

**STATE BAR OF MICHIGAN  
HEALTH CARE LAW SECTION  
Thursday, May 17, 2007  
3:00 pm – 4:30 pm**

The Health Care Law Section Council meeting was held on April 19, 2007 via telephone. The following Council members participated: David Rogers, Margaret Marchak, Lisa Panah, Joy Berent, Tom Trenta, Carol Tarnowsky, Beth Derwin, Ann Hollenbeck, Rob Iwrey, Jan Anderson, Eric Wexler, Jennifer Kildea Dewane. Kim Adams, Administrative Assistant, was also present.

1. Call to Order (*David Rogers*)

Rogers called the meeting to order at 3:10 PM

2. Conflict Disclosures (*David Rogers*)

Rogers called for conflicts. There were none.

3. Review and Approval of Minutes of April 19, 2007 Council Meeting (*Ann Hollenbeck*)

Rogers called for a review of the minutes and called for comments or changes to the April 19, 2007 minutes. Hearing no comments, a motion was made to approve the minutes. It was seconded and approved unanimously.

4. Treasurer's Report (*Margaret Marchak*)

Marchak reported that there is nothing new to report on the financial statements emailed previously. Rogers called for questions. He asked for clarification on the budgets header dates and Marchak reported that the 2007 Actual header reports year-to-date numbers; the 2006 Actual header reports the entire year; the 2007 Budget is the entire year budget.

5. Updates

5.1 Substantive Law Committee Report (*Monica Wilkinson written report*)

Rogers informed the Council that Wilkinson is out of town but that her written report had been emailed previously. He went over highlights of her report re: recording future teleconferences. There was a discussion about the HCLS\_admin @comcast.net email address. It was felt that the Comcast account is being black-listed and that some members may not be receiving email from that account. Rogers asked Adams to call Susan McMann at the State Bar to see if she can get a State Bar account which would hopefully solve the problem. Rogers also announced the upcoming June 6<sup>th</sup> (Grand Rapids) and 13<sup>th</sup> (Detroit) schmooze dates. Rogers reported that he will attend the Grand Rapids schmooze and urged Council members to attend. The June 13<sup>th</sup> schmooze announcement will go out as soon as the information is received. Rogers called for questions on the report. There were none.

5.2 Law Student Receptions (*Rob Iwrey, Ann Hollenbeck and Amy Barkholz*)

Iwrey reported that the reception went well, expenses are paid and that there is nothing new to report.

5.3 Revisions of the Non-Profit Corporation Act Update (*Joanne Lax*)

No report

5.4 JCAHO/COP Project Update (*Joy Berent*) – Members: Joy Berent, Beth Derwin, Jennifer Kildea Dewane

Berent reported that she is working on the outline.

5.5 Website (*Eric Wexler*)

A full report will be provided at the next meeting.

5.6 Attorney-Client Privilege Task Force (*Eric Wexler*)

No report

5.7 Michigan Health Care Regulations Update (*Kim Adams*)

Adams reported that the index is being updated on a monthly basis.

5.8 2007 Annual Meeting Committee (*Joanne Lax*) -- Members: Lisa Panah, Margaret Marchak, Joanne Lax, Ann Hollenbeck, Joy Berent, David Rogers

Rogers reported that the speaker selection is being refined. Other logistics, such as, location, food, etc. are set. The theme is Consumer Driven Healthcare and more information will be sent out as soon as it is confirmed.

5.9 Pro Bono Work Group (*Robert Iwrey, Jan Anderson, Mike Fraleigh*)

Iwrey reported that there is nothing new to report.

5.10 Michigan Stark Law—Request for Legislature to take notice of Stark II Regulations (*Ann Hollenbeck; David Rogers*)

Rogers reported that there is nothing new to report

6. Legislative Liaison Committee (*Jan Anderson*) – Members: Jan Anderson, Donna Craig, Donna O'Connor, and Eric Wexler

No report

7. Section Survey (*Rogers*) – initial review and discussion of survey results (attached).

Rogers reported that the survey had been circulated. There were 101 responses. He asked the Council to please review it carefully so that there can be a full discussion at the next meeting.

Rogers suggested sending a mailing to the entire membership which addresses the specifics of the annual meeting, instructions for use of the listserve, teleconferences and other important Section news and to emphasize the importance of providing an email address. Marchak asked if the schmooze dates could be scheduled a year in advance (without a topic identified). Rogers said that a new committee will be established so that work may go forward over the summer to set up dates, etc. by the beginning of fiscal year.

8. Update on HCLS Scholarship for National Association of the Administrative Law Judiciary Spring 2007 Conference (*Rogers*)

Rogers reported that the NAALJ committee is still working on a way to implement these scholarships.

9. Other Business

Rogers reported that he will begin work on appointing a nominating committee and plans on having it established within the next two weeks. He suggested appointing two people who are not on the Council. He asked those members on this call who do not want to be on the committee to please let him know via email. He also asked for names of candidates. Adams will look through the archives for criteria for serving on the Council and forward to Rogers. Rogers called for comments – Hollenbeck asked if there was a tradition of having the former chair participate. It was agreed that chair continuity is beneficial. He proposed that the new slate would be presented at the August 16<sup>th</sup> meeting.

Marchak reported that the FY07 budget had not yet been approved. Rogers asked the Council to review the 2007 budget. He called for comments. Hearing none, the budget was seconded and approved unanimously.

10. Next Meeting Date: Thursday, June 21, 2007, 3:00 pm.

Rogers reported that he went to the State Bar Leadership Forum. He said that it was a really useful conference re: meeting people and learning about the other sections. He suggested having the next Council meeting at the State Bar in Lansing so that members can meet the staff and asked if there was enough interest. Wexler stated that he liked the idea and after speaking with Sandra Barger, an employee at the State Bar, he learned about a new e-publication program the State Bar is doing. It was agreed that Adams should attend as well. Rogers will confirm that they can have a phone available for those who cannot attend. Marchak suggested that we ask the new State Bar Executive Director to attend. Rogers also recommended that the chair and chair-elect go to the 2008 Leadership Forum.

Subsequent meetings: Third Thursday of each month, 3:00 pm:

Aug 16, Sep 19 (No meeting in July)

11. Adjourn

Having no new business, the meeting was adjourned at 3:50.

Council Members and Project Assignments:

Chair: David Rogers (2008)  
Secretary: Ann Hollenbeck (2009) – Michigan Stark Task Force; Law Student  
Receptions, Annual Meeting Committee  
Treasurer: Margaret Marchak (2009) -- Annual Meeting Committee  
Chair-Elect: Lisa Panah (2008) – Annual Meeting Committee  
Past Chair: Jennifer Kildea DeWane (2007) – JCAHO/COP Task Force  
Substantive Law Committee Chair: Monica Wilkinson (2009) – NAALJ Scholarship  
Committee

Jan Anderson (2007) – Pro Bono Work Group; Legislative Liaison Committee  
Amy Barkholz (2008) – Law Student Receptions  
Joy Berent (2007) – Annual Meeting Committee; JCAHO/COP Project  
Donna Craig (2007) – Legislative Liaison Committee  
Beth Derwin (2008) – JCAHO/COP Task Force  
Mike Fraleigh (2009) – Pro Bono Work Group  
Rob Iwrey (2008) – Law Student Receptions; Pro Bono Work Group  
Joanne Lax (2008) -- Annual Meeting Committee  
Donna O'Connor (2009) – Legislative Liaison Committee  
Carol Tarnowsky (2008) – Web Survey  
Tom Trenta (2009) – NAALJ Scholarship Committee  
Eric Wexler (2009) – Website; Attorney-Client Privilege Task Force; Legislative Liaison  
Committee

Administrative Assistant: Kim Adams (248-967-0242) ([HCLS\\_admin@comcast.net](mailto:HCLS_admin@comcast.net))

HEALTH LAW SECTION  
SUBSTANTIVE LAW COMMITTEE

To: Health Law Council

From: Monica B. Wilkinson

Date: May 14, 2007

Re: Report for May 17, 2007 Meeting

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I will be out of town on May 17, 2007 and submit this written report instead.

The May 17, 2007 teleconference on Medicare Secondary Payor is ready to go. We had planned to begin audio taping the conferences with this teleconference as a convenience to section members, but have decided to delay this feature until the fall so we have sufficient time to work out some glitches. One issue yet to discuss is obtaining consent from the speakers in order to tape and distribute the programs. Initial information on the cost shows it to be relatively modest (\$8 per recorded hour) which will be recouped from anyone who orders the tape. Otherwise, this is the last teleconference of the year. The next teleconference is in the works for September 11 or 12<sup>th</sup>. It will be on Uniform Standards in Electronic Records.

There are two Health Law Schmoozes scheduled. The first will be held on June 6<sup>th</sup> in Grand Rapids at the Smith Houghey firm. The second will be held on June 13<sup>th</sup> in Detroit at Kotz Sangster.

The issue has been raised that the HCLS\_Admin email address is not recognizable enough and section members may be deleting messages without reading them. Kim Adams can explain the details. The Council may wish to discuss this matter and give some consideration to another email address. Kim has volunteered to change this over the summer if that is the Council's desire.

After these programs are completed, the Substantive Law Committee will be on summer hiatus.