

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

November 19, 2003

The Council meeting was held at the law offices of Foster, Swift, Collins & Smith, P.C. The following Council members participated: Keith Soltis, Michael Fraleigh, Kathy Kudner, Jennifer Kildea Dewane, Donna Craig, Art de Vaux, Joy Berent, Gerry Griffith, Cindy Wisner, Eric Wexler, and Ann Hollenbeck.

1. Call to Order. The meeting was called to order by Kathy Kudner at approximately 3:10 p.m.
2. Conflicts. Upon request by Kathy Kudner, there were no conflicts of interest to disclose by any Council members.
3. Minutes. The Minutes of the October 15, 2003 Council Meeting of the Health Care Law Section of the State Bar of Michigan were approved upon a motion duly made and seconded.
4. Old and Recurrent Business.
 - 4.1 Treasurer's Report. Donna Craig presented the Treasurer's Report, noting that the Section had received \$28,700 in dues.
 - 4.2 Updates on Special Projects and Work Groups.
 - 4.2.1 HIPAA Work Group. Joy Berent and Cindy Wisner led a discussion about the value of future meetings for the HIPAA Work Group. There was discussion regarding appointing two new co-chairs for the HIPAA Work Group to replace Cindy and Joy.
 - 4.2.2 Pro-Bono Work Group. The Council decided to take this item off the agenda.
 - 4.2.3 Website Task Force. Eric Wexler reported that Eric Wexler, Theresa Sherman and Zachary Fryer will comprise the new Task Force. Eric is in the process of scheduling their next meeting.
 - 4.2.4 Specialty Certification Task Force. In Phil Stoffan's absence, Kathy Kudner reported that Phil has drafted a letter to other Section Chairs regarding the Specialty Certification issue.
 - 4.2.5 Law Student Reception. Jennifer Kildea Dewane reported that she is currently working with her contacts at Detroit College of Law on setting up a future law student reception.

- 4.2.6 Law Student Writing Competition. Cindy Wisner reported that the packet for the Writing Competition has been completed, and it will soon be presented to the participating law schools.
- 4.2.7 MSMS Co-Sponsored Program. Kathy Kudner reported that she had received a message from Nancy Lukey regarding the MSMS Co-Sponsored program. There were 50 registrants and perhaps 60 people attended. The organizers received good feedback from the physician attendees.
- 4.2.8 Updating Index to Michigan Health Law Regulations. There was nothing new to report on this issue.
- 4.2.9 National Health Care Decision Week. Cindy Wisner reported that she sent the materials from the American Bar Association regarding end of life planning to the Consumers Sub-Committee.
- 4.3 Sub-Committee Reports and Calendar of Events. Kathy Kudner gave the report on David Rogers' behalf. There will be a regulatory update telephone conference on November 20, 2003 which currently has 35 registrants. The Provider Sub-Committee will do an EMTALA program in January. On February 11, 2004, the legislative update will take place. A room has currently been reserved at Foster, Swift, Collins & Smith, P.C. There was then discussion regarding the cost promotion of the ICLE Seminar – having ICLE post on our web site and vice versa.
- 4.4 Michigan Health Law Report. Cindy Wisner and Kathy Kudner reported that they are working on the next topics of the next issue of the Michigan Health Law Report and the transition of the Michigan Health Law Report from Kathy Kudner to Cindy Wisner.
- 4.5 Budget. Donna Craig presented the proposed budget for 2003 – 2004. She asked for the Council to review and provide comments to her. After discussion and upon a motion duly made and seconded, the budget was approved.
- 4.6 Other Special Projects (2003-2004 Bar Year).
 - 4.6.1 Publication of Michigan Public Health Code. Cindy Wisner reported that those interested in working on this project are scheduling a meeting.
 - 4.6.2 First Annual Section Luncheon. Ann Hollenbeck led the discussion on the interest level in the First Annual Section Luncheon location and possible formats for the luncheon.
 - 4.6.3 Guardianship and Priority of Rights. There was no discussion on this topic.

- 4.6.4 Corporate Practice of Medicine Doctrine. Kathy Kudner reported that Ann Baker is interested in meeting with the Council's Work Group. Art de Vaux requested to be added to this group.
- 4.6.5 ADR Program. Donna Craig reported that the ADR Section is sending out letters to other State Bar Sections about whether they have ADR Committees. She reported that she will receive AAA Educational Program updates.
- 4.6.6 Glossary of Health Definitions. Cindy Wisner reported that she had provided Jennifer Kildea Dewane a draft list of words to be included in the Glossary. There was further discussion on how the Glossary will be disseminated and the potential uses for the Glossary. There was also discussion regarding the feasibility of a Consent Form Project.
- 4.7 Proposed Amendments to Rules of Professional Conduct. Gerry Griffith reported that he had received no comments on the Proposed Amendments to the Rules of Professional Conduct.
- 4.8 Report on Proposed Amendments to Non-Profit Corporation Act. Arthur de Vaux reported that there is nothing new to report on this issue.
- 4.9 National Conference of Commissioners on Uniform State Laws. There was general discussion on Council members having their eyes peeled for model legislation.

5. New Business.

- 5.1 MSHA 2003 Annual Meeting. There was no report on this issue.
- 5.2 Planning for ICLE 2004. Kathy Kudner and Gerry Griffith reported that there is a brochure of the ICLE 2004 Seminar going to publication. There will be 3 tracks in the Agenda and speakers are being finalized. Joy Berent and Arthur de Vaux volunteered to plan the Council Dinner Meeting that will take place in conjunction with the ICLE 2004 Seminar.
- 5.3 Mid-Year/Annual Meeting at Shanty Creek. There was discussion on whether the Council or Section should hold an Annual Meeting.
- 5.4 Proposed Michigan Legislation. Kathy Kudner stated that she will send a review of pending bills that relate to healthcare law to sub-committee co-chairs for their review.
- 5.5 STARK II Regulations Task Force. There was discussion about the fact that CMS may finalize the STARK II Regulations in the very near future. There was discussion about creating a Task Force to address the STARK II Regulations.

- 5.6 Other Hot Topics. Cindy Wisner raised the issue that contractual joint ventures and physician recruiting have become hot issues.
6. Next Meeting. The next meeting of the Council will take place on December 17, 2003 from 3:00 p.m. to 5:00 p.m. at the corporate offices of Trinity Health. There will be a cookie exchange to celebrate the upcoming holidays.
7. Adjournment. There being no further business, the meeting was adjourned at approximately 4:15 p.m.