

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

**September 13, 2001**

The Council meeting was held in Lansing, Michigan at the Lansing Center. The following Council members attended: Gregory Drutchas, Howard Marderosian, John Blanchard, Jennifer Kildea Dewane, Gary McRay, Kathrin Kudner, Colleen McClorey, Keith Soltis, Cindy Wisner, Nancy Lukey, and Gerry Griffith. Also present: Donna Craig.

1. Call to Order. The meeting was called to order by Nancy Lukey at 8:15 a.m.
2. Minutes. The minutes of the July 12, 2001, meeting were approved upon a motion duly made and seconded.
3. New Business.
  - 3.1 Treasurer's Report. Cindy Wisner gave the Treasurer's Report. She reported that \$45,000 has been projected for expenses. As of the date of the meeting, \$20,000 had actually been spent. The amount of Member dues the Section receives appears to be in excess of the Section's expenditures. There was discussion on whether to reduce dues in the future and discussion was tabled until the next Section meeting. There was discussion on the fact that there would be no Annual Meeting speaker expense due to September 11, 2001's events, and that perhaps the section should hire a speaker to come to another event. In fact, Professor Nimmer, the scheduled Annual Meeting speaker would like to come sometime in the future. There was also discussion on whether the Section should give its members something of value for free, such as the HIPAA Manual. Cindy Wisner and Gerry Griffith both reported that the expenses incurred in filing the Amicus brief were minimal (approximately \$200).
  - 3.2 Reports on Special Projects.
    - A. HIPAA Work Group. Cindy Wisner reported that the Work Group is currently using a document prepared by the Honigman firm for the MHA. The Work Group was working on finding the state law counterpart to the HIPAA privacy regulations to perform the "more stringent" analysis. In doing this, the Work Group find that it was not using its time productively. Upon a motion duly made and seconded (with Gerry Griffith abstaining), the Council approved engaging the Honigman firm to complete the "more stringent" analysis for a fee not to exceed \$5,000. There was discussion on having the HIPAA Work Group review Honigman's "more stringent" analysis before distribution. There was also discussion on drafting a stronger disclaimer for this document. It was reiterated that the group meets the first Tuesday of every month from 4 to 5:30 p.m. and that there is a call-in number available for those interested.

- B. Fraud Manual. Keith Soltis reported that progress on the Fraud Manual is moving along. For those members who volunteered in helping develop the Fraud Manual, Keith had requested summaries. Of those summaries turned in, he found that no one had followed the requested format. Dave Haron's clerk is working on formatting each of the summaries that have been sent in. The group is still waiting for the major statutes to be summarized.
  - C. Pro Bono Committee. Nancy Lukey reported that the committee held a conference call previous to the meeting. Nancy Lukey reported that the Pro Bono Committee is considering developing an educational program on pro bono activities, a program design, the program and topics. There was discussion on how people would participate and that Monica Wilkinson will continue to help coordinate the pro bono activities. There was discussion on video conferencing at different sites. Proposed topics included the patient advocate form, independent review organizations and Medicare and Medicaid eligibility. Upon a motion duly made and seconded, the Council approved initiating the pro bono project.
- 3.3. Co-Sponsorship of Michigan Society of Healthcare Attorneys November Conference. Nancy Lukey reported that the Michigan Society of Healthcare Attorneys would like the Section to co-sponsor a seminar. The Section would like to co-sponsor the seminar, but pended discussion until further information is available. There was nothing further to report on this issue.
4. Old Business.
- 4.1 Health Care Records Retention Manual. Gary McRay reported that Jennifer Kildea Dewane will take over responsibility for the Health Care Records Retention Manual. He further reported that his firm was finishing up their final edits on this. There was discussion on how significant contributors to this publication should be credited in the publication.
5. Subcommittees. Gerry Griffith reported that he had participated in two subcommittee planning conference calls. First, Gerry reported that Lisa Panah is taking the lead on the Legislative Update. The Technology Committee has been a very active committee discussing the HIPAA security provisions, biotechnology, and telemedicine components. The Payors Committee has been the least active committee so far. The Providers Committee is interested in doing seminars on telemedicine, how to handle state investigations, EMTALA, and peer review privilege. The Consumers Committee did not participate in the conference call due to the fact that several of its co-chairs were stranded. The next planning meeting is on October 9, 2001.
6. Next Meeting Date. Greg Drutchas proposed meeting at the proposed time: October 11, 2001 at 3:00 p.m. at the law offices of Foster, Swift, Collins & Smith. There were no objections and therefore, the next meeting was set at such time and place.

There being no further business, the meeting was adjourned at approximately 9:30 a.m.

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