

# HEALTH CARE LAW SECTION

May 25, 2006

Dear Ms. McMann:

The following provides a summary of the Health Care Law Section's ("Section") activities thus far for the 2005-2006 Section year.

## 12<sup>th</sup> Annual Health Law Institute

On March 9<sup>th</sup> and 10<sup>th</sup>, the Section worked ICLE to co-sponsor and plan the 12th Annual Michigan Health Law Institute. Alan Gilchrist, Kathy Kudner, Margaret Marchak, Gary McRay and Cindy Wisner were instrumental in helping to plan this comprehensive program on current health law topics.

## Substantive Law Committee

Margaret Marchak (Chair) and Monica Wilkinson (Co-Chair) lead the Substantive Law Committee. The Substantive Law Committee is comprised of the following subcommittees: the Medical Legal Subcommittee (co-chaired by Marta Hoffman and Gail Pabarue); the Payors Subcommittee (co-chaired by Joan Lowes and Kathy Kelley); the Providers Subcommittee (chaired by Donna O'Connor); and the Technology Subcommittee (chaired by Andrea Hool).

The subcommittees have held various seminars, including the following programs:

- Payors Subcommittee Program on Electronic Signatures (March 22, 2006)
- Providers Subcommittee Teleconference on Certificate of Need Issues (March 30, 2006)
- Medical Legal Subcommittee Program on the "I'm Sorry" Legislation (April 25, 2006)
- Legislative Update (April 26, 2006)
- Roundtable Lunchbox Series (May 18, 2006)
- Provider Subcommittee Program on *Wexford Hospital* Property Tax decision (June 8, 2006)
- Technology Subcommittee Program on Telemedicine (September 28, 2006)

## Website

Eric Wexler of the Council continues to work hard to modernize the Section's Website ([www.michbar.org/health/home.cfm](http://www.michbar.org/health/home.cfm)) and post information regarding Section events, programs, and other information that is valuable to those practicing health care law in Michigan.

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(2004-05)  
KATHRIN E. KUDNER  
(2003-2004)  
GERALD M. GRIFFITH  
(2002-2003)  
GREGORY G. DRUTCHAS  
(2001-2002)  
NANCY L. LUKEY  
(2000-2001)  
GARY J. MCRAY  
(1999-2000)  
MARIA B. ABRAHAMSEN  
(1998-1999)  
LINDA S. ROSS  
(1997-1998)  
SUSAN H. PATTON  
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JAMES B. FALAHEE, JR.  
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STEPHEN P. CLIFTON  
(1994-1995)

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## JCAHO/COP Project

The Council has appointed a special task force to review the JCAHO/COP standards against similar standards set forth in Michigan law. The task force's goal will be to publish a helpful tool for members to use in determining what providers must do to comply with all three sets of standards.

## 2006 Annual Meeting

The Council has established an Annual Meeting Planning Committee (comprised of Amy Barkholz, Joy Berent, Mike Fraleigh, Ann Hollenbeck, Laura Napiewocki, and myself). The Section's 2006 Annual Meeting will take place on September 28, 2006 and will be held in Ann Arbor. We expect that the Annual Meeting will follow last year's format -- a day of educational sessions followed by a networking event in the evening with some entertainment.

## Special Task Force on Attorney/Client Privilege

The State Bar of Michigan has established a Task Force on Attorney-Client Privilege to address issues regarding the erosion of the attorney-client privilege. The Task Force asked for a Council member to join the task force, and Eric Wexler serves in this role.

## Michigan Health Care Regulations

Lisa Panah and Maribeth Dickerson have updated the former Michigan Health Care Regulations Manual published by the Section. They have modernized this resource and changed the format to a web-based tool which will be available on the Section's website. This index organizes, by topic, Michigan health care regulations and attorney general opinions.

## Pro Bono Efforts

Robert Iwrey, Jan Anderson, and Mike Fraleigh have been working together to revitalize the Council's efforts in the pro bono arena.

## Michigan Stark Law

In March of 2005, Gerald Griffith and Maria Abrahamsen, on behalf of the Council, submitted a letter to Walt Wheeler, in his former capacity as Director of the Michigan Department of Community Health ("MDCH"), requesting Mr. Wheeler to take whatever action necessary for MDCH to take notice of the Stark II Regulations (the Phase II Regulations), as required by MCL §333.16221(e)(iv) (the "Michigan Stark Law"). MDCH has not yet taken notice of the latest Stark II regulations. Such inaction has created a lack of clarity, technical problems, and inconsistencies when interpreting the Michigan Stark Law. Ann Hollenbeck of the Council is working to set a meeting up with key contacts at MDCH to continue the efforts initiated by Gerry and Maria.

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## Section Membership Survey

The Council is working to develop a survey to distribute to Section members to seek more member input on how the Section can be of greater value to its members.

## Law Student Reception

David Rogers and Amy Barkholz are working to set up law student receptions -- an effort that the Council implemented several years ago to allow law students who are interested in pursuing health care law careers to meet with health care attorneys.

## Non-Profit Corporation Act

Arthur deVaux and Kathy Kudner continue to monitor legislation regarding potential changes to Michigan's Non-Profit Corporation Act.

Please feel free to contact me by telephone (517) 371-8211 or by E-mail ([jkildeadewane@fosterswift.com](mailto:jkildeadewane@fosterswift.com)) with any issues you would like to discuss regarding this report.

Very truly yours,



Jennifer Kildea Dewane