

**MINUTES OF THE COUNCIL MEETING OF
THE HEALTH CARE LAW SECTION OF
THE STATE BAR OF MICHIGAN
Tuesday, November 30th, 2006**

The Health Care Law Section Council meeting was held via telephone. The following Council members participated: David Rogers, Donna O'Connor, Donna Craig, Lisa Panah, Margaret Marchak, Rob Iwrey, Joy Berent, Beth Derwin, Monica Wilkinson, Carol Tarnowsky, Ann Hollenbeck, Eric Wexler, Janice Anderson and Tom Trenta.

1. Call to Order (*David Rogers*) at 3:05 p.m.

2. Conflict Disclosures (*David Rogers*)

Rogers called for conflicts. There were none.

3. Review and Approval of Minutes of November 7, 2006 Council Meeting (*Ann Hollenbeck*)

Rogers called for comments and/or changes to the Nov. 7, 2006 minutes. Hearing none, a motion was made to approve the minutes. It was seconded and approved unanimously.

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

Marchak referred the Council to her report emailed previously. She reported that the State Bar has not yet released the year-end report. She also reported that the HCLS has a positive fund balance and that she will be developing a budget with David Rogers and Lisa Panah. The net cost of the annual meeting is approximately \$10,000, but there are still outstanding expenses that have not yet been incurred for the annual meeting. Rob Iwrey said that the distribution of the brochure next year will require a significant cost and suggested that it should have a separate budget line item.

Reimbursement Policy – Marchak reported that she drafted an HCLS policy which is attached to the policy handbook emailed previously. She described the reimbursement payment process. A motion was made to adopt the policy. With no further discussion the motion was seconded and approved unanimously.

5. Updates:

5.1 Substantive Law Subcommittee Report (*Monica Wilkinson*)

Wilkinson reported on the Dec. 14 panel discussion entitled "Current Priorities in Health Care Regulatory Enforcement -- Fraud, CON, and Licensing: The View of the Enforcers." It will be held at Foster Swift in Lansing. There are 26 registrants as of today. Two more notices will be sent before the 14th and we are asking for registrants to submit questions. There will not be telephone call in opportunity because the committee felt that it might undermine in-person attendance.

The next program will be scheduled for the 3rd week in January and will focus on the new JCAHO and peer review standards. The committee is working with Greg Druchas to ensure no overlap with his ICLE presentation. Another program regarding Coordination of Benefits has been tentatively scheduled for February 14, 2007. The Legislative Update program will be held in April of 2007 instead of its February usual time-slot due to the desire to have a more developed health care legislative discussion.

Marchak reported that a question arose recently from a HCLS member regarding establishing another subcommittee less focused on litigation. It was suggested that the Medical Legal subcommittee's name and description could be expanded to include litigation issues. A lengthy discussion ensued about ways to stimulate interest in working on the subcommittees. Wilkinson also suggested that volunteers be added to the committee but not as standing members. Marchak asked Wilkinson to call Scott Feringa to get a fresh perspective.

5.2 Law Student Receptions (*Rob Iwrey and Amy Barkholz*) Iwrey reported that there has been no planning meeting yet but has emailed Deborah Biggs about helping out with the Ann Arbor reception planning. Hollenbeck said that she would like to take the lead on the U of M reception. Iwrey said that his firm's law clerk is putting on a symposium that could be coordinated with a HCLS law student reception. Amy Barkholz is working on a Michigan State reception. Rogers will send an email to the whole section asking for participation.

5.3 Revisions of the Non-Profit Corporation Act Update (*Joanne Lax*)
No report.

5.4 JCAHO/COP Project Update (*David Rogers*)
Rogers had not called Anne Williams yet, and Joy Berent said that she would make the call

5.5 Website (*Eric Wexler*)
Wexler reported that he has transitioned his administrative duties to Adams but will still volunteer to consult on web issues.

5.6 Attorney-Client Privilege Task Force (*Eric Wexler*)
No report.

5.7 Michigan Health Care Regulations Update Process (*Lisa Panah*)

Panah reported that Adams is in training on updating the Health Law Index. She also said that Maribeth Dickerson, who is training Adams, will be moving over to the Attorney General's Office but will still volunteer on the project.

5.8 2007 Annual Meeting Committee (*David Rogers*) -- Members: Lisa Panah, Margaret Marchak, Joanne Lax, Ann Hollenbeck, David Rogers. Rogers reported that he needs to arrange a first planning meeting and will add Joy Berent to the planning committee. Hollenbeck said that there is room for more people to participate in brainstorming ideas, etc. Rogers asked Hollenbeck to follow up with the old committee and some new volunteers to see who would like to participate next year. Berent raised the issue of whether it is appropriate to charge a fee applicable to the business portion of the Section's annual meeting. Rogers said that the committee would look into the question.

5.9 Pro Bono Work Group (*Robert Iwrey, Jan Anderson, Mike Fraleigh*) Iwrey reported that Lisa Gorcyka is looking at the brochure copy. Once she's finished the Elder Law Section will review it and suggest alternate distribution points such as nursing homes, hospitals, etc.

5.10 Michigan Stark Law—Request for Legislature to take notice of Stark II Regulations (*Ann Hollenbeck; David Rogers*) Rogers contacted Howard Marderosian about progress on the issue. Apparently, a person in Mr. Marderosian's office has been assigned to the matter. Rogers will follow-up with Mr. Marderosian to seek more information and to offer our assistance.

5.11 Section Survey (*Carol Tarnowsky*) Tarnowsky has sent over the draft questions to Rogers and he is reviewing them.

6. Legislative Liaison position – discuss responsibilities of position. Rogers will send out a solicitation to the member list to see if there's interest in this position. The primary duty of the position would be to bring to the Section's attention any proposals of interest to the Section. Eric Wexler offered to forward to Janice Anderson summary information on legislation his firm is tracking. Wexler said that there's an E-journal section on the State Bar's web site that will be very helpful in terms of tracking legislation. Donna Craig, Donna O'Connor, Eric Wexler and Janice Anderson will work together on this issue. Rogers will contact Amy Barkholz to also serve on the committee.

7. Other Business

Rogers reported that Joanne Lax bought coffee mugs.

7.1 Duties of Administrative Assistant (*David Rogers*)

Rogers reported that the officers met with Adams at his office and a list of duties has been developed.

8. Next Meeting Date: Thursday, December 21, 2006, 3:00 pm

HOLIDAY COOKIE EXCHANGE at D. Rogers office (Royal Oak)
Subsequent meetings: Third Thursday of each month, 3:00 pm:
Jan 18, Feb 15, Mar 15, Apr 19, May 17, Jun 21, Aug 16, Sep 20

Having no further business, the meeting was adjourned at 4:10 P.M.