HEALTH LAW SECTION EXECUTIVE COUNCIL MEETING

AGENDA

September 14, 2006  3:00 p.m. – 5:00 p.m.

Pasco Room - Tampa Airport Marriott

I.  Call to Order – Harold E. Kaplan, Chair

II. Opening Remarks – Harold E. Kaplan, Chair

III. Approval of Previous Meeting Minutes – Troy Kishbaugh, Secretary (Exhibit A)

IV. Financial Report – Jeanne Helton, Treasurer (Exhibit B)

V. Council of Sections Update – Christine Whitney

VI. Committee Reports
   a. Education, Training & Information, Charmaine Chiu
      i. Emergency Public Health Legal Preparedness
         Walter Carfora (Exhibit C)
      ii. Representing the Physician 2007 – Lester Perling
      iii. CLE Calendar 06-07 (Exhibit D)
   b. Section Effectiveness – Lew Fishman
      i. Law School Outreach Reports
   c. Communications & Technology - Bernabe Icaza
      i. Website – Chet Barclay
   d. HIPAA – William Dillon

VII. Old Business
   a. William Trickey Writing Competition – Monica Rodriguez (Exhibit E)
   b. Health Law Handbook – Laurie Levin
   c. Florida State University Health Law Chair – Allen Grossman
   d. Florida Bar Leadership Conference, June, 2006 – Christine Whitney

VIII. New Business

IX. Chair-elect Comments – Laurie Levin

X. Next Executive Council Meeting January 18, 2007, The Florida Bar Mid-Year Meeting
MINUTES
EXECUTIVE COUNCIL
THE FLORIDA BAR HEALTH LAW SECTION

June 22, 2006

I. Call to Order

The meeting was called to order by Chair, Allen Grossman, at 4:45 p.m. in the Royal Palm Ballroom I of the Boca Raton Resort & Club, Boca Raton Florida.


Also in attendance either in person or by phone were Mike Bittman, John Buchanan, Charles E. Caniff, Walter Carfora, Steven Chaykin, Charmaine Chiu, Bob Cohen, William P. Dillon, Lewis W. Fishman, Sandra Greenblatt, Steve Grigas, Jeanne E. Helton, Harold E. Kaplan, Bruce Lamb, Laurie Levin, Donna Byrd Rigo, Stephen Siegel, Christine Whitney and A. S. (Gus) Weekley.

Special guests in attendance for portions of the meeting were Al Robinson from Navigant Consulting and Chief Administrative Law Judge, Bob Cohen.

II. Steven Chaykin—Remarks

Steve Chaykin made some general remarks to those attending the meeting, advising everyone of his specific role as liaison to the Board of Governors. Steve encouraged those attending the meeting to contact him with questions or issues if they felt he could be of assistance.

III. Navigant Consultants—Al Robinson

Al Robinson, from Navigant Consultants, made some general remarks about the most recent litigation that Navigant Consultants was assisting clients with, including details regarding billing services that were unresponsive to government inquiries. Al generally encouraged everyone to counsel clients to be aware of what their billing companies were doing as the provider has responsibility for the same.

IV. Opening Remarks—Allen Grossman, Chair

Allen Grossman advised the meeting that he had attended a Past President's luncheon on June 22nd and that there was general concern that the section needed
to increase the number and diversity of its membership. A desire to increase the number of active government lawyers, representing health care agencies, was noted. Allen asked that anyone having specific comments or suggestions to please contact him. Allen also suggested that they wanted to consider reinstituting the Health Law Newsletter and that he was aware that some sections had hired "editors" as a way to ensure a timely, useful and polished product.

V. Approval of Previous Meeting Minutes—Jeanne Helton, Secretary

The minutes of the January 19, 2006 regular meeting of the Executive Council of the Health Law Section was moved by motion, seconded, and unanimously passed, as edited.

VI. Election of Officers—Greg Chaires

Greg presented the following nominations:

With regard to the four executive council seats, terms to expire June 30, 2009, Greg advised that the Nominating Committee nominated Spencer D. Levine, Tallahassee; Cynthia Mikos, Tampa; Lewis Fishman, Miami; and Charmaine Chiu, Jacksonville. Upon a motion for affirmation, the nomination carried and was affirmed.

With regard to the officers, Greg announced that the nominating committee nominated Harold Kaplan for Chair, Laurie J. Levin of Orlando for Chair-elect 2006-2007, Jeanne Helton for Treasurer and Troy Kirshbaugh of Orlando for Secretary. Upon a motion of affirmation, the nomination carried and was affirmed.

VII. Financial Report—Laurie Levin, Treasurer

Laurie Levin advised that our section was realizing improved financial health. The sales of the Health Law Handbook have increased our fund balance. The financial report was approved on motion, seconded and unanimously passed following discussion.

Laurie Levin also presented the Health Law Section Approved Budget for 2006-2007 and summarized the salient points with regard to the financial relationship between The Florida Bar and The Florida Bar Health Law Section.

VIII. Introduction of Honorable Bob Cohen—Allen Grossman

Allen Grossman advised the meeting attendees that Chief Administrative Law Judge Bob Cohen was attending our meeting and asked the Honorable Bob Cohen if he had any comments. Judge Cohen expressed that he was happy to be attending our meeting.

IX. Council of Sections—Allen Grossman and Christine Whitney
Christine gave an update on the last Council of Sections meeting. She advised that she would be willing to step-aside and let someone else have the opportunity of representing the Health Law Section at the Council of Sections meetings in the future. There were no volunteers at this time. She reported that the Council of Sections is discussing the materials that are included in the Basic Skills Courses offered to newly licensed (and other) lawyers. She reported that there was some interest in including Health Law as a CLE offering in the form of the Basic Skills Course. There was some discussion that this would have the potential to detract from the CLE course offerings of the Health Law Section. Christine indicated she would keep us apprised of the discussions.

Harold Kaplan also mentioned that he was aware that some of the other Sections were going to offer CLE by Teleconference, and he suggested that our Section should explore this possibility as well. Charmaine Chiu indicated she would follow-up on this for future CLE Section offerings.

X. Committee Reports

A. Education, Training and Information Committee—Charmaine Chiu

Charmaine Chiu reviewed a summary of the CLE attendance and revenue figures for the 2005-2006 year (Exhibit C in the Executive Council Package). She also reported that the Health law Institute of 2006 program was well received. She advised that the “Institute” program for 2007 was scheduled for April 12-14, 2007 in Orlando. She also said she was exploring future course topics that may include physician disciplinary matters, employment law and joint ventures relating to diagnostic imaging. She said she would like to increase the number of government speakers at these conferences as the comments from attendees reflected favorably on these individuals in key agency positions. She reported that a CLE program was set for June 23, 2006 entitled Health Law Hot Topics. Topics to be covered are Patient Brokering and Fee Splitting, a Legislative Update, Charity Care Class Actions and Ethics and the Health Law Practitioner.

There was considerable discussion of the Health Law Institute program, as a stand-alone program and the financial viability of continuing to do it. There was some discussion of trying to minimize the financial risks associated with the program. Following the discussion, there was general agreement among those attending that the Health Law Institute was a good program and one that we should continue to do, with an eye toward reducing the financial risk to the Section.

There was some discussion of putting together a Health Law One CLE offering for September of 2007 and Charmaine Chiu agreed to explore this further and report back with regard to possible speakers and topics.
Donna Rigo advised that The Florida Bar now had the ability to offer online CLE programs and suggested we may want to explore that as well.

There was a brief discussion of the Sunset of 2004-2006 Health Law Section Positions expiring in July, 2006.

B. Legislative Committee—Lew Fishman

Lew updated the Council on recent efforts to do some outreach at the University of Miami Law School. There was a suggestion that we consider changing the Section bylaws to include student affiliates. Donna Rigo suggested that the bylaws may already accommodate student affiliates, and she offered to check. Lew encouraged those in attendance to continue their outreach efforts at area law schools by sponsoring some type of gathering and providing pizza and inviting the law students to come and discuss any developing interest in health law. Allen Grossman advised that he and John Buchanan had done this with the students at FSU and had found it to be well received. Jeanne Helton, Charmaine Chiu and Christine Whitney agreed to contact Florida Coastal School of Law in Jacksonville and put together an event there. Lew noted that we still need liaisons to meet with Nova and Florida A&M.

C. Communications Technology—Donna Rigo for Chet Barclay

Donna reported that the website was coming along and that it was much more navigable than previously. We are now working on establishing some helpful links. Donna indicated that Chet Barclay had been a tremendous help with this effort.

D. HIPAA—Jeanne Helton for Bill Dillon

Jeanne Helton advised that Bill Dillon had given her his report as he was unable to attend the meeting. He essentially said that everything was quite on the HIPAA front and he didn’t expect much more until the Office of Civil Rights commences enforcement actions.

XII. Old Business

A. William Trickel Writing Competition—Monica Rodriguez
There was a general discussion of the Writing Competition and the most recent winner, Linda McKenzie from Houston Texas. It was agreed that we would try and promote the competition through the website. Also, Harold Kaplan suggested that we may want to include some of the papers into “newsletter” articles. There was general discussion of whether we wanted to continue the Writing Competition. All agreed that if it is ever discontinued, we would find another way to honor William Trickel. After considerable discussion it was decided that we would lower the prize money awards and redo the brochure. Monica Rodriguez agreed to work on this project. It was suggested that an ad hoc committee be formed to work on the project. Cynthia Mikos volunteered to assist Monica and work on amending the applicable rules of the competition.

B. Natural Disaster Preparedness Program—Walter Carfora

Walter Carfora made an informative presentation concerning the status of Disaster Preparedness. He provided some helpful information on recent programs he had attended at the Centers for Disease Control and Preparedness. He encouraged everyone to be talking to their clients directly about formulating plans to deal with various types of disasters. He noted that Chief Justice Barbara Pariente had expressed support for this as well.

Walter introduced Lisa Goodman, from the Office of the State Courts Administrator. Ms. Goodman made some brief comments regarding policies that are being implemented now to assist the Court system in emergency disaster situations. These policies are designed to ensure that the applicable rules, particularly in the criminal sector, are followed so as to ensure that individual rights are still protected and honored in disaster situations.

Rodney Johnson offered to assist Walter Carfora in connection with a program. At this point, there was some general discussion about having a September 15th program on Disaster Preparedness. It was decided that the Section would offer an entire day program on the 15th in Tampa. Rodney Johnson and Walter Carfora are going to work with Charmaine Chiu to get it set up, advertise it and have the materials prepared.

C. Nova Health Law Program—Harold Kaplan

After a lot of effort by a lot of people, Harold Kaplan reported that Nova had changed the name of its program to Master of Science in Health Law.

D. Health Law Handbook—Laurie Levin

Laurie Levin announced that there is an October 15 deadline for submitting chapters for the 2007 edition of the Health Law Handbook, a desktop reference guide for attorneys. There was some general discussion
regarding the handbook. It was decided that we would approach Bill Bell, with the Florida Hospital Association, to submit a chapter on Amendment 7, Christine Whitney will update Medicare and Medicaid and Walter Carfora agreed to do a chapter on Medicare Part D. We decided to ask Chet Barclay to update the HIPAA chapter and Gabe Imperato to update the Fraud and Abuse chapter. We also considered including chapters on Disaster Preparedness, End of Life issues, Legislative Updates and Medical Credentialing.

E. Family Law Proposal Update—Donna Rigo

Donna Rigo expressed her appreciation to the Section for the gift certificate recognizing her recent marriage.

XIII. New Business

A. Florida State University Health Law Chair—Allen Grossman

Allen Grossman briefly discussed the establishment of a Health Law Chair at FSU.

B. In lieu of the lack of time, it was decided to postpone further discussion of new business.

XIV. 2006-2007 Chair Comments—Harold Kaplan

Harold Kaplan expressed his appreciation to Allen Grossman for his leadership during the past year and all of his efforts. He said he believed that we had a stronger section that was more in tune with the needs of Health Lawyers than we had ever had in the past and he looked forward to continuing those efforts.

XV. Next Meeting—Allen Grossman

Allen Grossman announced that the next meeting of the Section Executive Committee would be on September 14, 2006 in Tampa Florida.

The Meeting was adjourned at 6:40 p.m.

__________________________________________
Jeanne Helton, Secretary

__________________________________________
Date

In Brief

Month Ending June 30, 2006

Health Law Section Fiscal Year                      July 1, 2005 through June 30, 2006
Health Law Section Membership                      1352 attorneys / 16 affiliate members

Health Law Fund Balance Effective July 1, 2005     $ 64,375
Total Revenue Increase through June 30, 2006        $ 45,682
Total Expenses Incurred through June 30, 2006      $ 34,279
Net Increase in Fund Balance through June 30, 2006  $ 11,403
Health Law Section Fund Balance to Date             $ 75,778

Exhibit B
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<th>Item Description</th>
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<th>Budget</th>
<th>Percent Budget Spent</th>
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# Health Law Section Financial Report

## In Brief

**Month Ending August, 2006**

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<th>Description</th>
<th>Amount</th>
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<td>Health Law Section Fiscal Year</td>
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<td>Health Law Section Membership</td>
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<td>Total Revenue Increase through August 31, 2006</td>
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<td>Total Expenses Incurred through August 31, 2006</td>
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<td>Total TFB Support Services</td>
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The Florida Bar Continuing Legal Education Committee and the Health Law Section present

Emergency Public Health Legal Preparedness

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

Live Presentation: September 15, 2006 • Hyatt Regency Downtown • Tampa
Video Replays (3 locations): October 5, 2006 - November 29, 2006

Course No. 0420R

8:00 a.m. – 8:20 a.m.
Late Registration

8:20 a.m. – 8:30 a.m.
Introduction and Overview
Walter Carfora*, Esq., St. Petersburg

8:30 a.m. – 9:15 a.m.
Emerging Public Health Threats
William Tynan, M.D., Office of Public Health Preparedness, Florida Department of Health, Tallahassee

9:15 a.m. – 9:30 a.m.
Florida Courts Continuity of Operations Plan
Greg Cowan, Court Operations Consultant, Office of Florida State Court Administrator, Tallahassee

9:30 a.m. – 9:50 a.m.
The Community Public Health Legal Preparedness Initiative
Montreace Ransom, Esq., Public Health Law Program, Centers for Disease Control and Prevention, Atlanta, GA

9:50 a.m. – 10:00 a.m.
Break

10:00 a.m. – 11:30 a.m.
The Role of Law in Public Health/Detecting and Declaring Emergencies
Rodney Johnson, Esq., Office of General Counsel, Florida Department of Health, Pensacola

11:30 a.m. – 12:00 noon
Emergency Powers: Protecting People, Managing Property and Personnel
Richard McNelis, Esq., Assistant General Counsel, Florida Department of Health, Tallahassee

12:00 noon – 12:30 p.m.
Boxed Lunch (Available at Tampa Location Only)

12:30 p.m. – 2:00 p.m.
Emergency Powers Protecting People, Managing Property and Personnel (Continued)
Richard McNelis, Assistant General Counsel, Florida Department of Health, Tallahassee

2:00 p.m. – 2:10 p.m.
Break

2:10 p.m. – 3:30 p.m.
Panel Discussion: Legal Aspects of Crisis Management
Richard McNelis, Esq., Moderator

* Board Certified in Health Law

CLE CREDITS

CLER PROGRAM
(Max. Credit: 7.5 hours)
General: 7.5 hours
Ethics: 0.0 hours

CERTIFICATION PROGRAM
(Max. Credit: 5.5 hours)
Health Law: 5.5 hours
City, County & Local Government: 5.5 hours

Seminar credit may be applied to satisfy both CLER and Board Certification requirements in the amounts specified above, not to exceed the maximum credit. Refer to Chapter 6, Rules Regulating The Florida Bar, for more information about the CLER and Certification Requirements.

Prior to your CLER reporting date (located on the mailing label of your Florida Bar News) you will be sent a Reporting Affidavit or a Notice of Compliance. The Reporting Affidavit must be returned by your CLER reporting date. The Notice of Compliance confirms your completion of the requirement according to Bar records and therefore does not need to be returned. You are encouraged to maintain records of your CLER hours.

How to register:

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MAIL: Completed form w/check.

FAX: 850/561-5816
Form with credit card information.

REFUND POLICY: Requests for refund or credit toward the purchase of the audio/video/CD or course books of this program must be in writing and postmarked no later than two business days following the course presentation. Registration fees are non-transferable, unless transferred to a colleague registering at the same price paid. A $25 service fee applies to refund requests.

Exhibit C
Register me for the “Emergency Public Health Legal Preparedness” Seminar

TO REGISTER OR ORDER AUDIO/VIDEO/CD OR COURSE BOOKS, BY MAIL, SEND THIS FORM TO: The Florida Bar, CLE Programs, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filed in below. If you have questions, call 850/561-5831. ON-SITE REGISTRATION, ADD $25.00. On-site registration is by check only.

Name ___________________________________________ Florida Bar # ____________________________
Address ____________________________ Phone # ____________________________
City/State/Zip ____________________________

LOCATIONS (CHECK ONE):
☐ Tampa** - September 15, 2006
(048) Hyatt Regency Downtown
☐ West Palm Beach* - October 5, 2006
(232) Palm Beach County Bar Assn.
☐ Pensacola* - October 12, 2006
(040) Escambia/Santa Rosa Bar Assn.
☐ Tallahassee* - November 29, 2006
(054) The Florida Bar Annex
*** Live ** Videotaping *Video Replay

REGISTRATION FEE (CHECK ONE):
☐ Member of the Health Law Section: $140
☐ Non-section member: $165
☐ Full-time law college faculty or full-time law student: $82.50
☐ Persons attending under the policy of fee waivers: $0
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, Judges of Compensation Claims, Administrative Law Judges, and full-time legal aid attorneys directly related to the attorney's practice. (We reserve the right to review employment.)

METHOD OF PAYMENT (CHECK ONE):
☐ Check enclosed made payable to The Florida Bar
☐ Credit Card (Advance registration only. Fax to 850/561-5816.)
☐ MASTERCARD ☐ VISA Exp. Date: ____/____ (MO./YR.)
Signature: __________________________________________
Name on Card: ______________________________________
Card No. _______________________________________

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Private taping of this program is not permitted. Delivery time is 4 to 6 weeks after 9/29/06. TO ORDER AUDIO/VIDEO/CD OR COURSE BOOKS, fill out the order form above, including a street address for delivery. Please add sales tax to the price of tapes or books. Tax exempt entities must pay the non-section member price.

Please include sales tax unless ordering party is tax-exempt or a nonresident of Florida. If this order is to be purchased by a tax-exempt organization, the course book/tapes must be mailed to that organization and not to a person. Include tax-exempt number beside organization’s name on the order form.

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$140 plus tax
(section member)
(section member)
$165 plus tax
$165 plus tax
(non-section member)
(non-section member)
TOTAL $
TOTAL $

☐ AUDIO CD
☐ VIDEOTAPES
$140 plus tax
$250 plus tax
$165 plus tax
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Register Now! 
Emergency Public Health Legal Preparedness

The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-2300

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Permit No. 43
The Health Law Section of The Florida Bar
CLE Calendar
2006-2007
Harold Kaplan, Chair

**September 15, 2006**
Program Title: Emergency Public Health Legal Preparedness (C#0420)
Location: Hyatt Regency, Tampa
Program Chair: Walter Carfora
Lunch: Yes (live location only)
Brochure Deadline: June 23, 2006 (12 weeks from date of program)
Material Deadline: July 21, 2006

**October 2006 – January, 2007**
Program Title: Emergency Public Health Legal Preparedness (C#0420)
Location: West Palm Beach, Orlando, Jacksonville, Ft. Myers, Tallahassee, Pensacola, Miami

**January 19, 2007**
Program Title: Representing the Physician 2007 (C#0393)
Location: Hyatt Regency in Miami
Program Chair: Lester Perling and Alan Gassman
Lunch: Either boxed lunches or on your own
Brochure Deadline: October 27, 2006
Material Deadline: November 27, 2006

**January-February, 2007**
Program Title: Representing the Physician 2007 (Video Replays) (C#0393)
Location: West Palm Beach, Orlando, Jacksonville, Tampa, Ft. Myers, Tallahassee, Pensacola

**April 13-14, 2007**
Program Title: Health Law Certification Review (C#0487)
Location: Caribe Royale, Orlando
Program Chair: Sandra Greenblatt
Brochure Deadline: January 18, 2007
Material Deadline: February 17, 2007

**June 29, 2007**
Program Title: Health Law Update
Location: Orlando - The Florida Bar Annual Meeting
Program Chair: 
Brochure Deadline: February 16, 2007
Material Deadline: May 4, 2007
June 15, 2006

Ms. Monica L. Rodriguez, Chair
Trickel Writing Award Committee
Health Law Section
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Dear Ms. Rodriguez:

I am writing to express my appreciation for the William Trickel, Jr. Memorial Writing Award. It is an honor to have been selected for the award and your very generous financial assistance is greatly appreciated. I apologize for the delay in sending this to you. I took a position with a firm in Las Vegas and got caught up in moving from Houston.

I thoroughly enjoyed participating in the University of Houston's Health Law LL.M. program. As with many endeavors in my life, the quality of the experience was shaped by both personal input and the participation of those around me. The professors in the University of Houston Health Law Program are a talented and dedicated group of individuals. It was a wonderful opportunity to learn from them and to really concentrate on health law issues. I now look forward to a career practicing in the health law field.

I cannot fully describe how winning this award feels. It is both humbling and honoring, and I extend my deepest appreciation to the Florida Bar for its support. Again, thank you.

Sincerely,

Linda P. McKenzie