **HIPAA Work Group.** The HIPAA Work Group report was deferred until the next Council meeting.
    - 4.2.2 **Pro Bono Work Group.** Nancy Lukey reported that the Work Group is working on a proposal of future projects for the Work Group.
    - 4.2.3 **Website Task Force.** Kathy Kudner began her report by showing appreciation to Sarah Nussbaumer for all of her efforts in updating the website. The Website Task Force has replaced the privacy policy formerly posted on the website with the new Member Privacy Policy recently adopted by the Council. There was also discussion on (1) whether other policies will be posted on the website; (2) posting upcoming announcements on the website; and (3) whether to post the membership directory on the website and survey questions electronically. The Council decided to talk about which policies were

appropriate to post on the website at the next Council meeting. There was further discussion on when the section will be charged for changing its website and whether there is anything the Council wants to charge the Website Task Force with doing with respect to the website..

- 4.2.4 **Specialty Certification.** Gerry Griffith and Phil Stoffan reported that they sent to all Council members minutes of the most recent meeting regarding specialty certification. Nancy Lukey also participated in that meeting. Gerry reported that the general sense is that if the Section goes forward on creating a specialty certification, that it should not do so alone. The Council, rather, should request that other interested sections also request specialty certification for their appropriate sections. There was discussion on whether the State Bar of Michigan would be interested in specialty certification in light of the fact that the State Bar of Michigan is very interested in promoting professional efforts. The Council agreed to continue its outreach process to other sections on a conceptual level to determine interest and feasibility in obtaining specialty certification. There was discussion on soliciting interest levels of the sections by sending a letter to other section chairs and having face to face meetings with those interested in the next month or two.
- 4.2.5 **Law Student Receptions at MSU and WSU.** David Rogers reported that after discussing the potential of a law student reception at WSU with key contacts at WSU, Fall would perhaps be a better time for a reception.
- 4.2.6 **Law Student Writing Competition.** Kathy Kudner reported that she and Cindy Wisner believe the Law Student Writing Competition will likely take place sometime during the Fall. Cindy Wisner has put together a writing issue/scenario involving physician patient privilege, physician compensation rules, and subpoena issues. The competition would require a law student to write a legal opinion. Cindy Wisner and Kathy Kudner will present a package regarding the competition for the Council's approval. There was discussion on who will judge the competition and what sort of prizes will be awarded.
- 4.2.7 **MSMS Co-Sponsored Program.** Nancy Lukey reported that plans are underway for the MSMS co-sponsored program. It will likely take place some time during the first week of November on a Friday afternoon. A potential speaker for the program has been contacted. Upon a motion duly made and seconded, the Council approved (1) contributing \$1,000. towards the speaker's fee and the speaker's

expenses for this program; (2) providing Section mailing labels to MSMS; and (3) sharing equally in any net gain with MSMS.

**4.2.8 Update Section Directory/Web-Based.** This report was deferred until the next meeting.

**4.2.9 Update Index to Michigan Health Law Regulations.** This report was deferred until the next meeting.

**4.2.10 Update on ICLE Program.** This report was deferred until the next meeting.

**4.3 Subcommittee Reports and Calendar of Events.** David Rogers reported that the Consumer's Subcommittee held a Legal Aid/Elder Law Seminar last week and it was a success. There were thirty attendees, and it was well received. The Provider Subcommittee and the Medical-Legal Subcommittees intend to sponsor a program some time in the early Fall on EMTALA and emergency services issues. The Technology Subcommittee intends to do a Fall program on the HIPAA Privacy Security Rules. The Payors Subcommittee intends to do a Patients Rights Independent Review Act and Department of Labor Claims Procedure Regulations Program some time in the Fall. In addition, there was discussion regarding holding a Long Term Care Program some time in the Fall. There was also discussion on how to involve non-subcommittee co-chairs in planning these events.

**4.4 Report of Annual Meeting Committee.** Gerry Griffith reported that he had distributed information regarding the program planning for the Annual Meeting to the Annual Meeting Committee. The Annual Meeting is set to take place in Lansing, Michigan. Gerry Griffith reported that Cindy Wisner was setting up the program and the topic will likely be getting, keeping and growing a health care business in Michigan. This will involve a panel discussion. Possible speakers were discussed, and an announcement regarding the Annual Meeting will be posted on the website.

**4.5 Update on Michigan Health Law Report.** Kathy Kudner reported that the next issue of Michigan Health Law Report will be out very soon, and she is soliciting authors for the next publication.

**4.6 Review and Approval of Section Policies.**

**4.6.1 Reconciliation of Member Privacy Policy and Website Privacy Policy.** As Kathy Kudner reported in her Website Task Force, the member privacy policy has replaced the former website privacy policy on the website.

- 4.6.2 Consider Need for Separate Website Policy. Kathy Kudner reported that she will take this issue to the Website Task Force.
    - 4.6.3 Volunteer Code of Ethics. This report was deferred until the next meeting.
  - 4.7 Other Special Projects. This report was deferred until the next meeting.
  - 4.8 Report on Proposed Legislation and Court Rule Amendments. Gerry Griffith reported that a chart on proposed legislation and court rule amendments had been presented, and none of the issues appear to involve Section concerns.
  - 4.9 National Conference of Commissioners on Uniform State Laws. This report was deferred until the next meeting.
- 5. Requests to Take More Active Role. There was nothing to report on this matter at the meeting.
- 6. New Business.
  - 6.1 Feasibility of Membership Survey via Zoomerang or State Bar. As Kathy Kudner stated in her Website Task Force, there are issues to consider about a membership survey via Zoomerang and the Website Task Force will continue to address these issues.
  - 6.2 Listserve. Richard Bouma reported that the listserve has been up for two years. He posed questions about what topics should be on the list serve. He asked whether the listserve discussion be restricted to Michigan issues and there was discussion on the filtering of emails before the listserve distribution. Mr. Bouma introduced the idea of posting teaser topics to stimulate conversation and discussed his general rules for filtering messages. He has filtered messages intended for only one or two readers and filters anything that is commercial in nature or is blatantly commercial.
  - 6.3 Nominations Committee Report. Greg Drutchas and Linda Ross gave the Nominations Committee's Report to the Council.
- 7. Next Meeting Date. The next meeting of the Council will be held at Foster, Swift, Collins & Smith P.C. in Lansing on June 18, 2003.
- 8. Adjournment. There being no further business, the meeting adjourned at approximately 5:15 p.m.

S:\211\HEALTH\COUNCIL\MINUTES\May21-03.doc