

MICHIGAN HEALTH CARE LAW SECTION STATE BAR OF MICHIGAN PUBLICATIONS POLICY

SCOPE/PURPOSE:

The purpose of this Policy is to provide a consistent structure under which the Health Care Law Section of the State Bar of Michigan (the "Section") publishes manuals, books, and other documents.

COLLABORATION WITH OTHERS:

From time to time, the Section, either by itself or in collaboration with other agencies, societies, law firms, or organizations, may sponsor the publication of documents, manuals, or books intended to assist health care attorneys in the State of Michigan in researching certain issues related to health care law. Through the Council of the Section (the "Council"), the Section may delegate the drafting of such publications to other individuals, law firms, agencies, or organizations. Upon the initial drafting of a document, the Council may request that certain other individuals and/or law firms that were not involved in the initial drafting review the document, manual or book for accuracy. The Council, on behalf of the Section, may compensate any authors and/or editors of documents for their efforts in creating first drafts, provided that the Council determines and approves a budget for such projects. Authors of publications must sign an acknowledgment letter in substantially the same form as that attached to this Policy at Attachment A.

COPYRIGHT:

Except where any other arrangement is agreed between the Council and an author, the copyright and the content of any written product published by the Section shall be considered owned by the Section with the author receiving a perpetual license at no charge to use the publication for client communications and non-profit educational purposes. Each page of each publication sponsored by the Section shall signify that the document is copyrighted by the Michigan State Bar Health Care Law Section and therefore shall contain language in substantially the same form as the following language:

© [insert year of publication] State Bar of Michigan Health Care Law Section and [insert name of Author(s)]; All Rights Reserved.

In addition, the introduction to each of the Section's publications shall contain language in substantially the same form as follows:

© [insert year of publication] State Bar of Michigan Health Care Law Section and [insert name of Author(s)]; All Rights Reserved. Photocopying or reproducing in any form in whole or in part is a violation of federal copyright law and is strictly prohibited without consent. This document may not be sold for profit or used for

commercial purposes or in a commercial document without the written permission of the copyright holders.

From time to time and as determined by (a) the Council, or (b) the editor in conjunction with the Chairperson of the Council, the copyright acknowledgment may include mention of any other agencies, organizations, or law firms that collaborate on certain publications with the Section.

DISCLAIMER:

Each publication shall contain substantially the following disclaimer language in its introduction:

This publication is intended to serve as a preliminary research tool for attorneys. It is not intended to be a law review or a treatise, nor should it be used as the sole basis for making critical business or legal decisions regarding Michigan health care law. This document does not constitute, and should not be relied upon, as legal advice. Any reader requiring legal advice regarding a specific situation should contact an attorney.

PRICING:

All publications and the prices for such publications for both members and non-members shall be listed on a master pricing list, a copy of which is attached hereto as Attachment B (the "Pricing List"). The Secretary of the Council shall be responsible for maintaining and updating the pricing list as well as updating this Policy to include the most current Pricing List. In the discretion of the Council, the Section may offer group discounts for purchases of the Section's publications in excess of a minimum number as specified by the Council.

NOTICE TO MEMBERS AND NON-MEMBERS REGARDING AVAILABILITY

The Council, from time to time, may send notices to its members as well as non-members regarding the availability and pricing of the Section's publications in an effort to promote the Section's publications. In addition, the Council shall ensure that the Section's website directory on its publications contains an accurate listing of publications which shall include but not be limited to a description of each of the Section's publications and the price of the publications. Such website listing shall be consistent with the then current Pricing List.

COMPLIMENTARY COPIES

Contributing authors shall be provided with a reasonable number of complimentary copies of the publication in which their submission appears. The exact number of complimentary copies will be determined by the editor subject to reasonable financial constraints and in accordance with any direction of the Council. The cost of complimentary copies generally should not exceed \$25 - \$50 per author. Each editor shall receive the same number of complimentary copies as a single author.

[Effective Date: January 2003]

ATTACHMENT A

[insert date]

Dear _____:

Thank you for contributing as an author for the State Bar of Michigan Health Care Law Section's (the "Section") publication entitled [insert the name of the publication] (the "Publication"). Because the Section plans to publish your submission in the Publication, the following author agreement first must be signed and returned to me.

As a matter of policy, the Section wishes to avoid the appearance that its published material is commonly available from other sources or is a mere reprint of other publications. Moreover, the operation of a wide variety of web-based and other information services by the Section includes a certain amount of "sharing" of materials among those services to make the material more readily available to the members. The Section therefore requests your consent to the following conditions for publication, which are our standard requests for authors who contribute to publications sponsored by the Section:

- (1) You hereby grant the Section unrestricted, non-revocable permission to use your submission in any existing or future print or electronic services (including, for example, internet posting), books, or special projects produced by the Section.
- (2) The Editors of the Publication may respond to requests to copy the material and permit such copying as they see fit, with proper attribution.
- (3) You agree that your submission has not been and will not be published elsewhere prior to publication in the Publication, and any subsequent publication will reference original publication in the Publication.
- (4) The Editors of the Publication may make editorial changes and revisions deemed necessary by the Editor for conformity with the Publication style or for updating.
- (5) You warrant that your submission is original and will not infringe the intellectual property rights of anyone else.

After the Publication's distribution, you will receive _____ [see policy] complimentary copies of the Publication in consideration of your submission.

If the above terms are acceptable, please sign this letter and return it to me. Thank you very much.

Sincerely,

[insert name and title of signatory]

Agreed (all authors must sign an agreement):

[type in name of author]

DIRECTORY

STATE BAR OF MICHIGAN
HEALTH CARE LAW SECTION
SPONSORED PUBLICATIONS

HEALTH CARE FRAUD AND ABUSE MANUAL

This manual serves as a preliminary research tool for attorneys faced with difficult health care fraud and abuse issues. The manual is divided into two major sections: federal law and state law. The federal law section of the manual includes topical sections on important federal statutes such as the Civil False Claims Act, the Anti-Kickback Statute, Stark II, the False Statement Statute, and citations to the seminal cases interpreting such federal statutes. The state law section includes topical sections on the Medicaid False Claims Act, the Health Care False Claims Act, the Vulnerable Adult Statute, various licensing laws, and those seminal cases discussing such state laws. (Publication Date: 2002)

COST TO SECTION MEMBERS: \$25.00 plus any applicable tax

COST TO NON-MEMBERS: \$35.00 plus any applicable tax

HIPAA PRIVACY RULE PREEMPTION ANALYSIS MATRIX FOR MICHIGAN LAW

This is a 220-page preliminary research tool which attorneys may use and consult as a starting point to provide legal advice to clients when faced with a HIPAA preemption issue with respect to Michigan law. The Section published this manual in collaboration with the Michigan Society of Health Care Attorneys. (Publication Date: May 2002)

COST TO SECTION MEMBERS: \$50.00 plus any applicable tax

COST TO NON-MEMBERS: \$250.00 plus any applicable tax

*At the time of publication, Section Members received first copy at no charge.

2002 EDITION HEALTH CARE RECORDS RETENTION MANUAL

This comprehensive guide to health provider record retention requirements was developed by a task force of health care law specialists from leading firms around the State of Michigan. Written primarily in table format, with some narrative material, the 2002 Edition of the Health Care Records Retention Manual covers both state and federal legal requirements, as well as criteria of major accrediting organizations (e.g. Joint Commission on Accreditation of Healthcare Organizations) not only for medical records, but other health-related information such as laboratory specimens, cost information and maintenance records. The tables are cross-referenced and where appropriate include comments to facilitate use. (Publication Date: March 2002)

COST TO SECTION MEMBERS: \$35.00 plus any applicable tax

COST TO NON-MEMBERS: \$50.00 plus any applicable tax

*At the time of publication, Section Members received first copy at no charge.

MICHIGAN HEALTHCARE REGULATIONS

This is a 1,400-page leaf-bound 2-volume set compiling Michigan regulations and Michigan State Attorney General opinions relating to health care issues and federal Medicare Conditions of Participation. Unlike other sources of this information, the book consolidates regulations which can otherwise be hard to find and locate. (Publication Date: September 1999)

COST TO SECTION MEMBERS: \$150.00 plus any applicable tax

COST TO NON-MEMBERS: \$200.00 plus any applicable tax

ACCESS TO HEALTH CARE INFORMATION IN MICHIGAN MANUAL

This is a 57-page guide to federal and state laws and accrediting agency requirements compiled by a team of experienced health care attorneys. The tables typically list statutes and regulations of health information governing confidentiality, mandatory reporting and release of all types of healthcare-related information. (Publication Date: September 1997)

COST TO SECTION MEMBERS: \$40.00 plus any applicable tax

COST TO NON-MEMBERS: \$50.00 plus any applicable tax

MICHIGAN HOSPITAL LAW INDEX

This is a 192-page preliminary research tool for attorneys faced with a Michigan hospital law issue. It lists those selected Michigan statutes, administrative rules, and reported judicial decisions which, in the opinion of the Michigan Hospital Law Index's authors, constitute the principal authority relevant to the issue. The Section published this manual in collaboration with the Michigan Society of Healthcare Attorneys. (Publication Date: February 2000)

COST TO SECTION MEMBERS:	<u>\$25.00 plus any applicable tax</u>
COST TO NON-MEMBERS:	<u>\$50.00 plus any applicable tax</u>

MICHIGAN HEALTH LAW REPORT

This is a semi-annual newsletter published by the Section intended to focus on current developments in Michigan health care law and to serve as a vehicle for reflective debate on key health care legal policy issues. The Michigan Health Law Report was first published in 2002.

COST TO SECTION MEMBERS:	<u>\$5.00 plus any applicable tax</u>
COST TO NON-MEMBERS:	<u>\$8.00 plus any applicable tax</u>

*At the time of publication, Section Members received first copy at no charge.