



CHAIR:

Laurie J. Levin
Baker & Hostetler LLP
P.O. Box 112
Orlando, FL 32802
(407) 649-4076/FAX: (407) 841-0168
E-mail: llevin@bakerlaw.com

CHAIR-ELECT:

Jeanne Elaine Helton
Smith Hulsey & Busey
225 Water St., Suite 1800
Jacksonville, FL 32202-5182
(904) 359-7700/FAX: (904) 359-7712
E-mail: jhelton@smithulsey.com

TREASURER:

Troy A. Kishbaugh
North Broward Hospital District
303 S.E. 17th Street, Suite 308
Fort Lauderdale, FL 33301
(954) 831-2792/FAX: (954) 355-4966
E-mail: tkishbaugh@nbhd.org

SECRETARY:

Lester J. Perling
Broad and Cassel
1 Financial Plaza, Suite 2700
Fort Lauderdale, FL 33394
(954) 745-5261/FAX: (954) 713-0968
E-mail: lperling@broadandcassel.com

BOARD LIAISON:

Tim Sullivan
Ogden & Sullivan, P.A.
113 S. Armenia Ave.
Tampa, FL 33609
(813) 223-5111/FAX: (813) 229-2336
E-mail: tsullivan@ogdensullivan.com

IMMEDIATE PAST CHAIR:

Harold E. Kaplan
1515 N. University Dr., Suite 203
Coral Springs, FL 33071
(954) 345-6338/FAX: (954) 345-7299
E-mail: kaplanhealthlaw@aol.com

EXECUTIVE COUNCIL

Terms Expiring 2008:

Gregory A. Chaires
Altamonte Springs
James A. Farrell
West Palm Beach
George F. Indest III
Altamonte Springs
Monica L. Rodriguez
Coral Gables

Terms Expiring 2009:

Charmaine Chiu
Jacksonville
Lewis W. Fishman
Miami
Spencer D. Levine
Fort Lauderdale
Cynthia A. Mikos
Tampa

Terms Expiring 2010:

Mildred Beam
Winter Park
Sandra P. Greenblatt
Miami
Rodney M. Johnson
Pensacola
Jodi L. Laurence
Plantation

PROGRAM ADMINISTRATOR:

Valerie Yarbrough
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399-2300
(850) 561-5630/FAX: (850) 561-5825
E-mail: vyarbrough@flabar.org

Health Law Section Executive Council Meeting Agenda

Thursday, June 19, 2008

3:00 p.m. – 6:00 p.m.

Royal Palm Ballroom IX – Boca Resort

- I. Call to Order – Laurie Levin, Chair
- II. Opening Remarks – Laurie Levin, Chair
- III. Approval of Previous Meeting Minutes – Lester Perling (Exhibit A)
- IV. Election of Chair-Elect, Treasurer, Secretary and Executive Council Members: Nominating Committee – Harold Kaplan (Exhibit B)
- V. Financial Report – Troy Kishbaugh (Exhibit C)
- VI. Council of Sections Update – Christine Whitney
- VII. Committee Reports
 - a. Education, Training & Information – Charmaine Chiu
 - b. Section Effectiveness – Lew Fishman
 - c. Communications & Technology – Bernabe Icaza
 - i. Website – Chet Barclay (Exhibit D)
 - ii. Newsletter – Bernabe Icaza
 - d. HIT- William Dillon
- VIII. Old Business
 - a. Public Health Committee Update
- VIII. New Business
 - a. Sunsetting of Health Law Section Legislative Positions
 - b. Florida State Health Law Chair
 - c. Health Law Section Support of ABA 2009 Emerging Issues in Health Law Conference, February 2009
- IX. Chair – Elect Comments – Jeanne Helton

X. Next Executive Council Meeting – September 11, 2008, the Meeting, Tampa Airport Marriott

Florida Bar General

**EXECUTIVE COUNCIL
THE FLORIDA BAR HEALTH LAW SECTION**

January 17, 2008

I. Call to Order

The meeting was called to order by Chair, Laurie Levin, at 2:40 p.m. in the Tuttle South Room of the Hyatt Regency Hotel, Miami, Florida. Executive Council members in attendance either in person or via telephone were: Harold Kaplan, Laurie Levin, Lewis Fishman, Monica Rodriguez, Jodi Laurence, Lester Perling, Troy Kishbaugh, Spencer Levine and James Farrell. Also in attendance either in person or via telephone were: Bernabe Icaza, Chet Barclay, Valerie Yarbrough, Al Robinson, Lois Shepherd, Stacie Handwerker and John Buchanan.

II. Opening Remarks – Laurie Levin, Chair

Laurie Levin opened the meeting by welcoming everyone. Ms. Levin introduced Al Robinson from Navigant Consulting and thanked him and Navigant Consulting for sponsoring the reception to follow the meeting. Mr. Robinson spoke briefly regarding Navigant Consultant's services and distributed a brochure. Mr. Robinson discussed the current Medicare audits being conducted by the recovery audit contractors and how Navigant Consulting could assist with these audits.

Laurie Levin introduced Lois Shepard, who is the new Florida State University health law professor. Ms. Shepard has taught health law for fifteen years. She briefly reviewed her experience and interests.

III. Approval of Previous Minutes – Lester J. Perling, Secretary

The amended minutes for January 18, 2007, and June 28, 2007, were reviewed. Lewis W. Fishman noted that he is a member of the Executive Council and should have been noted as such in both minutes and also noted others who are members of the Executive Council were not properly listed as such. Valerie Yarbrough stated she would correct this. The amended minutes were approved based on this upcoming revision.

Mr. Perling presented the September 6, 2007, minutes and these were approved.

IV. Financial Report – Troy Kishbaugh, Treasurer

Mr. Kishbaugh presented the financial report. He noticed a net increase of the Section funds balance from the same period last year of approximately \$40,000.00 with a balance of \$110,000.00. Mr. Kishbaugh reported that there was a greater loss for continuing legal education but did not have the detail with regard to this loss and he requested that Ms. Yarbrough provide this detail to him so it can be reviewed. There was some discussion with regard to how to handle the current surplus. Some concern was expressed whether The Florida Bar could take the money if not spent but it was generally agreed that this was not a serious concern because other sections have larger surpluses that have existed for some time. The proposed budget for the 2008 – 09 fiscal year was discussed briefly. The Budget Committee will review this in greater detail.

V. Council of Sections – Harold Kaplan

Mr. Kaplan reported that the Young Lawyer Section has established a mentoring program in every substantive area and is seeking mentors for health law. The Bar is considering making a mentoring program mandatory for all new lawyers. Mr. Kaplan noted that the next meeting of the Council of Sections has been cancelled.

VI. Committee Reports

A. Education, Training & Information – Jeanne Helton

Ms. Helton noted that Charmiane Chiu is finalizing three telephonic CLE programs including hospital compliance; physician dispensing; and handling disruptive physicians in conjunction with the Professionals Resource Network.

The CLE program for June is in process. There will be sessions on a recent Board of Medicine decision regarding sleep laboratories; a legislative update by the Florida Medical Association; a presentation on retail clinics; and a topic to be determined. It was reported that the Representing the Physician 2008 program had over 90 registrants. The preparation for the certification course is coming to a successful conclusion.

B. Section Effectiveness – Lew Fishman

Mr. Fishman had nothing new to report on law school outreach. He reported that it was time to select a Nominating Committee. Harold Kaplan, Jodi Laurence and Bernieb Icaza volunteered. Laurie Levin will follow up on making further nominations. The positions that need to be filled are the Chair Elect, Treasurer and Secretary and terminating Executive Council members.

Jeanne Helton reported that she, along with other Section members, conducted a program at the Coastal School of Law that 55 students attended. Harold Kaplan reported that he has contacted Nova Southeastern University but was told that there are not many students interested in health law at that the Law School was not particularly interested in an outreach program. There was discussion concerning this and a belief stated that there is in fact interest in health law. Jodi Laurence and Harold Kaplan will follow up with Nova Southeastern University.

A discussion was held whether medical schools typically offer health law courses and whether the Section could assist with this. It was the Committee's belief that generally there is not time in the curriculum to offer these courses and it likely would not be a fruitful area to explore at this time.

C. Communications & Technology – Bernabe Icaza

i. Website – Chet Barkley

Mr. Barkley reported that the website is still active. It has incurred modest maintenance fees of approximately \$200.00 per month. The website is updated frequently with new material being posted.

ii. Newsletter – Bernabe Icaza

Laurie Levin noted that the last edition of the newsletter received excellent reviews and thanked Mr. Icaza for his work. Mr. Icaza stated that he is currently soliciting articles for the next issue with a deadline of the end of February. He asked that if any section members intended to submit an article to please let him know by February 15th. Mr. Icaza stated that he is investigating the requirements for publishing articles that have been previously published but there does not appear to be a Bar policy on this issue. He noted that it is necessary to have permission to do so. He stated his willingness to publish previously published articles but that it was agreed that better placement would be given to original articles.

D. Health Information Technology – William Dillon

Mr. Dillon reported that several Section members are participating with the Agency for Health Care Administration in a security working group. They are studying barriers imposed by State law with regard to health information exchange. There is proposed legislation that would affect such exchange. The Committee will review this legislation once filed and report back to the Section with any concerns.

VII. Old Business

A. Health Law Handbook 2009 – Jeanne Helton and John Buchanan

Ms. Helton and Mr. Buchanan reported that they are working on the 2009 edition of the Health Law Handbook. They also noted that the 2007 handbook is still selling well. First drafts for chapters for the 2009 are due on July 31, 2008, with final drafts being due on September 30, 2008. The goal is to print by November 1, 2008, so that it will be available at the January 2009, Bar Meeting. Commitments have been received from current authors and Ms. Helton and Mr. Buchanan are also considering new chapters. The new chapters being considered include: The Schiavo case, navigating restrictive covenants for health care providers, long term care issues, dispensing practitioners, and practical pointers on medical staff credentialing and privileges.

The Alabama Bar Association has agreed to post a link on its website to information regarding the Handbook that will allow Alabama Bar Members to purchase it in exchange for an agreement that we post such a link on the Sections website if they prepare a health law handbook.

VIII. New Business

A. New Public Health Committee – Laurie Levin

Ms. Levin asked Rodney Johnson to discuss the goals of this proposed Committee. These include disease surveillance and prevention of diseases, i.e., traditional public health issues. A motion was made and seconded to form a public health committee. The motion passed unanimously. Laurie Levin appointed Rodney Johnson and Walter Carfora to chair this new committee.

B. Review and Approval of 2009-2010 Budget

Please see discussion under financial report above. Approval of the budget was deferred until reviewed by the Budget Committee following which there will be a telephonic meeting for review and approval.

C. Agency for Disabilities Volunteers – Laurie Levin

Alan Grossman discussed this issue in detail. This is in response to a request for pro bono representations for persons with disabilities before the Division of Administrative Hearings. George Indest recommended that this would be a potentially better project for a law school clinic than the Section. Dr. Sheppard noted that Florida

State University has such a program. It was discussed that the hearings occur all over the State and not only in Tallahassee. No further action was taken.

D. 2008 Metal of Honor Award – Laurie Levin

Ms. Levin discussed that she received a call for nominees from The Florida Bar Foundation for 2008 Metal of Honor Award winners. This reward recognizes outstanding achievements by Florida residents in approving the State's justice system. Information concerning the award was disseminated including nomination forms.

IX. Chair – Elect Comments – Jeanne Helton

Ms. Helton says that she is looking forward to the coming year. Her primary goals is to get more members involved in the Section and insuring that members feel that they are getting value for their money.

X. Adjournment

Ms. Levin announced that the next Executive Council meeting would be held on June 19, 2008, at the Florida Bar Annual Meeting at the Boca Raton Resort and Club. The meeting was adjourned at 4:15 p.m.

Health Law Section
Nominations For 2008-2009

The Health Law Section's Nominating Committee has nominated Troy Kishbaugh of Fort Lauderdale for the position of Chair-elect 2008-2009.

The Committee has also nominated Lester Perling of Fort Lauderdale for Treasurer and Cynthia Mikos of Tampa for Secretary for the 2008-2009 term.

With regard to the five executive council seats, terms to expire June 30, 2008, the Committee nominates William Dillon, Tallahassee; Bernabe Icaza, Fort Lauderdale; Walter Carfora, St. Petersburg; Monica Rodriguez, Miami; and George F. Indest III, Altamonte Springs.

The Health Law Section will meet to elect its 2008-2009 officers and executive council members with terms expiring 2008 on Thursday, June 19, 2008 from 3:00 p.m. - 6:00 p.m. during the Florida Bar's Annual Meeting at the Boca Raton Resort & Club. All members of the Health Law Section are encouraged to attend this meeting and section reception which will immediately follow.

The Nominating Committee members include: William Dillon, Tallahassee; Bernabe Icaza, Fort Lauderdale; Harold E. Kaplan, Coral Springs, Jodi Laurence, Plantation and Michael Bittman, Orlando.

Section 7.4 of the Health Law Section Bylaws, allows for other nominations to be made by petition of at least 15 voting members of the Section. The petition must be filed with the Chair not later than 30 days prior to the date of the annual meeting.



**Health Law Section
The Florida Bar**

Election for Chair-Elect, Secretary,
and Treasurer for 2008 - 2009

June 19, 2008
The Florida Bar Annual Meeting

Nominees:

Chair-Elect:

___ Troy Kishbaugh, Orlando

Treasurer:

___ Lester Perling, Fort Lauderdale

Secretary:

___ Cynthia Mikos, Tampa

*Election of officers shall be by the
members of the executive council*

**Bylaws of Health Law Section
Article VII, Section 6**



**Health Law Section
The Florida Bar**

Election for Executive Council
Members terms to expire June 30, 2011

June 19, 2008
The Florida Bar Annual Meeting

Five seats vacant

Nominees:

___ William Dillon, Tallahassee

___ Bernabe Icaza, Fort Lauderdale

___ Walter Carfora, St. Petersburg

___ Monica Rodriguez, Miami

___ George F. Indest, III,
Altamonte Springs

*To be elected by all section
membership in attendance and
eligible to vote*

**Bylaws of Health Law Section
Article VII, Section 6**

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Total Health Law				
31435 Admin Fee Adj	0	2,238	0	*
31431 Section Dues	0	39,660	42,000	94.43
31432 Affilliate Dues	0	675	300	225.00
31433 Admin Fee to TFB	0	(23,298)	(24,620)	94.63
	-----	-----	-----	-----
Total Dues Income-Net	0	19,275	17,680	109.02
	-----	-----	-----	-----
32191 CLE Courses	881	16,580	12,406	133.65
32293 Section Differential	25	2,027	0	*
35201 Sponsorships	0	0	2,000	0.00
35603 Bd/Council Mtg Regis	0	0	750	0.00
36506 Section Handbook	500	17,983	7,500	239.77
36991 Allowances	0	(95)	0	*
38499 Investment Allocatio	0	2,489	4,303	57.84
	-----	-----	-----	-----
Other Income	1,406	38,984	26,959	144.60
	-----	-----	-----	-----
Total Revenues	1,406	58,259	44,639	130.51
	-----	-----	-----	-----
36998 Credit Card Fees	10	199	100	199.00
101 Employee Travel	0	532	1,240	42.90
.001 Postage	8	272	880	30.91
84002 Printing	0	2,702	750	360.27
84003 Officers Office Expe	0	0	100	0.00
84006 Newsletter	0	0	3,000	0.00
84009 Supplies	0	42	50	84.00
84010 Photocopying	0	40	300	13.33
84051 Officers Travel Expe	0	301	3,000	10.03
84052 Meeting Travel Expen	0	0	1,250	0.00
84054 CLE Speaker Expense	0	0	2,500	0.00
84101 Committee Expenses	0	0	750	0.00
84200 General Meeting	0	547	750	72.93
84201 Board Or Council Mee	0	1,054	1,500	70.27
84202 Annual Meeting	0	(1,480)	10,000	(14.80)
84204 Midyear Meeting	0	2,971	4,000	74.28
84301 Awards	0	171	500	34.20
84308 Writing Contest	0	0	7,500	0.00
84416 Handbook	9	1,631	500	326.20
84422 Website	0	1,863	4,500	41.40
84501 Legislative Consulta	0	0	7,500	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	5,290	0.00
84999 Miscellaneous	0	187	250	74.80
88252 Course Credit Fee	0	0	300	0.00
	-----	-----	-----	-----
Total Operating Expenses	27	11,332	56,810	19.95
	-----	-----	-----	-----
431 Meetings Administrat	0	0	152	0.00
86543 Graphics & Art	134	4,429	1,323	334.77

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Total Health Law	-----	-----	-----	-----
Total TFB Support Services	134	4,429	1,475	300.27
Total Expenses	161	15,761	58,285	27.04
Net Operations	1,245	42,498	(13,646)	(311.43)
21001 Fund Balance	0	73,980	61,467	120.36
Total Current Fund Balance	1,245	116,478	47,821	243.57

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Total Health Law CLE				
31436 Course Section Diff	-50	-2,325	0	*
32001 Registrations	0	43,233	0	*
32010 Legal Span On-line	518	3,857	0	*
32201 Audio Tapes	0	4,071	0	*
32205 Compact Disc	690	29,139	0	*
32207 DVD	0	775	0	*
32301 Course Materials	210	1,450	0	*
Total Revenues	1,368	80,200	0	*
51101 Employee Travel	0	1,905	0	*
83431 Time CLE Courses	188	8,315	0	*
86421 C L E Administration	108	4,016	0	*
86543 Graphics & Art	0	85	0	*
86623 Registrars	308	4,862	0	*
Total The Florida Bar Staff Exp	604	19,183	0	*
41201 Contract Salaries	0	303	0	*
tal Other Staff	0	303	0	*
86432 Time Taping Editing	0	6,278	0	*
88281 A/V Ctr Dup/Prod	-36	1,224	0	*
Total Cost of AV Media	-36	7,502	0	*
86001 Administrative Exp	202	6,692	0	*
Total General and Administrative	202	6,692	0	*
81411 Promotional Printing	0	371	0	*
81412 Promotional Mailing	0	1,372	0	*
86532 Advertising News	0	2,358	0	*
Total Promotion	0	4,101	0	*
88241 Outline Prt-Inhouse	0	4,825	0	*
88242 Outline Prt-Contract	0	132	0	*
Total Printed Course Material	0	4,957	0	*
88221 Speaker Workshops	0	500	0	*
88231 Speakers Travel	0	3,595	0	*
88232 Speakers Meals	0	434	0	*
88233 Speakers Hotel	0	3,123	0	*
88239 Speakers Other Exp	0	840	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Total Health Law CLE -----				
Total Speaker Expense	0	8,492	0	*
61201 Equipment Rental	0	1,386	0	*
88252 Course Credit Fee	300	750	0	*
88261 Meeting Room Rent	0	1,694	0	*
88262 Meeting Meals	0	3,744	0	*
88265 Refreshment Breaks	0	3,020	0	*
Total Presentation Expense	300	10,594	0	*
36998 Credit Card Fees	60	1,120	0	*
75102 1st Class & Misc Mai	0	69	0	*
75401 Express Mail	47	876	0	*
Other Expense	107	2,065	0	*
Total Expenses	1,177	63,889	0	*
Total Net General Ledger	191	16,311	0	*
32291 Section Fee	-882	-14,584	0	*
Net Operations	-691	1,727	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
C0574 2008 Rep Physicians				
31436 Course Section Diff	-50	-1,125	0	*
32001 Registrations	0	26,284	0	*
32010 Legal Span On-line	518	518	0	*
32201 Audio Tapes	0	320	0	*
32205 Compact Disc	690	12,745	0	*
32207 DVD	0	775	0	*
32301 Course Materials	0	560	0	*
Total Revenues	1,158	40,077	0	*
51101 Employee Travel	0	1,001	0	*
83431 Time CLE Courses	0	3,308	0	*
86421 C L E Administration	-27	2,438	0	*
86543 Graphics & Art	0	61	0	*
86623 Registrars	66	3,102	0	*
Total The Florida Bar Staff Exp	39	9,910	0	*
41201 Contract Salaries	0	303	0	*
tal Other Staff	0	303	0	*
86432 Time Taping Editing	0	4,920	0	*
88281 A/V Ctr Dup/Prod	0	714	0	*
Total Cost of AV Media	0	5,634	0	*
86001 Administrative Exp	-9	4,057	0	*
Total General and Administrative	-9	4,057	0	*
81411 Promotional Printing	0	261	0	*
81412 Promotional Mailing	0	948	0	*
86532 Advertising News	0	1,017	0	*
Total Promotion	0	2,226	0	*
88241 Outline Prt-Inhouse	0	3,093	0	*
Total Printed Course Material	0	3,093	0	*
88231 Speakers Travel	0	1,251	0	*
88233 Speakers Hotel	0	912	0	*
88239 Speakers Other Exp	0	297	0	*
Total Speaker Expense	0	2,460	0	*
.201 Equipment Rental	0	1,386	0	*
88252 Course Credit Fee	0	150	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
C0574 2008 Rep Physicians				
88261 Meeting Room Rent	0	1,694	0	*
88262 Meeting Meals	0	3,744	0	*
88265 Refreshment Breaks	0	3,020	0	*
Total Presentation Expense	0	9,994	0	*
36998 Credit Card Fees	19	565	0	*
75102 1st Class & Misc Mai	0	63	0	*
75401 Express Mail	23	518	0	*
Other Expense	42	1,146	0	*
Total Expenses	72	38,823	0	*
Total Net General Ledger	1,086	1,254	0	*
32291 Section Fee	-923	-1,066	0	*
Net Operations	163	188	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
C0611 2008 HL Cert Review				
31436 Course Section Diff	0	-375	0	*
32001 Registrations	0	16,949	0	*
32205 Compact Disc	0	5,445	0	*
32301 Course Materials	210	770	0	*

Total Revenues	210	22,789	0	*

51101 Employee Travel	0	904	0	*
83431 Time CLE Courses	30	4,782	0	*
86421 C L E Administration	85	1,429	0	*
86543 Graphics & Art	0	24	0	*
86623 Registrars	22	968	0	*

Total The Florida Bar Staff Exp	137	8,107	0	*

86432 Time Taping Editing	0	1,358	0	*
88281 A/V Ctr Dup/Prod	0	228	0	*

Total Cost of AV Media	0	1,586	0	*

001 Administrative Exp	123	2,383	0	*

Total General and Administrative	123	2,383	0	*

81411 Promotional Printing	0	110	0	*
81412 Promotional Mailing	0	424	0	*
86532 Advertising News	0	1,341	0	*

Total Promotion	0	1,875	0	*

88241 Outline Prt-Inhouse	0	1,732	0	*
88242 Outline Prt-Contract	0	132	0	*

Total Printed Course Material	0	1,864	0	*

88221 Speaker Workshops	0	500	0	*
88231 Speakers Travel	0	2,430	0	*
88232 Speakers Meals	0	434	0	*
88233 Speakers Hotel	0	2,388	0	*
88239 Speakers Other Exp	0	543	0	*

Total Speaker Expense	0	6,295	0	*

88252 Course Credit Fee	0	300	0	*

Total Presentation Expense	0	300	0	*

998 Credit Card Fees	2	278	0	*
75102 1st Class & Misc Mai	0	1	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
C0611 2008 HL Cert Review ~~~~~				
75401 Express Mail	18	223	0	*
Other Expense	20	502	0	*
Total Expenses	280	22,912	0	*
Total Net General Ledger	-70	-123	0	*
32291 Section Fee	60	105	0	*
Net Operations	-10	-18	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
C0794 An RX for Compliance				
83431 Time CLE Courses	158	158	0	*
86421 C L E Administration	38	38	0	*
86623 Registrars	220	220	0	*

Total The Florida Bar Staff Exp	416	416	0	*

86001 Administrative Exp	66	66	0	*

Total General and Administrative	66	66	0	*

88252 Course Credit Fee	150	150	0	*

Total Presentation Expense	150	150	0	*

36998 Credit Card Fees	39	39	0	*

Other Expense	39	39	0	*

Total Expenses	671	671	0	*

Total Net General Ledger	-671	-671	0	*

Net Operations	-671	-671	0	*

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
C0795 Melding/Quality Care ~~~~~				
86421 C L E Administration	10	10	0	*
Total The Florida Bar Staff Exp	10	10	0	*
86001 Administrative Exp	17	17	0	*
Total General and Administrative	17	17	0	*
88252 Course Credit Fee	150	150	0	*
Total Presentation Expense	150	150	0	*
Total Expenses	177	177	0	*
Total Net General Ledger	-177	-177	0	*
Net Operations	-177	-177	0	*

MEMORANDUM

To: Valerie Yarbrough
From: Chet Barclay
Date: June 2, 2008
Re: June 2008 HLS Website status report

The HLS website (<http://www.flabarhls.org/>) is operational and functional.

Several new cases and other materials were recently submitted for posting. New cases and materials are first posted to the Home Page and then moved to either What's New or Recent Cases of Interest.

Submissions are usually posted immediately if in Word format. Posting PDF files takes longer but is usually accomplished same or next-day.

Review of the website reveals the following:

1. Material in "About the Section" and "Committees" is dated and stale. The Executive Council is requested to review information for completeness and currency. Updated materials for posting is requested.

2. No material has been submitted for the "Agenda" or "Minutes" portions of the website, consequently they are empty. Appropriate postings will be made upon receipt.

Respectfully submitted June 2, 2008.

Chet Barclay



The Florida Bar



Francisco R. Angones
President


John F. Harkness, Jr.
Executive Director

John G. White, III
President-elect

May 6, 2008

MEMORANDUM

To: Board of Governors and Selected Division, Section & Committee Chairs / Chairs-elect

From: Paul F. Hill, General Counsel 

Re: "Sunsetting" of Legislative Positions

cc: Francisco R. Angones; John G. White, III; Jesse H. Diner; Legislation Committee; John F. Harkness, Jr.; Rosalyn Scott; Selected Division, Section & Committee Liaisons / Lobbyists, Stephen W. Metz

Consistent with the provisions of Standing Board Policy 9.20(d), all Florida Bar legislative positions for the 2006-08 biennium – to include those of committees, sections and divisions – are to be "sunsetting" at the July 25, 2008 meeting of the Board of Governors.

Attached is a current listing of recognized positions for your division, section or committee. The complete master list of all legislative positions within The Florida Bar is available online at this link: <http://www.floridabar.org/tfb/TFBLegNW.nsf/dc7ee304c562ed5b85256709006a26ee/e9db5ca1c9671a0385256b2f006cd0ce?OpenDocument>

Please review your group's existing positions for moot or stale issues, and advise which items you deem worthy of continued advocacy in the 2008-10 biennium which begins upon the legislature's organizational session next fall. For convenience, you may return a marked copy of this attachment that indicates your preferences.

Existing section positions that are recommended by you for continuation in the new biennium are typically rolled over by the Bar's governing board without any additional formality. Your prompt response should allow for timely action by the board at its July 2008 meeting without the lapsing of any current stance. However, any request for entirely new legislative positions by your group must be tendered in more complete form.

Existing "Big Bar" positions and those of committees or divisions – which are supported by mandatory membership fees – are treated differently. Following the sunset of these particular positions, the Board of Governors typically leaves that slate blank until at least the next board meeting. Any positions in these categories that are considered after this lapse (whether similar to previous ones or not) are reviewed *de novo* and treated as new in every respect – particularly for purposes of member dissent and potential fee rebates under R. Regulating Fla. Bar 2-9.3. Regardless, if you have recommendations for Florida Bar, division or committee advocacy in the new biennium, please share them with us.

The Governmental Affairs staff at The Florida Bar offers its assistance to you in complying with this request or for any other possible political activity. True legislative emergencies can be considered by the Bar's executive committee or president at any time. You may contact our office at phill@flabar.org or by calling 800 / 342-8060, Ext. 5661. We look forward to working with you during the coming months.

P.F.H.

Attachment

Health Law Section

July 28, 2006

1. Supports confidentiality of Physician Recovery Network records.
2. Supports, for administrative disciplinary proceedings before regulatory boards within the Division of Medical Quality Assurance of the Department of Health, the adoption of a statute of limitations of no less than four years from the time of the conduct giving rise to the complaint, or from the time the conduct is discovered or should have been discovered, but in no event should the statute of limitations be extended more than seven years -- said limitations being inapplicable in cases involving: fraud, concealment or intentional misrepresentation of fact by the investigated licensee which affect discovery of the alleged misconduct within the limitations period; a complainant whose minority, incapacity or other legal impediment prevented discovery of the alleged misconduct within the limitations period; claims of sexual activity between a licensee and patient; or alleged conduct that involves fraud or misrepresentation of a material fact in the context of an original or renewal license application.
3. The Health Law Section opposes legislation that imposes onerous financial burdens on health care licensees:
 - who elect or are required to participate in the state's impaired practitioner program;
 - who elect to exercise rights provided pursuant to Chapter 120, F.S.;
 - who are subjected to the unilateral assessment of costs, rather than those limited to a non-prevailing party; or
 - who are subjected to mandatory disciplinary fines incapable of discretionary adjustment by an agency.
4. Supports amendment of §456.072, Florida Statutes; to provide the Board of Medicine with discretion regarding the imposition of costs against any party; to permit assessment of costs on an individual basis; to provide a mechanism for determining such costs; and to exclude attorneys' fees from costs, as in matters of civil litigation.
5. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.
6. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.
7. Opposes exemptions or exceptions to the Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.
8. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.

9. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.

10. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.



"Levin, Laurie"
<LLevin@bakerlaw.com>
05/19/2008 03:56 PM

To "Jeanne E. Helton" <jhelton@smithhulsey.com>, <agrossman@mgfblaw.com>, "Lamb, Bruce" <Bruce.Lamb@ruden.com>
cc <VYarbrough@flabar.org>

bcc

Subject FW: position at UVA

Our endowed chair was finally filled but not for long

Guess I should put this announcement on the agenda. We can discuss what else to do - if anything, besides implore the dean to try to fill it again.....

-----Original Message-----

From: Shepherd, Lois [mailto:LShepher@law.fsu.edu]
Sent: Monday, May 19, 2008 11:10 AM
To: Levin, Laurie
Subject: position at UVA

Hi, Laurie, I just wanted to let you know that I've accepted a position at UVA, starting this summer. I know it took a while to fill the Health Law Bar Section professorship after Mary Crossley left, and I'm sorry to be leaving it vacant again. Thank you for all your support. I also wanted to let you know that one of our health law students here, Steve Szymanski (class of 2008) just won a \$4,000 prize for his paper on medical ethics of military doctors (a national contest). Also, our health law society at the law school hosted a very well attended panel on health care reform, which took place at the medical school, and a shorter career panel lunch, with Chet Barclay speaking about the health law section. I think things are now up and running at the law school in terms of health law, and I hope those activities and connections with the Florida bar will continue. Please let me know if I can be of any help on that front.

Thanks again, Lois Shepherd

This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.
