

**MINUTES OF THE COUNCIL MEETING OF  
THE HEALTHCARE LAW SECTION OF  
THE STATE BAR OF MICHIGAN**

**October 11, 2001**

The Council meeting was held in Lansing, Michigan at the law offices of Foster, Swift, Collins & Smith, P.C. The following Council members attended: Joy Berent, John Blanchard, Arthur DeVaux, Gregory Drutchas, Nancy Lukey, Cindy Wisner, Jennifer Kildea Dewane, Donna Craig, Kathrin Kudner, Colleen McClorey, Maurice McMurray, Gerry Griffith, and Phil Stoffan. Also present: Dave Haron, Mike Fraleigh, and Eric Wexler.

1. Call to Order. The meeting was called to order by Greg Drutchas at 3:15 p.m.
2. Minutes. The minutes of the September 13, 2001 Council Meeting and the September 13, 2001 Annual Meeting were approved, subject to certain revisions, upon a motion duly made and seconded.
3. Announcements. Greg Drutchas announced that Larry Burns had submitted his resignation from the Council.
4. New Business.
  - 4.1 Treasurer's Report. Cindy Wisner gave the Treasurer's Report. While there are some expenses which have not yet been paid, it was reported that the Council is still not spending what was budgeted for the year. It was noted that we had budgeted a great deal of money for seminars and the production of manuals. Colleen McClorey volunteered to help Cindy Wisner in preparing the budget for next year. Cindy and Colleen will work together to propose a new budget to the Council. There was discussion on the fact that the cost for conducting the telephone conferences can be significant and some of those expenses have not been yet submitted to Cindy and thus not paid.
  - 4.2 Reports on Special Projects.
    - A. HIPAA Work Group. Joy Berent reported on the progress on the HIPAA Work Group. She reported that 25 people are listed as members of the HIPAA Work Group. On a consistent basis, it was reported that 15 people participate regularly. Joy reported that the Honigman, Miller, Schwartz and Cohn had been commissioned by the HIPAA Work Group to finish the preemption analysis and that that should be done by the end of November. The American Hospital Association and the American Bar Association have contacted the HIPAA Work Group and may use the Work Group as a model in gathering forms and preemption analyses. It was also discussed that the HIPAA Work Group telephone conference phone calls are costing between \$500 and \$600 for the calls.

- B. Fraud Manual. Dave Haron reported that developing the Fraud Manual is progressing. He presented a rough draft to the group to show that the Fraud Manual will follow the format of other manuals published by the Council. Dave Haron reported that he hoped to submit the final draft to the Council by December 1 for the Council's comments and hopes to publish on March 1, 2002.
- C. Michigan Society of Healthcare Attorneys Co-Sponsorship. Phil Stoffan reported that the conference would take place on November 8, 2001 at the Dearborn Inn. He also reported that a Save-A-Date note was sent to all the Health Care Law Section members and it was agreed that any loss incurred on the event would be split 50/50 between the Health Law Section and MSHCA. Allan Goldberg will speak at the November 8, 2001 event. It was also discussed on whether the brochure that would be developed for this event would recognize the sponsorships.
- D. ICLE Annual Health Law Institute. Nancy Lukey reported that she had a telephone conference with Shel Stark from ICLE and the ICLE planning committee. She is awaiting a copy of the proposed agenda. There was discussion on whether the event would take place on a Thursday/Friday basis or a Friday/Saturday basis. There was discussion about an introductory health care law track taking place on Thursday.
- E. Membership Directory. Gerry Griffith reported that it is time to get the Membership Director Information Forms out to all Section members. The Section will take the default approach of utilizing the information contained in the current bar journal if we do not receive updated information from members. The Membership Directory will utilize the AHLA practice codes. There was discussion on pushing back the Membership Directory mailing date. It was agreed upon that Phil Stoffan would work with Gerry Griffith on compiling the Membership Directory.
- F. Section Website. Eric Wexler conferenced in to discuss the review that he and Kathy Kudner conducted of the Section's website. Kathy and Eric discussed the fact that they had surveyed other state bar websites and found that our website was not nearly as advanced as those in other states. Eric made some recommendations to the Council: (1) that a website committee be formally established; (2) that a mission statement regarding the website be adopted by the Council; (3) that certain goals regarding the website should be adopted; (4) that the Council should establish direct links to our Section's website from other websites and provide direct links to other websites; and (5) that the Council should provide basic information on upcoming events, current events, etc. on its website. There was further discussion on whether these goals will be attainable with the current host for the website. Upon a motion duly made and seconded, the Council approved the formation of a website committee to be composed of Eric Wexler, Rich Bouma, Kathrin Kudner and Rob Iwrey. It was further

discussed that Kathy Kudner and Eric Wexler would speak with Colleen McClorey regarding a certain budget for this committee.

- G. Medical Students Work Group. Art DeVaux reported that progress has halted on this project and perhaps we should take this off the agenda in the future.
- 5. Corrections to the Assignment List. Greg Drutchas passed out an assignment list and certain corrections were made to that list. Donna Craig volunteered to act as ombudsman to help with special problems. There was discussion on whether Gerry Griffith has too many assignments.
- 6. Council Meetings. There was discussion on whether the Council liked the current structure of its meetings. There was discussion on whether the dates, the structure, locations, etc. were agreeable to everyone. There was discussion on the need to enforce participation requirements. It was agreed upon that the Council would begin meeting on the second Wednesday of each month from 3-5 p.m. and that Greg Drutchas would send out a revised calendar to that effect. There was discussion on whether it would be convenient for certain months to do video conferencing and a tentative schedule was agreed upon. Greg Drutchas stated that he would send a schedule to Council members of future meetings. There was also discussion about the March ICLE Annual Health Law Institute and whether the Council should meet for dinner at that time. There was further discussion on a retreat that would combine planning and educational components and that topic was deferred to the next meeting.
- 7. Old Business
  - 7.1 Health Care Records Retention Manual. Jennifer Kildea Dewane reported that the Health Care Records Retention Manual was ready to print subject to Greg Drutchas' review of the Foreward.
  - 7.2 Election of New Council Members. It was discussed whether the Council would elect new members to fill the empty Council seats. Kathrin Kudner will take the nominating committee to pull together some possible candidates for Council members.
  - 7.3 Election of Officers. Upon a motion duly made and seconded, the Council appointed Greg Drutchas as Chairperson, Gerry Griffith as Chair-Elect, Jennifer Kildea Dewane as Secretary, and Cindy Wisner as Treasurer.
- 8. Next Meeting Date. The next meeting will be on November 14, 2001 at 3:00 p.m. at the law offices of Foster, Swift, Collins & Smith, P.C. **Dial-in number: 1-888-467-2119; passcode 5668191.**

There being no further business, the meeting was adjourned.