

## MINUTES

**Meeting:** State Bar of Michigan – Health Care Law Section Council  
**Date:** May 3, 2011  
**Chair:** Monica Wilkinson

### Members Present:

John Anderson	-	Mark Kopson	P	Joanne Lax	E
Amy Barkholz	E	Thomas McGraw	E		
Steve Bender	P	Laura Napiewocki	P		
Jennifer Benedict	P	Monica Navarro	-		
Richard Bouma	P	Donna O'Connor	P		
Beth Derwin	A	Carol Tarnowsky	P		
Marta Hoffman	P	Monica Wilkinson	P		
Robert Iwrey	P	Deborah Williamson	P		

<u>Agenda Item</u>	<u>Discussion</u>	<u>Action/Follow-Up</u>
Call to Order Monica Wilkinson	Ms. Wilkinson called the meeting to order at 4:32 p.m.	
Roll Call	See above for members present.	
Conflict of Disclosure Monica Wilkinson	None reported.	
Review and Approval of Minutes Monica Wilkinson	Minutes of the April 5, 2011 Council meeting were presented for approval and it was noted that the dates in the footer and in the minutes report need to be changed. The minutes should also reflect that Ms. Benedict and Mr. Bouma were present. Also noted was that Ms. Lax should be listed as the head of the pro bono committee. Mr. Iwrey's presentation at Wayne St. Univ. should be reflected as having been given on 3/31. The minutes as amended, were approved.	Ms. Nutter to file minutes as amended, with the State Bar.
Treasurer's Report Robert Iwrey	The Treasurer's Report was distributed by email on April 14, 2011 with a balance of approximately \$86,000.	
Substantive Law Committee Steve Bender	<p><u>Medical Legal SC:</u> A program on MidLevel Providers will be presented on June 8<sup>th</sup>. The gift of life program planned for the fall has been tabled due to inability to find suitable Michigan speaker.</p> <p><u>Payor SC:</u> A program on Medical Auditing will be presented on May 24<sup>th</sup>.</p> <p>The Mental Health Parity program planned for the fall was tabled due to speaker conflict. The program on Healthcare Reform was also tabled because the legislation is still in the comment period.</p> <p><u>Providers SC:</u> A program on Covenants not to Compete will be presented on May 18<sup>th</sup>.</p>	<p>The SLC will try to schedule a program for early September so the section can begin presenting programs earlier in the year.</p> <p>Section Assistant needs to start sending notices of future programs.</p>

	<p><u>Technology SC</u>: A program on meaningful use/remote hosting is being planned; date still uncertain.</p> <p><u>Legislative Update</u>: The usual spring update is being rescheduled for the fall so that it can be done in conjunction with the Mi AG's office.</p>	
<p>Publications Committee Donna O'Connor</p>	<p>The St. Bar Jnl health law issue will be published in June.</p> <p>Updates to the Fraud and Abuse Manual was discussed. Update language needs to be changed on the website.</p>	<p>Someone from the committee will coordinate with the State Bar to get the issue resolved.</p>
<p>New Lawyers and Law Students Committee John Anderson (Carol Tarnowsky)</p>	<p>Law Student Writing Competition. Information has been posted to the website.</p> <p>Law school presentations. No report.</p> <p>A Meet and Greet was held in Royal Oak in April. About 10-12 new lawyers were present. The event was well received.</p>	<p>Ms. Tarnowsky will send a reminder of the contest to the law schools.</p>
<p>Legislative Committee Mark Kopson</p>	<p>Mr. Kopson and Ms. Williamson received and reviewed material regarding a proposed amendment to change the term on Michigan Supreme Court to coincide with the State Judge election cycle. The section did not wish to become involved.</p> <p>Proposed changes to Mi rules of Prof'l Conduct. Most of changes move text from the comments to the rules, into the rules themselves, apparently, for clarity. The Committee discussed whether the section might want to comment on 1.7 regarding conflict of interest (a lawyer shall not allow business interest to affect representation of client) The issue is that "business interest" is not defined. A hypothetical was discussed in the situation involving a healthcare transaction and subsequent scrutiny by regulators/enforcement agencies. Comments must be submitted before May 27 however it might be possible to obtain an extension. Discussion ensued about the timing of commenting and the ability of the section to research, convene and discuss the issues in a timely matter. Mr. Bouma and Ms. Williamson volunteered to research and propose a comment.</p> <p>It was also noted that the I'm Sorry Legislation has been passed.</p>	<p>Mr. Bouma and Ms. Williamson will research and explore the issues and contact Ms. Lyons at the State Bar to determine which other sections may be working on the same issue. Mr. Bouma and Ms. Williamson will prepare and forward a proposed draft comment to the council for consideration.</p>
<p>Technology Committee Jen Benedict Rich Bouma</p>	<p>Nothing new to report beyond Fraud and Abuse update information needs to be updated by State Bar.</p>	
<p>Pro Bono Committee Joanne Lax (Rob Iwrey and Laura Napiewocki)</p>	<p>Race for the Cure (Rob Iwrey)– May 21<sup>st</sup>. Meeting in front of Fox Theater at 8:30. Mr. Iwrey will have a sign for the section. Run starts at 9 a.m. Meet at the Town Pump afterward.</p>	<p>Mr. Iwrey to forward email reminding people of pertinent information.</p>

	<p>The Domestic Violence Brochure (Mr. Iwrey): Section will be leaving the brochure as it is and it appears that no other sections wish to make any changes.</p> <p>Nightingale Task Force: (Ms Napiewocki). Spoke with Mr. Haron about feedback from the council about the survey and Mr. Haron prepared a memorandum in response indicating that the survey may be modified to be more consistent with what the Section perceives the purpose of Task Force to be. The possibility of, and methods for providing the Task Force with more exposure before the Section membership was discussed. Ms. Wilkinson advised that upon looking back, in 2009, the task force was formed under the HCLSection</p>	
HITECH	No report.	
Council Fellows Exploration Committee Joanne Lax (Ms. Wilkinson)	David Rogers has joined the committee. The committee met recently and discussed information collected from AHLA re: awarding a fellow designation. The committee is preparing material to present to the council for possible adoption in June or July allowing us to move forward to nominate fellows over the summer and award such at the annual meeting.	Material will be provided to the council for review by the next meeting.
Annual Meeting Subcommittee Report Monica Navarro(Ms. Wilkinson)	Finalizing details/contract with Meadowbrook. Confirmations have been received from some of the invited speakers. A number of submissions have been received in response to a call for speakers and will be discussed during the planning meeting next week.	Ms. Barkholz is still working on retaining a luncheon speaker.
New Business Monica Wilkinson	<p>The Section Calendar has been distributed.</p> <p>Michigan Pledge to Achieve Diversity and Inclusion –</p> <p>a) Ms. Navarro was unavailable however she wanted to address seeking financial contribution to a program-College PreLaw Institute at Oakland University, which is designed to help students from diverse backgrounds prepare for taking LSATS. Ms. Wilkinson sent Ms. Navarro a copy of Section policy regarding charitable donations. This issue will be addressed at the next meeting..</p> <p>b) Formation of a subcommittee was discussed for purposes of giving force to our pledge. St. Bar has resources and is active, however we discussed the need to assign someone responsibility for monitoring and field requests relating to the diversity pledge. Ms. Wilkinson signed the pledge on behalf of the Section on the State Bar website. Some other sections have signed the pledge but it is not known if they have formed subcommittees. Mr. Kopson suggested that a section representative be assigned to the task force at the State Bar level and serve as liaison.</p> <p>Criminal Law Section is requesting support for its Medical Marihuana Conference from June 17-19 at the Grand Hotel. Their cost is about \$18,000 to put it on. A fee is charged to registrants—usually about 20 but expect larger participation this year b/c of interest from</p>	<p>Ms. Wilkinson will post the policy to the website and will circulate to the group.</p> <p>Ms. Hoffman to contact state bar before the next meeting to find out whether /how this is moving along and how we can get a liaison involved.</p>

	<p>Municipalities. The Criminal Law Section requests a \$2,500 contribution and indicate they will offer an undetermined reduction in attendance fee for our section members. Discussion ensued however the council declined such request.</p> <p>Annual Report to the State Bar. Ms. Wilkinson will prepare and file by end of month.</p> <p>Nominations committee needs to be convened. Consists of Monica Wilkinson, Marta Hoffman, and others who are willing. Finalize committee membership at June meeting.</p> <p>Ms. Wilkinson needs to be advised of any individuals who are proposed for/or interested in serving in any capacity on the council or on any committee.</p>	Interested persons should contact Ms. Wilkinson.
Adjournment/Next Meeting	<p>The meeting adjourned at 5:43 P.M.</p> <p><b>Next Meeting: June 7at 4:30 P.M.</b></p>	

Minutes recorded by Marta Hoffman