

Minutes of Health Law Section Executive Council
Regular Meeting, June 20, 2002
Boca Raton Hotel and Resort

I. Call to order

Chair Weekley called the regular meeting of the Executive Council of the Health Law Section to order at 3:10 pm on September 20, 2002, at the Boca Raton Hotel and Resort.

Executive Council members present were Harold E. Kaplan, Steven Grigas, Bill Spratt, John Buchanan, Gus Weekley, Allen R. Grossman, Lester Perling, Chet Barclay, George F. Indest III, Christine Whitney, Bruce Lamb, Jodi Laurence and Barbara Pankau.

Florida Bar Health Law Section program administrator Donna Byrd was present.

Division members, committee member and section members in attendance were Ronald Giffler, Jim Farrell, Mary Crossley, Erin Smith Albel, Louise Jeroslow, Monica Felder, Greg Chaires and Lew Fishman.

II. Minutes

Minutes of meetings January 10, January 17 and April 1, 2002, were approved after Treasurer Whitney noted that a written treasurer's report in connection with the January 10, 2002; treasurer's report had been submitted.

III. Election of Section officers and executive council members

After calling for nominations from the floor, the following were elected:

Officers during the term July 1, 2002 through June 30, 2003:

Chair-elect: Christine Whitney

Treasurer: Chet Barclay

Secretary: Allen Grossman

Executive council members with terms expiring June 30, 2005:

Greg Chaires

Monica Felder

George Indest

Jim Farrell

IV. Old business

1. Treasurer's report

Treasurer Whitney reported that the Section was under budget for the year and that there was no report from the Administration Committee.

2. Website

Chet Barclay reported that the website continued to be operational.

3. Legislative

Bill Spratt reported that Board of Governor approval was obtained for the Section's legislative positions.

4. Cost assessments

After a discussion of imposition of costs on providers contesting disciplinary matters, a motion passed to have the Section notify health care provider associations affected by the cost issue.

5. PRN confidentiality

After a discussion of PRN confidentiality issues, a motion passed to continue to take on-record position that PRN records are confidential.

6. Legislative positions

After a discussion of legislative positions, the Section's legislative positions were ratified.

7. Trickel award

Harold Kaplan reported that 5 Trickel Award papers had been submitted. Christine Whitney, Lester Perling, George Indest, Harold Kaplan and Steve Grigas will grade the submissions. Professor Crossley will help prepare criteria for grading.

8. CLE

Monica Felder reported on tomorrow's CLE program and is planning a fraud and abuse program next.

9. Medical malpractice premiums

Dr. Giffler introduced neurosurgeon Amos Stoll of Broward General Medical Center and administrator Clifford Bauer of North Ridge General Hospital who discussed current malpractice premium issues.

John Buchanan will head a committee of Gus Weekley, Jodi Laurence, George Indest and Mr. Giffler to address the issue and assist as necessary.

10. Medical experts

Allen Grossman reported on potential registration by the Board of Medicine of medical experts and that the FMA may seek legislation. The topic is to be agendaed for the September meeting.

11. Education committee

Barbara Pankau reported that the Certification course would continue.

After a discussion about Health Law certification credit for CLE courses a motion passed that the Executive Council will invite other Sections such as tax, administrative law and civil litigation encouraging Health Law certification credit.

Louise Jeroslow reported on tomorrow's CLE.

12. Council of Sections

Council of Sections had no report. Chair Weekley requested coverage of Saturday's meeting.

13. Nova Southeastern University

After a discussion of the Nova Southeastern University master in law program, Chair Weekley is to write The Florida Bar, the Florida Supreme Court, the American Bar Association to communicate the Health Law Section's previously approved resolution.

14. Fraud and abuse ad hoc committee

Allen Grossman reported on the status of the fraud and abuse ad hoc committee and will continue to work on the comparison/contrast of state and federal laws. After a discussion of the work to date a motion passed that the work should continue and the efforts posted on the Section's website. Chair Weekley commended Allen and Steve Prom for their work.

15. Subspecialty certification

After a discussion of sub-specialty certification, a motion passed that certifying sub-specialties was premature.

16. Electronic notifications and electronic voting

After a discussion about investigating how the Section could meet and vote electronically, Christine Whitney will review Section by-laws including 6.2.2. and bring the issue to the September meeting.

17. University of Miami annual clinical ethics program

After a discussion about providing mailing labels for the University of Miami clinical/ethical program, a motion passed to furnish mailing labels for the program.

V. New business

1. Health law section handbook

After a discussion about The Health Law Section Handbook, a motion passed to approve the project subject to any limitations imposed by The Florida Bar. Chet Barclay is chair.

2. Special committee to review rule 4-4.42

Further discussion about communicating with state agencies when represented by counsel was tabled.

3. Plaque to Chair Weekley

Chair Buchanan presented a plaque of gratitude to Chair Weekley and expressed appreciation on behalf of the Section.

4. Adjourn

Meeting adjourned at 6:25 p.m.

Respectfully submitted June 21, 2002.

—

James M. Barclay