

# HEALTH CARE LAW SECTION 2008-2009 ANNUAL REPORT

September 1, 2009

Dear Section Members:

The Health Care Law Section (Section) had another busy and successful year. It is my pleasure to share with you information about our past year.

## **Substantive Law Committee and Subcommittees**

A key purpose and goal of the Section is to serve as an educational resource for the Section. The Section accomplishes this primarily through educational programs produced by the Substantive Law Committee and its subcommittees.

The Substantive Law Committee (Chair, Joan Lowes; Vice-Chair, Tom McGraw) oversees the following subcommittees:

- Medical-Legal Subcommittee (Trish Shabath-Chair; Steve Bender, Patrick Haddad);
- Payors Subcommittee (Patrick Shannon-Chair; Christine Pfeifer, Chris Cobb);
- Providers Subcommittee (Jennifer Benedict-Chair; Chris Shride, Margaret Chamberlain);
- Technology Subcommittee (Mark Kopson-Chair; John Hazewinkel, Deborah Williamson); and
- Legislative Update Subcommittee (Laura Napiewocki-Chair; Cara Nieboer).

These Subcommittees hosted the following educational programs for the benefit of Section members:

09/03/08 ePrescribing: What Health Lawyers Need to Know  
10/14/08 The New Stark Regulations: Content and CMS Commentary  
12/09/08 Quality and Patient Safety Issues  
01/13/09 A Primer Introduction to Tax-Exempt Matters  
01/27/09 HIPAA Security Audits  
03/16/09 Confidentiality and Security Issues under PSQIA and Michigan Law  
03/25/09 Addressing Certificate of Needs Issues  
04/23/09 Legislative and Health Policy Update  
05/06/09 Medicare Advantage Part 1  
05/20/09 Medicare Advantage Part 2  
05/27/09 American Recovery and Reinvestment Act of 2009  
06/11/09 Michigan Medical Marijuana Act

## **15th Annual Health Law Institute**

On March 5 and 6, 2009, the Section worked with ICLE to co-sponsor and plan the 15th Annual Health Law Institute. Section members Alan Gilchrist, Margaret Marchak, Lisa Panah, Cynthia Wisner and I helped to plan this comprehensive program on current health law topics. Evaluation reports from attendees, many of whom are Section members, were favorable.

## **Annual Meeting**

The Annual Meeting will be held at the Cranbrook Institute of Science on Thursday, September 24, 2009. In addition to educational programs on topics including federal advocacy, fraud issues arising under Medicaid, the HITECH Act, RAC audits and advising nonprofit Board of Directors, we will host a networking reception. I have chaired the Annual Meeting Planning Committee, which included Amy Barkholz, Carol Tarnowsky, Monica Wilkinson, John Anderson and Joanne Lax.

## **Legislation Committee**

The Section Council is often called upon by the State Bar to comment on legislation relevant to health law. The Legislation Committee, comprised of Jan Anderson, Eric Wexler, Amy Barkholz and Marta Hoffman, is responsible for reviewing and suggesting action (if any) to our Section.

## **Publications Committee**

The Publications Committee was newly formed at the beginning of our program year. John Anderson and Donna O'Connor served as its Co-Chairs and Susan Patton, James Health, Billie Lightvoet Ward, Greg Nowakowski and Monica Navarro served on the Committee. The Committee focused on evaluating existing publications and commenced various updating projects, including our record retention manual. Additionally, a new publication concerning state and federal fraud laws is in process.

## **Nonprofit Corporation Act**

Council member, Joanne Lax, continues to monitor legislation regarding potential changes to the Michigan Nonprofit Corporation Act.

## **Pro Bono Efforts**

The Pro-Bono Work Group has continued its efforts to develop, produce, and distribute a domestic violence brochure for physicians to inform them of their rights and responsibilities to recognize and report suspected domestic violence and to provide them with the information and tools necessary to make such a report. The Group has completed the development stage and has been focusing its efforts on the production stage in terms of a paper brochure as well as an electronic brochure. Efforts have been made to gain the assistance of MSMS, MOA and MHA—who have all expressed a willingness to do so. HCLS Council Members Robert Iwrey and Carol Tarnowsky currently comprise the Group, however, the Group would like to give special recognition to HCLS member Matt Wesorick, R.N., J.D. who has graciously provided his time and support to this ongoing, worthy project.

## **Nightingale Task Force**

Formed in April, the Nightingale Task Force was formed to consider issues related to patient care and benevolence. It will seek to evaluate existing resources that assist providers in caring for patients, and to potentially create educational materials for the benefit of Section members. David Haron chairs this task force.

## **Corporate Practice of Medicine Task Force**

This new task force was formed in April for the purpose of working with the State of Michigan's DLEG to determine its actual practices in assessing permissibility of various corporate forms, assessing DLEG's authority in context of existing legal guidance on the corporate practice of medicine and working with DLEG to revise its practices (if necessary) to comport with existing legal guidance. Co-Chairs are Margaret Marchak and Kathy Kudner.

## **Hi-Tech Task Force**

In June, the Council established the Hi-Tech Task Force, the purpose of which is to determine the type of education and information that would be helpful to our members and to collaborate with existing committees to facilitate such education. Additionally, the Task Force will be poised to prepare comments on regulations that are expected to be issued sometime this summer. The Hi-Tech Task Force is led by Marge Marchak, Lisa Panah and Beth Derwin.

## **Law Student Outreach**

In an effort to reach out to law students and promote awareness of the Section and health law as a career, Council members, Marta Hoffman, Amy Barkholz and Rob Iwrey led our effort of hosting section events at Michigan law schools. The law student events occurred during the noon hour and gave students the opportunity to hear from our Section members on health law careers with representation from different sectors of the health law industry (private practice, government and in-house counsel).

## **Law Student Writing Competition**

The Section is sponsoring a writing competition again this year for second and third year law students from all Michigan law schools. This year's topic presents challenging legal questions concerning reproductive medicine. First place (\$1,500) and second place (\$1,000) winners will be announced and introduced at our Annual Meeting on September 24, 2009. Monica Wilkinson, Joanne Lax and Carol Tarnowsky led this initiative.

## **Technology and Access Committee**

Last year, the Council expanded the focus of the website committee to technology issues and changed the name of the committee to the Technology and Access Committee. The committee, chaired by Richard Bouma, explores ways to update or improve the Section website, as well as to improve access to Section programs and initiatives.

## **Section Listserv**

The Section has two Listservs, the Discussion Listserv and the Announcement Listserv. The Discussion Listserv is a means for members to exchange news and thoughts with colleagues. Many notices and almost every reminder for Section initiatives are communicated by the Council and Subcommittee Chairs through the Announcement Listserv. Section members are encouraged to sign up for these Listservs if they have not already done so.

## **Electronic Newsletters**

In an effort to better connect with Section members, inform them of upcoming Section events and other items of interest, and solicit ideas and volunteers, we utilize an electronic newsletter, which is sent to members of the Section on a monthly basis.

## **Closing Remarks**

It has been a pleasure to serve as Chair of our outstanding Section. I thank my fellow Council members, officers, Substantive Law Committee members, and all other volunteers for their time, energy, and contributions to our Section.

Ann T. Hollenbeck  
Chair, Health Care Law Section