

**MINUTES OF THE COUNCIL MEETING OF
THE HEALTH CARE LAW SECTION OF
THE STATE BAR OF MICHIGAN
Tuesday, November 7th, 2006**

The Health Care Law Section Council meeting was held via telephone. The following Council members participated: David Rogers, Jennifer Kildea Dewane, Donna Craig, Joanne Lax, Lisa Panah, Eric Wexler, Ann Hollenbeck, Carol Tarnowsky, Rob Iwrey, Monica Wilkinson, Tom Trenta and Margaret Marchak.

1. Call to Order. The meeting was called to order by David Rogers at approximately 1:35 p.m. He announced that the next meeting will be held on November 30 at 3 p.m. then on the 3rd Thursday of the month at 3 p.m. Dec 21, Jan 18, Feb 15, Mar 15, Apr 19, May 17, Jun 21, Aug 16, Sep 20
2. Conflict Disclosures (if any - specific agenda items). There were no conflict disclosures made.
3. Minutes. The Minutes of the August 16, 2006 meeting of the Health Care Law Section Council were approved on a motion made and seconded.
4. Election of Officers. The following individuals were nominated at the September 28, 2006 annual meeting of the Health Care Law Section Council for election as officer for the 2006-2007 year:

Secretary: Ann Hollenbeck
Treasurer: Margaret Marchak
Chair-Elect: Lisa Panah

A motion to elect the nominated individuals to those positions was made, seconded and approved unanimously.

5. Treasurer's Report. Deferred to the November 30, 2006 meeting
6. Confirm retention of administrative assistant Kim Adams. David Rogers reported that Kim Adams had been retained to provide administrative assistance to the Section. She will work approximately 10 hours a month with an additional 20 hours each during the first two months at a rate of \$25 an hour. She will be required to provide a detailed billing of hours worked. An annual budget of \$5000.00 has been set aside for her services. She will advise the Chair and Secretary if she approaches 140 hours. Her employment is terminable at will by written notice. An independent contractor agreement will be drafted reflecting these terms. A motion to approve the retention of Kim Adams was made, seconded and unanimously approved.

7. Updates.

7.1 Substantive Law Subcommittee Report. (*Monica Wilkinson*) Wilkinson reported that a first meeting has been held and that there will be a second meeting on November 15. A report will be made after this meeting has been held

7.2 Law Student Reception. (*Rob Iwrey and Amy Barkholz*) David Rogers reported that Rob Iwrey volunteered to implement the Wayne and the Detroit area receptions and Amy Barkholz will be implementing the Lansing area receptions. Rogers asked if anyone knew who would be interested in doing the Ann Arbor receptions and Iwrey said that he would contact Deborah Biggs to determine interest. Iwrey will meet with Rogers to discuss action steps and Rogers will forward any documents he has to Iwrey.

7.3 Revisions of the Non-Profit Corporation Act Update. (*NEED VOLUNTEER*) David Rogers reported that Art Devaux is no longer on the Council and asked if anyone would be interested in volunteering. Jennifer Kildea Dewane said that Kathy Kudner had expressed interest. Rogers said that he would call her and suggested that Joann Lax could be a conduit with Kudner and the Council.

7.4 JCAHO/COP Project Update. (*Jennifer Kildea Dewane*) Kildea Dewane reported that nothing has happened but that Ann Williams wants to spearhead the project. She suggested that David Rogers and Williams schedule a call to discuss the project going forward. Lisa Panah said that Marcia Malouin was interested in assisting and that Williams may have a list of people who have also expressed interest. There was a brief discussion of sending out a new project volunteer sign-up sheet to the membership. Rogers will follow up with Williams re: the list.

7.5 Website. (*Eric Wexler*) Rogers asked Wexler if he was still interested in volunteering to keep the website updated and Wexler said yes but that he would appreciate assistance from Kim Adams. He asked that Adams call him to discuss site-posting issues. Wexler reported that he has been posting about Attorney-Client Privilege Task Force issues and that those references are up-to-date. Wexler said that the new roster, meeting agendas, etc. would need to be updated. Lisa Panah reported that the database index is current but that a notice should be sent to the membership to let them know that the service is available. She suggested that Adams could make additional updates.

7.6 Attorney-Client Privilege Task Force (*Eric Wexler*). Reported above in section 7.5.

7.7 Michigan Health Care Regulations -- Status (*Lisa Panah*). Reported above in section 7.5.

7.8 2007 Annual Meeting Committee (*David Rogers*). David Rogers said that he'd like to have one get-together before spring to conduct a preliminary overview of what needs to be done. He called for volunteers and Lisa Panah, Margaret Marchak and Joanne Lax offered to assist. Jennifer Kildea Dewane suggested contacting Laura Napiewocki who served on this year's annual meeting planning committee. Rogers suggested that the committee should have about 5 members and suggested contacting Ann Hollenbeck to serve again as a common thread. Kildea Dewane suggested that the Council assess the value of the conference in terms of attendance figures and revenue/expense. She suggested that the committee contact the national office to see if they can offer marketing and advertising advice and said that she would be happy to sit in on any calls to discuss. Marchak said that the State Bar has an online registration function that Monica Wilkinson might want to look into for the Substantive Law Subcommittee.

7.9 Pro Bono Work Group (*Robert Iwrey, Jan Anderson, and Mike Fraleigh*). Iwrey reported that he and Tom Trenta spoke with the Oakland County Medical Legal Committee about producing a brochure to distribute statewide. The purpose of the brochure is to educate health care providers to their rights and obligations if then come across a victim of domestic violence. He also spoke today with Lisa Gorcyka who had previously updated the brochure he had received from Deb Spicer. She agreed to do it again. He has been in contact with Rosemary Buhl of the Elder Law Section who will collaborate on incorporating their brochure copy into one brochure. He will ask Gorcyka to look at the combined copy from a legal perspective and, once approved, to then distribute statewide. However, prior to its distribution, Iwrey said that a cost and production analysis will be conducted. Rogers asked who is serving on the committee. Iwrey said that he would contact Jan Anderson and Mike Fraleigh to determine interest. Trenta offered to assist.

7.10 Michigan Stark Law - Request for Legislature to take notice of Stark II Regulations (*Ann Hollenbeck*). Hollenbeck reported that the committee has been working with Walt Wheeler in a volunteer capacity and suggested that the Council hire him and formally ask him to 'get the job done.' David Rogers asked if someone at the Attorney General's office might be helpful and the Council agreed that Rogers should make a contact there prior to hiring Walt Wheeler.

7.11 Section Survey (*Carol Tarnowsky*). Tarnowsky reported that the survey instrument has been drafted and that she will ask Eric Wexler to review it. David Rogers also offered to review it. Kim Adams said that she has worked with Zoomerang surveys and is available to assist in any capacity.

8. Legislative Liaison position – discuss responsibilities of position.
Joanne Lax reported that the position would require a large time commitment and that she does not have the time to make such a commitment. A lengthy discussion ensued around how this position would interact with the Council and the Legislature. David Rogers will send out a member solicitation to determine who would like to take part in defining the position.
9. Other Business. Joanne Lax reported that the Council is out of coffee mugs. Margaret Marchak reported that there is money in the budget to order more and the Council agreed to do so.

David Rogers referred the Council to the contact information and assignments emailed previously and asked that he be notified of any corrections.

10. Next Meeting Date. David Rogers reported that the next phone-in meeting will be on Thursday, November 30, 2006, 3:00 pm. The December 21 meeting will be an in-person meeting at Rogers' office in Royal Oak to accommodate the cookie exchange. Subsequent meetings: Third Thursday of each month, 3:00 pm: Dec 21, Jan 18, Feb 15, Mar 15, Apr 19, May 17, Jun 21, Aug 16, Sep 20
11. Adjourn. Having no further business, the meeting was adjourned at 2:37 p.m.