

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

Wednesday, May 19, 2004

The Council meeting was held at the law offices of Foster, Swift, Collins & Smith, P.C. The following Council members participated: Kathy Kudner, Gerry Griffith, Marge Marchak, Ann Hollenbeck, Cindy Wisner, Phil Stoffan, Eric Wexler, David Rogers, Donna Craig, Michael Fraleigh, Keith Soltis, Art DeVaux and Lisa Panah.

1. Call to Order. The meeting was called to order by Kathy Kudner 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 21, 2004 Council Meeting of the Health Care Law Section of the State Bar of Michigan were approved upon a motion made and seconded.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. Donna Craig reported that one new student member joined the Section. There was discussion on whether or not the Section has a faculty member category, which Donna Craig indicated she would investigate.
 - 4.2 Update Reports on Special Projects and Work Groups.
 - 4.2.1 HIPAA Work Group. Cindy Wisner reported that the HIPAA Work Group continues to meet on a monthly basis and work on HIPAA tools and other items of interest to the Group. Kathy Kudner mentioned that the state preemption matrixes of several states are posted on Alan Goldberg's website.
 - 4.2.2 Website Task Force. Eric Wexler reported there was very little interest in creating a Section directory, but he will explore creating a link to AHLA's directory. In addition, the website continues to be updated for upcoming events and new legislation.
 - 4.2.3 Specialty Certification. Phil Stoffan reported that he prepared a draft curriculum and program for health law, which will distributed to the Council soon. There was discussion on if and how long people would be interested in participating in a health law curriculum. Phil

Stoffan reported that he and Joy Berent were working on a questionnaire to assess the Section's level of interest.

- 4.2.4 Law Student Reception at Wayne. David Rogers reported that he will pursue making arrangements for the reception to be held in the Fall of 2004.
- 4.2.5 Law Student Writing Competition. Kathy Kudner reported that she put together a package on the writing competition, which she will send to the Council soon.
- 4.2.6 Update Index to Michigan Health Law Regulations. Lisa Panah reported that she is continuing to work on this project and will contact the Website Task Force when she needs their help.
- 4.3 Subcommittee Reports and Calendar of Events. David Rogers reported on upcoming subcommittee programs. The Technology Subcommittee is sponsoring the HIPAA Security Question and Answer Teleconference on October 5, 2004. The Consumer Subcommittee is sponsoring a legal aid program in June. David Rogers also reported that the Subcommittee chairs are in the process of setting up programs for next Fall.
- 4.4 Update on Michigan Health Law Report. Cindy Wisner reported that the next issue of the Michigan Health Law Report is in process.
- 4.5 Update on First Annual Section Luncheon. Ann Hollenbeck reported that approximately 20 people have registered for the luncheon so far, not including the speakers. There was discussion on the topics for the roundtables and extending the registration deadline.
- 4.6 Report on Stark II Task Force. Gerry Griffith reported that the Stark II Task Force met in April and Maria Abrahamsen assigned topics to Task Force members for comment. Draft comments are due at the next meeting on May 26, 2004. Gerry Griffith also invited the Council to submit topics for comment.
- 4.7 Report from Planning Committee on 2004 Michigan Bar Annual Meeting. Phil Stoffan reported that Janet Olszewski, Director of the Michigan Department of Community Health, has agreed to speak at the annual meeting and that work continues on the planning process.
- 4.8 Other Special Projects (2003-2004 Bar Year).
 - 4.8.1 Publication of Michigan Public Health Code. Cindy Wisner reported that the Work Group continues to meet and they are exploring commercial involvement for the Michigan Public Health Code. Several publishers have been contacted, including West Publishing. ICLE was not interested.

- 4.8.2 Review of Corporate Practice of Medicine Doctrine. Kathy Kudner reported that the State will not approve any corporate entity whose name implies the entity provides health care, regardless of the purposes of the corporate entity. There was discussion on an approach to challenge the State's position. Mike Fraleigh recommended seeking an Attorney General opinion through a State legislator. Kathy Kudner, Gerry Griffith and Cindy Wisner will work on challenging the issue.
- 4.8.3 Glossary of Health Definitions. Cindy Wisner reported that she prepared a draft of health law-related terms, which are unique to Michigan. When it is finished, it will be posted on the Section website.
- 4.9 Report or Proposed Amendments to Nonprofit Corporation Act. There was nothing new to report.
- 4.10 National Conference of Commissioners on Uniform State Laws. There was nothing to report. It was moved that this item be taken off the agenda.
- 4.11 Other Ideas for 2003-2004 and Beyond. Kathy Kudner solicited ideas for next year.
- 5. New Business.
 - 5.1 Report of Nominating Committee. Gerry Griffith summarized the Nominating Committee's report.
 - 5.2 Bar Leadership Forum. Kathy Kudner reported that Cindy Wisner is unable to attend and unless anyone from the Council expresses an interest, either she or Marge Marchak will attend instead.
 - 5.3 ADR Section Annual Meeting. Donna Craig reported that the ADR Section meeting is scheduled for September 9 and 10, 2004 at Soaring Eagle Resort in Mt. Pleasant with national speakers. Notice of the meeting will be sent to the Section.
 - 5.4 Flowers for Jennifer Kildea Dewane. A motion was made and seconded to send flowers to Jennifer Kildea Dewane.
 - 5.5 List Serv Maintenance. Kathy Kudner reported that the Bar will no longer provide maintenance for the list serv and that we need to find a new vendor by July 1, 2004. Gerry Griffith reported on AHLA's pricing to maintain the list serv.

6. Agenda Items for Subsequent Meetings.
 - 6.1 Chairperson's Grill. The Chairperson's Grill will be held on July 15, 2004 at Kathy Kudner's house in Ann Arbor.
7. Next Meeting. The next meeting of the Council of the Health Care Law Section will be held at Foster, Swift, Collins & Smith, P.C. at 3:00 p.m. on June 16, 2004.
8. Adjournment. There being no further business, the meeting adjourned at approximately 4:25 p.m.