

Delaware State Bar Association
HEALTH LAW SECTION
April 20, 2012

PRESENT: Ben Schwartz, Shannon Lamer, Nate Trexler, Joanne Ceballos, Rob Collins and Nick Heesters. **BY TELECONFERENCE:** Matt Stiller, Marcy Jack and Diane Andrews (joined at 1210; did not participate in approval of minutes) **GUESTS/PRESENTERS:** None

AGENDA ITEM	DISCUSSION	FOLLOW UP/DATE
Minutes	<p>Meeting called to order at 1200. Catering was by Toscana, courtesy of Schwartz & Schwartz.</p> <p>Approval of Meeting Minutes: June 2011(no minutes—see Meeting Notice); September 2011; November 2011 and March of 2012. All were in favor of approval of minutes for above months--minutes approved.</p> <p>Ben plans to submit all minutes at one time to the DSBA for publication on Health Law Section Page as one packet. Proposes Chair of Section going forward for the 2012-2013 year, submit to DSBA for each meeting (every other month).</p>	<p>Chair to submit minutes to members for approval electronically prior to next meeting and once meeting is approved, forward to DSBA for posting in Health Law Section</p>
<p>Discussion Points:</p> <p>Delaware Law Review</p> <p>Race Judicata</p> <p>Election of New Officers</p> <p>CLE Committee</p>	<p>We reviewed the April 2, 2012 memo from Jim McGiffin asking Section leaders to provide the Law Review with substantive legal updates in our areas of practice. We discussed how this dovetailed into a previous discussion from the last meeting about tracking changes in codes, regulations and case law as respects health law and posting blog format updates on the section page. Will require annual submissions.</p> <p>Diane commented that it would be ideal the Section was provided with written guidelines on formatting and the topics and content for which they are looking.</p> <p>Review of the Race Judicata notice sent out by the New Lawyers Section. It will be April 28 at 9 AM at the Riverfront. Anyone who wants to sign up can go to www.dsba.org/judicata.htm.</p> <p>New officers are:</p> <p>Chair: Joanne Ceballos Co-Vice Chairs: Diane Andrews and Ben Schwartz Secretary: Marcy Jack</p> <p>The Section formally resolved to appoint Ben Schwartz as Chair of the CLE Committee, and Marcy Jack, Shannon Lamer and Nick Heesters as members. The Committee will meet next Friday, April 27 at noon at the bar association.</p>	<p>Ben will obtain a call in number and code from Janice and send it out to everyone on the Committee.</p>

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<p>Future Meeting Dates</p>	<p>Dates chosen for upcoming meetings:</p> <p>June 15, 2012 at noon October 19, 2012 at noon – this one will be down the beach, maybe at the Atlantic Sands(?) December 7, 2012 February 8, 2013 April 19, 2013 (annual meeting with election of officers)</p> <p>Per Ben’s takeaway from the Executive Meeting—money may be available from DSBA for assistance with lunch or sponsoring speakers</p> <p>Alternative locations were discussed: Rob’s office (in Dover) can accommodate 20-30 people.</p> <p>It was suggested to have Sussex County (Beach area) location for at least one of the meetings and October 19th will be one of them.</p> <p>Decision to <i>not</i> have a meeting take place in August.</p>	
<p>Written Report</p>	<p>Written report due to the Executive Committee within the next week. Ben has almost completed. Ben pointed out: when we started at the beginning of the year, we had 33 members and now we have 47 members.</p>	<p>Ben to provide written report to Joanne to review prior to submission.</p>
<p>Roundtable Discussion</p>	<p>Roundtable discussion ensued pertaining to Stark, Anti Kickback and HIPAA issues that arise in the context of when a provider leases office space from another provider.</p>	
<p>CLE Conference</p>	<p>We discussed the CLE conference that is in the works. We are looking at the late summer or fall for a date. Potential topics include EMTALA, Stark, Anti-Kickback, HIPAA, Advanced Healthcare Directives, Physicians’ duty to report, trends in controlled substance prescribing and regulation thereof, the Affordable Care Act, Bradley, IRS Implications and a lot more. It is possible for there to be an honorarium for presenters for the CLE conference.</p> <p>A suggestion was made by Joanne that it would be good to get CME approval, to open the conference to medical providers as well.</p> <p>Nick Heesters indicated he recently was made aware of a conference put on by a law firm in DE where they were giving CME credits.</p> <p>It would be beneficial to have Ethics Credits (at least one hour).</p>	<p>Marcy to look into someone to present on insurance coverage for Privacy & Security Breaches.</p> <p>Joanne to get information on how to have CLE approval.</p> <p>Nick to provide CME information to Ben.</p> <p>Ben will review information provided to him by Allison to determine criteria for Ethics Credits.</p>

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<p>Health Lawyer Referral Service</p>	<p>Some time ago, we had the idea to create a health lawyer referral service. That morphed into the idea of putting short bios on the section website describing what we do, and which areas we specialize in. Ben was informed that Executive Committee approval was required by the gentleman who was working for DSBA on creating its new website. Ben spoke with Rina Marks at the Executive Committee meeting on April 19th and she said no approval was required and to send an email to her to let her know what we want posted on the dsba.org website. A suggestion was made by Joanne that it would be good to keep these to short, bullet-point format and Ben agreed with that.</p>	<p>For those Section Members who would like to have their Bios posted please provide information to Ben general practice areas, and past experiences on population represented. Ben will send information to Rina.</p>
<p>Example of Data Breach</p>	<p>Section member presented a case example of data breach when there was a Complaint made against medical providers who used a public shared system for appointments to be made. The patient complained because PHI (protected health information) could be viewed by anyone who had access to the shared calendar. The medical provider had no security officer, policy & Procedures, or risk analysis. Date ranged over 5 years. OCR: HIPPA applies to small providers as well.</p> <p>Meeting adjourned at 1310.</p>	<p>Quick summary (one paragraph) of case example to be provided to Ben and he can provide the summary and link to press release and opinion and post to DSBA Health Law Section site.</p>
<p>Next Meeting</p>	<p>Date: June 15th at 1200 noon. Place: DSBA and via Teleconference</p>	

Respectfully Submitted by: Marcy Jack, Esq., BSN, CPHRM

Date: April 23, 2012