

**MINUTES OF THE EXECUTIVE COUNCIL MEETING
OF THE FLORIDA BAR HEALTH LAW SECTION**

January 10, 2002

Hyatt Regency, Miami

I. Call to order

The mid-year meeting of the Executive Council of the Health Law Section of the Florida Bar was called to order by the chair, A.S. Weekley, Jr., at 3:04 p.m.

The following Executive Council members were present: Lester Perling, Laurie Levin, Chet Barclay, Louise Jeroslow, George Indest, A.S. Weekley, Jr., Harold Kaplan, Bruce Lamb, Allen Grossman, Steve Prom, Jack Buchanan and Bill Spratt. Christine Whitney participated by telephone.

Division/Committee Members Monica Felder and Louise Jeroslow were present.

Donna Byrd, Health Law Section Program Administrator, was present.

Section members present included Jennifer Hammond and Jason Urbanowicz.

II. Minutes of Last Meeting

Minutes of September 13 and 25, 2001, were approved. Steve Prom's absence September 25 was excused.

III. Old Business

Treasurer Whitney reported a fund balance of \$132,748. The treasurer's report was accepted.

Bill Spratt discussed background of HLS legislative position policy. Previous legislation about confidentiality of PRN records was discussed. Allan Grossman, Bill Spratt, Monica Felder plus a representative from AHCA/AG are to determine whether the topic requires further attention.

Bill reported that:

- use of electronic monitoring devices in nursing homes is under study;
- the Council for Judiciary Committee on Anatomical Gifts is creating a presumption in favor of donor intent and objections to donation and protection of legal liability for organ harvesters.

Bill described HR 2002 as a multi-function bill that included objectionable changes to duties of AHCA, including use of DOH hearing officers and imposition of costs if discipline is imposed. Chair Weekley asked Members to be vigilant about the legislation.

Bill explained HLS limitations on legislative activity and procedures for reacting to proposed legislation and suggested an ad hoc meeting of executive council members on a conference call next week to review HR 2002. Donna Byrd is to coordinate the date and time of that conference call.

Monica Felder reported on tomorrow's CLE and is beginning to plan June's CLE program. She asked for suggested topics in determining whether the program will be half or full day in length.

Harold Kaplan reported that a letter about substantive issues for the HLS update had been sent.

Steve Prom reported on Council of Sections activities to include UPL, lawyers in the legislature, respect for judiciary, section training, technology and websites and noted that HLS is ahead of many other sections in this regard.

George Indest reported on Bar CLE meeting events and submitted a written report, which was accepted.

Obtaining HLS certification classification for advanced courses was discussed. Bill Spratt advised that the Certification Committee has been keying designation for future CLE.

Bruce Lamb reported on the Multi-Jurisdiction Practice Commission which requested input from the Section. Executive Council members debated issues such as universal licensing, occasional business and each state setting up its own rules. Harold Kaplan moved and George Indest seconded the following resolution, which was approved:

Clients have rights to representation by an attorney of their own choice. An attorney should not be prohibited from doing what a non-attorney can do. The Health Law Section is in favor of permitting a liberalization of multistate practice, without creating an expensive or time-consuming process to the attorney for the rendition of temporary legal services in another state.

IV. Old Business

George Indest's reconstituted version of the Nova University resolution was accepted.

Trickel award

Harold Kaplan reported that results have been tabulated and winners notified. Winning papers are to be published in the Newsletter and posted on the website.

Strategic Plan

Steve Prom reported that legal insurance remains an issue.

(Louise Jeroslow provided the following minutes.)

V. New Business

Christine Whitney reviewed the proposed budget for 2002-2003. Allen Grossman noted that traditionally officers do not seek reimbursement for travel.

It was unclear what the exact policy is for reimbursing section Executive Council Members. (Donna to review.)

Motion

Proposed budget was moved by George Indest and seconded by Harold Kaplan. Passed unanimously.

Motion

Exhibit F (Mr. Olson's Letter) should be published in newsletter as long as it doesn't look like an advertisement. Allen Grossman moved and Laurie Levin seconded.

Discussion

Bill Spratt discussed Exhibit G (Support for Elders) and opined that section should not deal with it because it has adverse budgetary impact on one segment to detriment of other segments.

Regarding Item VI-D (Fraud and Abuse and/ or Privacy), Stephen G. Prom suggested that a committee be formed to review and make recommendations regarding fraud and abuse and / or privacy for the purpose of investigating state laws which are duplicative of federal laws. It was suggested that section members who know appropriate legislative committee members contact them regarding their concerns.

Motion

Allow Stephen Prom to put together a committee and report back on above suggestion. Motion was moved by George Indest and second by Harold Kaplan.

Chair's Comments

Suggested meetings be three hours in length.

Motion

Monica Felder moved to adjourn and Allen Grossman seconded.

Respectfully submitted (and with gratitude to Louise Jeroslow),

James M. Barclay
Secretary