

***State Bar of Michigan***  
***Health Care Law Section***  
***Council Meeting Minutes***

Thursday, November 20<sup>th</sup>, 2008  
9:00 a.m.- 10:08 a.m.

Teleconference: Call-In Number: **1 800-270-1153, Pass Code is 123999**

1. Call to Order: The meeting was called to order by Ann Hollenbeck at 9 a.m.
2. Roll Call: Present: Ann Hollenbeck, Joanne Lax, Margaret Marchak, Marta Hoffman, John Anderson, Amy Barkholz, Richard Bouma, Beth Derwin, Rob Iwrey, Joan Lowes, Donna O'Connor, Lisa Panah, Carol Tarnowsky, Thomas Trenta, Eric Wexler, Monica Wilkinson      Excused: Jan Anderson
3. Conflict Disclosures: There were no conflict disclosures.
4. Review and Approval of Minutes of October 16, 2008 Council Meeting: The minutes were presented by Marta Hoffman and were unanimously approved after a motion was made and seconded.
5. Treasurer's Report: Margaret Marchak presented the November 2008 financial report and discussed the budget. The 2009 budget was unanimously approved after a motion was made and seconded.
6. Updates

A. Substantive Law Committee Report

Speaker Release Form: There was nothing to report as Joan Lowes was waiting to hear back from the person editing the form. She hopes to provide a report at the next meeting.

e-Prescribing Teleconference, Sept. 3, 2008: There was nothing to report.

The New Stark Law Teleconference, Oct. 14<sup>th</sup>, 2008: There was nothing to report.

Primer on Pay and Performance, December 9<sup>th</sup>, 2008: The save the date notice has gone out. Jan Anderson and Tammy Lundstrom from Providence will be the speakers. There was some concern that the 'save the date' e-blast did not get to all members of the section. The issue will be addressed with Sandy Barger from the State Bar.

2009 Legislative Update: The program is tentatively scheduled for April and is being planned by Cara Nieboer and Laura Napiewocki. They are trying to get Sen. Tom George, M.D. to be the lead speaker. A discussion was held about holding it at one of the Lansing law schools with video or teleconference feed for remote access.

Future Programs: Several other programs are in the planning process. They include: a Primer on Tax Issues, a Primer on CON; Balance Billing, and a Primer on Medicare Part C and D.

A. Law School Events

MSU/Cooley Law School: Amy Barkholz reported that her planned October MSU and Cooley Law School events were postponed however she is exploring holding them in conjunction with the legislative update in the spring.

2009 Law School Events: Marta Hoffman volunteered to handle the University of Michigan event and will investigate whether Ave Maria is still receptive to holding such an event given the upcoming move to Florida.

B. Technology and Access Committee

Website Updates: There was nothing new to report.

C. Legislation Committee (Jan Anderson, Eric Wexler, Amy Barkholz, Donna O'Connor, Marta Hoffman, Tom Trenta)

2009 Law School for Legislators: Amy Barkholz reported the State Bar has a draft plan to hold a law school for legislators (probably newer legislators). Various sections have been asked to submit proposals for programs lasting up to 90 minutes. These programs will be presented between late January and March. The State Bar will take care of arrangements. The section needs to provide a proposed agenda and faculty. Jan Anderson and Amy Barkholz have already drafted a preliminary proposal which provides a broad overview of health care related topics such as patient rights, reimbursement, and provider issues.

Conflict between Michigan law and Stark provisions: Rob asked whether there has been any movement toward resolving the conflict between the Michigan public health code and the Stark laws and whether this could/should be a topic addressed with the legislators at the above event. Margaret provided some insight on the status and noted that the issue still has not been resolved. Amy suggested that this topic might be better addressed with more senior legislators given the complexity.

Medical marihuana—Marta and Amy noted that providers are already looking for guidance on how to respond once the April rules come out. Marta, Amy and others who wish to volunteer, will work on tracking the implementation of this act and will report back.

- E. 2009 Annual Meeting Committee: Ann Hollenbeck called for volunteers to help with next year's annual program. Joanne Lax, Monica Wilkinson, Tom Trenta, Ann Hollenbeck, and Carol Tarnowsky volunteered.
- F. Pro Bono Work Group: Rob Iwrey and Carol Tarnowsky informed the group that they are still investigating the best method of distributing the material given the cost of printing. They also discussed methods of targeting relevant health care providers. A discussion was held about an electronic distribution through MSMS and MOA to their respective members.
- G. Revised IRS 990 Form Task Force: Ann Hollenbeck had nothing to report.
- H. Bylaws Amendments – Law Faculty Membership Category: Monica Wilkinson reported that the State Bar Board of Governors approved the amendment. The State Bar will be sending the section a formal letter of approval.
- I. VSP Amicus Brief Task Force: There was nothing to report.
- J. Publications Committee: John Anderson and Donna O'Connor held another meeting last week and offered the following as an update:

Health Law Index: John Anderson is working on this. He consulted Maribeth Dickerson and Lisa Panah about how to update the index. He will be updating the AG opinions and CON standards and related documents in the immediate future. The committee will investigate updating an additional portion regarding "rules" in the future.. A discussion was also held about expanding the index to include record retention information and the Michigan Health Law Report however many expressed concern that the records retention portion was too large to incorporate.

7. New Business:

- A. Section contributions: Monica researched State Bar and Section bylaws as well as a Supreme Court Administrative opinion regarding section contributions to other entities or organizations. The section has more freedom to make donations when dealing with voluntary dues than when dealing with mandatory dues such as State Bar dues. . The section must

follow detailed State Bar policies when adopting any formal declaration regarding public policy. The section is not required to have such a policy on contributions however we can develop one. Monica offered to draft a policy in line with the State Bar's relative to expenditure of mandatory dues.

- B. December meeting: A discussion was held about whether the group wanted to continue the tradition of holding an in person December meeting with a cookie exchange since participation has declined significantly over the last couple of years. A decision was made to forego the cookie exchange and to hold the December meeting via teleconference.
- 8. Next Meeting Date: Via Teleconference: **Thursday December 18<sup>th</sup>, 2008 9:00-10:00 a.m.** **Call in number 1-800-270-1153, 123999#**
  - 9. Adjournment: Ann Hollenbeck adjourned the meeting at 10:08 a.m.