

**Health Law Section Executive Council Meeting Agenda**  
**Thursday, September 23, 2010 // 3:30 p.m. – 5:30 p.m. // Lake Down B – Hilton Orlando**  
**CALL IN INFORMATION: 888-376-5050; PIN: 4275463810**

- I. Call to Order – Lester Perling, Chair
- II. Opening Remarks – Lester Perling, Chair
- III. Approval of Previous Meeting Minutes – Monica Rodriguez **Exhibit A**
- IV. Financial Report – Bernabe Icaza **Exhibit B**
- V. Committee Reports
  - a. Communications & Technology –
    - i. Website Management – Troy Kishbaugh
    - ii. Newsletter – Tom Clark
  - b. Health Information and Technology Committee – William Dillon
  - c. Public Health Committee – Walter Carfora, Rodney Johnson **Exhibit C**
  - d. Legislative Committee – Steve Grigas, Cynthia Mikos
  - e. Health Care Reform Committee – Troy Kishbaugh
  - f. Education Committee – Charmaine Chiu
- VI. Old Business
  - a. Health Law Journal – Chet Barclay
  - b. Reactivation of Legislative Positions – Lester Perling **Exhibit D**
- VII. New Business
  - a. Health Law Handbook – John Buchanan **Exhibit E**
  - b. AHLA Florida Lawyer Listserv – Cynthia Mikos **Exhibit F**
  - c. ADR Memo – Lester Perling **Exhibit G**
  - d. 2011 – 2012 Budget – Cynthia Mikos **Exhibit H**
  - e. Leadership Training Summary – Cynthia Mikos, Monica Rodriguez
  - f. Chapter 765, from Karen Emmanuel – Lester Perling **Exhibit I**
- VIII. Chair-Elect Comments – Cynthia Mikos
- IX. Next Executive Council Meeting
  - Thursday, January 27, 2011
  - Hyatt Regency Orlando International Airport
  - Representing the Physician – January 28, 2011

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

**June 24, 2010**

**I. Call to Order**

The meeting was called to order by Chair, Troy Kishbaugh, at 3:10 p.m. at the Boca Raton Golf and Resort, Boca Raton, Florida.

Executive Council members who attended in person were: Troy Kishbaugh, Lester Perling, Cynthia Mikos, Bernabe Icaza, Monica Rodriguez, Lewis Fishman, Steven Grigas, Tom Clark, Robert Nicholson. Executive Council member in attendance by phone were Sandra Greenblatt, George Indest, Jodi Lifshutz Laurence, Rodney Johnson, Charmaine Chiu, Walter Carfora, Jennifer Smith, Nicholas Romanello. Chet Barclay, Grant Dearborn, Lynn Barrett, Allen R. Grossman, Mark Thomas, John Buchanan, Harold E. Kaplan, and Ashlea Wiley of The Florida Bar were also present.

Opening Remarks—Troy Kishbaugh, Chairman

Mr. Kishbaugh welcomed the attendees. Mr. Kishbaugh recognized and thanked Al Robinson and Sue Allen of Navigant Consultant for sponsoring the meeting and the reception.

**II. Approval of Previous Meeting Minutes –Bernabe Icaza, Secretary**

The minutes of the January 21, 2010, regular meeting of the Executive Council of the Health Law Section was moved by motion, seconded, and unanimously approved. Executive Council agreed to review the minutes from the March 4, 2010 teleconference at the next regularly scheduled meeting.

**III. Proposed Rule Change-Manner of Listing: State and Federal Government Administrative Practice Board Certification Committee**

The manner of listing Board Certification in State and Federal Government and Administrative Practice came up for discussion. Troy Kishbaugh reminded the Executive Council that it did not object to the SFGAP Certification Committee Composition change (Sec.6-25.2(e)) and had communicated same via e-mail with no objection. However, he reminded the Executive Council that the Health Law Section did not take a position regarding the proposed change in Section 6-25.5 regarding the manner of listing of certification by certified attorneys.

The Committee was requested to obtain approval from the Executive Council allowing attorneys to designate themselves as Board Certified in Florida Administrative Practice. A request was made to allow attorneys who are certified as 'State and Federal Government and Administrative Practice' who do not practice for instance in federal government or administrative law to list themselves consistent with attorney's main area

Exhibit A

of practice. Some attorneys who had obtained board certification were not comfortable with designating themselves in state and federal government and administrative law since these attorneys may not necessarily practice in all these areas.

Mr. Grossman reminded the Health Law Section that the Committee had already approved two manners for attorneys to designate themselves and was here to request that the Section approve a third manner of designation. The request is to allow attorneys to shorten the designation to 'Board Certified in Florida Administrative Practice.

A motion was made by the Section to approve this third manner of designation, seconded, discussed, and ultimately passed by a vote of 7 in favor and 5 against. Voting in favor were: Troy Kishbaugh, Cynthia Mikos, Lester Perling, Monica Rodriguez, Lew Fishman, Nick Romanello, Bernabe Icaza. Voting against were: Sandra Greenblatt, George Indest, Rodney Johnson, Walter Carfora, Jodi Lawrence.

#### **IV. Election of Officers and Executive Council Members**

Troy Kishbaugh thanked the Nominating Committee. The following persons were nominated for officer positions:

Chair Elect-Cynthia A. Mikos

Treasurer-Bernabe A. Icaza

Secretary-Monica Rodriguez

A motion was made, seconded and unanimously passed to approve slate of new executive council members:

2011 Mildred Beam (to replace Monica Rodriguez; Robert Nicholson (new seat)

2012 Susan Tuite (new seat)

2013 Sandra Greenblatt; Rodney Johnson; Jodi Laurence; Ed Tellechea; Grant Dearborn (new seat); Tom Clark (new seat)

A new motion was made to add to slate for 2011 Mildred Beam and Robert Nicholson and for 2012 Susan Tuite.

#### **V. Financial Report – Cynthia Mikos**

Ms. Mikos reviewed the financial report. Motion to approve financial report was made, seconded and unanimously approved.

#### **VI. Board of Governors Meeting Report-Allen Grossman**

Mr. Grossman spoke on his trip to New York and mentioned that he was well received by the Board of Governors.

## **VII. Committee Reports**

### **A. Education, Training and Information Committee – Charmaine Chiu**

Ms. Chiu indicated that the same CLE slate for this year will repeat next year to include Representing Physician and Health Law Certification Review Course.

Ms. Chiu indicated that she would work an additional year as Chair of Committee but that she was looking to transition. Troy Kishbaugh suggested a co-chair during this year to help her transition to the new chair. New Committee chair would take over next year.

Sandra Greenblatt recognized Ms. Chiu's for the featured article in Super Lawyers.

### **B. Communication and Technology**

Troy Kishbaugh mentioned that he was working with Chat Barclay to update website. Mr. Kishbaugh presented power point containing new website. A motion was made, seconded and unanimously adopted to get new website up and running within 30 days.

### **C. Newsletter-Tom Clarke**

Mr. Clarke mentioned that so far 3 attorneys have offered to submit articles for next newsletter and that four additional articles were needed.

### **D. Public Health Committee-Rodney Johnson and Walter Carfora**

Mentioned that there were two very successful CLEs held in recent months. A request was made of Health Law Section Administrator to find out how many lawyers attended.

### **E. Legislative Committee- Steve Grigas**

Mr. Grigas gave a brief summary of about 10-15 bills that were recently approved. Mr. Grigas provided the Executive Council with a summary of all the bills that were considered during the last session dated June 24, 2010. He gave a summary update of the most substantive legislation impacting health care.

## **VIII. Old Business**

### **A. Health Law Section Logo**

Motion made, seconded and passed by a vote of 6 in favor and 4 against approving the third design that was presented. A second motion was made, seconded, and approved adopting the color blue.

## **IX. New Business**

### **A. Executive Council Meeting in January 20011**

Lester Perling asked Executive Council if there was an interest in having a live Executive Council meeting in Orlando during January. Motion was made, seconded and passed unanimously approving an Executive Council meeting in Orlando during January.

### **B. Health Law Section Numbers-Troy Kishbaugh**

There are approximately 1400 Health Law Section members.

### **C. Reimbursement Policy-Troy Kishbaugh**

There was discussion and unanimous consensus over Health Law Section continuing to pick up the expense of government employees attending Executive Council meetings.

### **D. Handbook Policy-Troy Kishbaugh**

Mr.Kishbaugh reminded Executive Council that authors and articles submitted and approved for publication needed to be in accordance with established policies.

### **E. Health Law Journal & CLE State Health Care Licensing-Chet Barclay**

Next edition will be distributed during November. Mr.Barclay announced that seven articles were going to be published.

There was discussion over having a CLE on State Health Care licensing. Motion was made, seconded and unanimously passed to present a slate of speakers, a budget and date for CLE at the next Executive Council meeting.

### **F. Sunsetting Legislative Position**

There was discussion regarding sunsetting legislative position. Mr.Barclay said that previous sections have rolled over their legislative position each year. Ms. Mikos suggested adding IPN to the legislative position proposal so that IPN can be considered in addition to PRN. She also suggested removing the 4 year statute of limitation since a 6 year SOL was already adopted. Ms.Mikos agreed to work on drafting new language regarding new proposed legislative position and to work directly with Mr.Grigas. Motion was made, seconded and unanimously adopted.

### **G. Practice Group Committee**

Nick Romanello and Troy Kishbaugh updated the Executive Council on the meeting with the former Chairs.

### **H. DOH Subpoenas and Search Warrant**

George Indest had an open dialogue with the Executive Council regarding whether DOH was using subpoena power as search warrants. He said that a DOH investigator had shown up to a client's office and demanded that copies of medical records be provided within one hour. He asked whether anyone had had any similar experiences.

**XI. Health Law Section Appreciation Awards**

The Chris Rolle Award is given each year to members who have shown exemplary services to the Health Law Section. The Executive Council awarded the Chris Rolle Award to:

Chet Barclay

Troy Kishbaugh

The Executive Council gave Certificates of Appreciation to the following members:

Rodney Johnson

Walter Carfora

Jeanne Helton

John Buchanan

Tom Clark

Allen Grossman

Chet Barclay

Lester Perling

Charmaine Chiu (awarded two Certificates of Appreciation)

**XII. Chair-Elect Comments-Lester Perling**

Mr. Perling suggested that the Executive Council follow-up with the following pending items:

- 1) Executive Council Restructuring;
- 2) Bylaws Amendment; and
- 3) Website

**XIII. Adjournment.**

The Meeting was adjourned at approximately 5:30 p.m.

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Bernabe Icaza, Secretary

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Date

	July 2010 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
Total Health Law				
31431 Section Dues	32,400	32,400	40,500	80.00
31432 Affiliate Dues	800	800	1,250	64.00
31433 Admin Fee to TFB	-19,220	-19,220	-24,125	79.67
<b>Total Dues Income-Net</b>	<b>13,980</b>	<b>13,980</b>	<b>17,625</b>	<b>79.32</b>
32191 CLE Courses	0	0	11,600	0.00
32293 Section Differential	0	0	2,975	0.00
34001 Book Sales	0	0	4,000	0.00
35201 Sponsorships	1,000	1,000	1,000	100.00
36506 Section Handbook	75	75	990	7.58
38499 Investment Allocatio	0	0	5,058	0.00
<b>Other Income</b>	<b>1,075</b>	<b>1,075</b>	<b>25,623</b>	<b>4.20</b>
<b>Total Revenues</b>	<b>15,055</b>	<b>15,055</b>	<b>43,248</b>	<b>34.81</b>
51101 Employee Travel	0	0	1,949	0.00
71001 Telephone/Direct	53	53	550	9.64
71005 Internet Charges	0	0	450	0.00
84001 Postage	3	3	380	0.79
84002 Printing	0	0	2,800	0.00
84009 Supplies	0	0	100	0.00
84010 Photocopying	0	0	200	0.00
84013 Health Law Journal	0	0	4,000	0.00
84051 Officers Travel Expe	0	0	2,500	0.00
84052 Meeting Travel Expen	0	0	1,000	0.00
84054 CLE Speaker Expense	0	0	2,000	0.00
84101 Committee Expenses	0	0	800	0.00
84201 Board Or Council Mee	0	0	2,500	0.00
84202 Annual Meeting	1,239	1,239	10,000	12.39
84204 Midyear Meeting	0	0	3,000	0.00
84205 Section Service Prog	0	0	3,000	0.00
84301 Awards	0	0	550	0.00
84416 Handbook	34	34	0	*
84422 Website	25	25	8,000	0.31
84701 Council Of Sections	0	0	300	0.00
84998 Operating Reserve	0	0	5,078	0.00
84999 Miscellaneous	0	0	500	0.00
<b>Total Operating Expenses</b>	<b>1,354</b>	<b>1,354</b>	<b>49,657</b>	<b>2.73</b>
86431 Meetings Administrat	120	120	0	*
86543 Graphics & Art	61	61	6,200	0.98
<b>Total TFB Support Services</b>	<b>181</b>	<b>181</b>	<b>6,200</b>	<b>2.92</b>

Exhibit B

	July 2010 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
Total Health Law =====				
Total Expenses	1,535	1,535	55,857	2.75
Net Operations	13,520	13,520	-12,609	-107.22
21001 Fund Balance	8,489	104,562	101,155	103.37
Total Current Fund Balance	22,009	118,082	88,546	133.36



<Rodney\_Johnson@do  
h.state.fl.us>

To <awiley@flabar.org>

09/03/2010 03:25 PM

cc <wcarfora@carforahealthlaw.com>

Subje FW: CME  
ct

This is an item that can be addressed in the Public Health update

**From:** Johnson, Rodney M

**Sent:** Friday, September 03, 2010 12:37 PM

**To:** 'Susan Cook'

**Cc:** 'lperling@broadandcassel.com'; tkishbaugh@browardhealth.org;  
'wcarfora@carforahealthlaw.com'

**Subject:** CME

Susan, the Health Law Section Executive Council meeting is happening later this month and acquiring Continuing Medical Education (CME) accreditation for healthcare Continuing Legal Education programs is a topic I would like to present. Since the West Florida Area Health Education Center (WFAHEC) CME accreditation process has now changed to require a charge of \$200 per educational event, is an educational event charging a fee to attend eligible to be processed for CME credit through WFAHEC? The Health Law Section presents several educational events annually with most all concerning health law issues of interest to healthcare providers. A standard continuing education charge is made for these programs. Does your offer of a \$200 charge to qualify an educational event for CME accreditation apply to programs presented by the Florida Bar Health Law Section?

ROD J>

**Rodney M. Johnson, Florida Bar Board certified in Health Law, State & Federal Government & Administrative Practice, Chief Counsel, Florida Department of Health, 1295 West Fairfield Drive, Pensacola, Florida 32501 ph: 850-595-6517, fax: 850-595-6530 --- If you have no time for healthy eating and exercise, sooner or later, you will have time for illness --- Your email communications may very well be subject to public disclosure.**

Exhibit C



# The Florida Bar



**Mayanne Downs**  
President

**John F. Harkness, Jr.**  
Executive Director

**Scott G. Hawkins**  
President-Elect

July 30, 2010

Mr. Lester J. Perling, Chair  
Health Law Section  
Broad and Cassel  
1 Financial Plz Ste 2700  
Fort Lauderdale, FL 33394-0017

Re: Reactivation of 2008-2010 Legislation Positions for 2010-2012 Biennium

Dear Mr. Perling:

On July 23, 2010 the Board of Governors of The Florida Bar considered your section's request for reactivation of various recognized legislative positions from the 2008-2010 legislative biennium following their formal sunset pursuant to Standing Board Policy 9.20(d).

Upon review of that request, the BoG determined that it was consistent with Standing Board Policy 9.50 concerning section legislative activity and opted to not prohibit the Health Law Section's continued advocacy of these matters for the 2010-2012 biennium: Per your request, these newly reactivated positions have been officially published within the 2010-2012 Master List of Legislative Positions on The Florida Bar's website as reflected on the attached document.

As you may otherwise know, Bylaw 2-7.5 of the Rules Regulating The Florida Bar specifies that legislative action taken by a section shall be clearly identified as that of the section rather than The Florida Bar.

And, for the benefit of all involved in Bar legislative activities, the Office of Governmental Affairs maintains a listing of individuals who might be directly lobbying legislators on any section position. Our listing includes the names of all "contacts" listed on your original Legislative Position Request Form as well as the section chair and legislative chair. However, if you anticipate legislative visits or appearances by persons other than those cited above regarding any particular matter, please advise us as soon as possible.

If you have any questions or need further assistance, please do not hesitate to contact me.

Sincerely,

Elizabeth May  
Administrative Assistant

Attachment

cc: Section Legislation Committee Chair  
Ashlea Wiley, Staff Administrator

Exhibit D

**2008-2010 SECTION LEGISLATIVE POSITIONS REQUESTED FOR  
REACTIVATION OR "ROLLOVER" IN 2010-2012**

**Health Law Section**

1. Supports confidentiality of Professional Resource Network and Intervention Project for Nurses records.
2. 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 programs;
  - 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.
3. Supports amendment of §456.072, Florida Statutes; to provide health care licensing practice boards 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.
4. 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.
5. Opposes any amendment to Chapters 120 or 393, *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.
6. 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*.
7. 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.
8. 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.
9. 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.

**HENRY, BUCHANAN, HUDSON, SUBER & CARTER, P.A.**

ATTORNEYS AT LAW

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\*BOARD CERTIFIED CIVIL TRIAL LAWYER

August 2, 2010

Mr. Lester J. Pearling  
Broad and Cassel  
1 Financial Plaza, Suite 2700  
Ft. Lauderdale, FL 33394-0017

Re: Health Law Handbook

Dear Lester:

I think the following issue should be discussed at the meeting scheduled in Orlando on September 23, 2010.

It appears to me that possibly the handbook has gotten stale in that the repeat of the articles may not be as timely today as it was a couple of years ago.

The handbook's purpose was to inform Florida attorneys of Florida law. One of the exceptions, of course, would be medical malpractice litigation, and I believe the Trial Lawyers Section of the Florida Bar does have an excellent outline on how to do a medical malpractice case, whether you are a plaintiff's attorney or a defense attorney.

While I am somewhat leery of committees getting things done, I do think that it may be wise to have a committee look into whether the topics in the handbook should be continued, or new topics added, or a blend of new topics versus old topics. The old topics never seem to change and it may be that in the forthcoming handbook, there could be reference to Handbook 2010, 2008, etc., if someone wanted to refer back to a topic that may not be currently covered in the forthcoming handbook. A committee should be appointed by you to determine topics that would be suitable for a forthcoming handbook and whether to eliminate some topics from the forthcoming handbook that are in the 2010 handbook, or have the same ones updated but have two volumes for new subjects.

Authors problem. Jeanne Helton and myself spend a considerable amount of time and some of the firm's money to contact authors and brow-beat them into meeting deadlines and getting their article ready to be edited by an editor. Jeanne Helton did a good job of editing those articles. A promise to do an article always required conference

Exhibit E

Lester Pearling  
August 2, 2010  
Page 2 of 2

calls, and the approach was good cop-bad cop when we were on the conference call. Still, articles did not come in timely and printing was delayed.

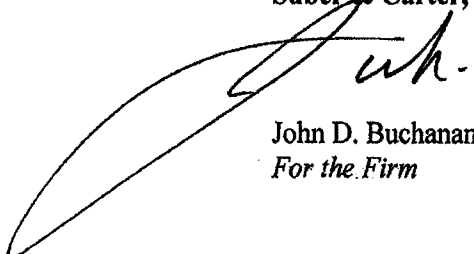
The inducement to write an article. Traditionally, we had as bait to reward authors a dinner sponsored by the Section at the Annual Bar meeting, and a certificate. But again, this was not enough inducement or reward for the authors. I am not suggesting any monetary compensation be paid to an author. We have given a page for their biography, which would hopefully induce referrals. The only other idea I have is that if there is a seminar and the author wishes to speak and that seminar does cover the author's topic, then the author be invited to do a presentation on his or her topic. Even that may not be enough. I consider being published is a good marketing tool. If I were an attorney who needed help, I certainly would contact that person who specialized in that field. The only other suggestion I can offer is those people who have written articles be listed on the internet as having expertise in the field because they have authored an article, so that does give a wider marketing approach.

I don't know how Jeanne feels, but it may be time at least for me to pass the co-editorship to someone else. A committee to look into what areas should go into the future handbook, how do you handle authors, and how do you keep this valuable publication continuing that is a service to health care lawyers.

I know the Board had approved a two volume health care handbook and probably that would be helpful to get more topics.

Sincerely,

**Henry, Buchanan, Hudson,  
Suber & Carter, P.A.**



John D. Buchanan, Jr.  
*For the Firm*

JDB:tcb

cc: Jeanne Helton  
Lou Fishman  
Laurie Levin  
Alisha Wiley  
Chet Barclay  
Harold Kaplan

"Cynthia Mikos"  
<CMikos@allendell.com>

09/03/2010 11:43 AM

To "Ashlea Wiley" <awiley@flabar.org>

cc "Lester Perling" <lperling@broadandcassel.com>, ICAZA, BERNABÉ <bernabe.icaza@tenethealth.com>, <monica@dresnicklaw.com>

Subject Sept agenda  
ct

Please add an agenda item for: possible AHLA Florida lawyer list serve

Apparently NC has a state one through AHLA and talk is brewing about a Florida one. I know we were working on website to be able to do that as well. Would like to have section weigh in on our cooperation or opposition to such a proposal.

## ALLEN DELL

ATTORNEYS AT LAW

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Board Certified in Health Law by The Florida Bar

### CONFIDENTIALITY NOTICE

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Exhibit F

## Alliance Agreement

This Agreement is between the American Health Lawyers Association (AHLA) and XYZ \_\_\_\_\_ (state health law organization).

AHLA and XYZ hereby form an Alliance to provide their respective members with information, educational services and networking opportunities relating to the practice of health law. Both parties agree that the purpose of this alliance is to increase the value of membership in each organization, and to provide a foundation for future initiatives to share resources, reduce costs and enhance services, without increasing risks or costs of either organization.

AHLA and XYZ \_\_\_\_\_ will work together to achieve the following educational goals:

**1) Create a State Health Law Page on the AHLA Site:** AHLA agrees to develop a specific page on its website dedicated to providing state-specific health law information for the state of \_\_\_\_\_. XYZ \_\_\_\_\_ will be listed on the page as an organization partnering with AHLA in the creation of this resource. The state web page will follow a model developed by AHLA and include content relating to healthcare reform, case law, statutes, practice tools and other websites of interest.

The webpage may also include links to content developed by XYZ or links to XYZ's site as appropriate. XYZ agrees to add a link from its website to the state page on the AHLA site and regularly promote the page to its members and in its informational materials. XYZ will encourage its members to submit content to AHLA for posting on the site, and as appropriate, upload materials to the page as needed to maintain the currency of the page. Both AHLA and XYZ share responsibility for monitoring the page and ensuring that the content is accurate and current.

AHLA will also create a discussion list on the webpage for health lawyers practicing in the state of \_\_\_\_\_. XYZ will encourage its members to participate in the discussion list. AHLA reserves the right to retire the discussion list if the activity level as measured by the number of postings is insufficient.

**2) Facilitate Networking at the AHLA Annual Meeting.** AHLA will facilitate networking among members of the State organization who are in attendance at the AHLA Annual Meeting. AHLA will provide the State organization with content about the Annual Meeting and requests that the organization post information about the Annual Meeting on the State's website and that it send out an announcement of its support for the AHLA Annual Meeting (with a link to the AHLA online registration form) to its membership.

AHLA agrees to facilitate networking among and the participation of State leaders at the AHLA Annual Meeting by (a) including a listing for the State organization in the virtual tradeshow online; (b) providing a 25% registration fee discount to the incumbent President or President-elect of the State organization; and (c) acknowledging in its Annual Meeting materials the participation and sponsorship of the State organization.

Upon request, should the State organization desire an opportunity to network and discuss state health law developments and state implications of other health law developments during the AHLA Annual Meeting, it may request AHLA to make available meeting space for the State organization to use. AHLA will make every effort to accommodate the request. If the request can be accommodated, space will be scheduled at times when other educational sessions are not offered, and priority will be given to State organizations with the largest number of members registered for the AHLA Annual Meeting.

**Nature of Alliance.** Alliances under this agreement are not exclusive. AHLA reserves the right to partner with more than one health law organization in a specific state. In addition, the relationship described above will not be deemed to be a joint venture relationship. Each party will be an independent contractor under the terms of this Agreement. Neither party will have the right to act or undertake any commitment on behalf of the other, or to purport to speak on behalf of the other. The consideration for this Agreement will be the mutual promises and undertakings of each party, including the costs and staff time required for compliance, and no financial obligations of any kind are created by this Agreement. Future initiatives recommended by the Boards of AHLA and the State organization, if any, will be reflected in a written amendment to this Agreement or a new agreement, as mutually agreed by the parties. This Agreement does not constitute a commitment to enter into any future agreement or amendment.

**Term of Agreement.** This Affiliation Agreement is for a one (1) year term beginning on the date below. This Agreement may be terminated by either Association upon thirty (30) days' written notice and will be automatically renewed at the anniversary date for another year unless previously terminated.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**AMERICAN HEALTH LAWYERS ASSOCIATION (AHLA)**

By: \_\_\_\_\_  
Peter M. Leibold, Executive Vice President/CEO, AHLA,  
1620 Eye Street NW, 6<sup>th</sup> Floor, Washington, DC, 20006-4010

\_\_\_\_\_  
**(State/Regional/Local Organization)**

By: \_\_\_\_\_

Please forward this signed agreement to Allison E. Beard, American Health Lawyers Association, 1620 Eye Street NW, 6<sup>th</sup> Floor, Washington, DC 20006-4010. Allison can be reached at [abeard@healthlawyers.org](mailto:abeard@healthlawyers.org) or (202) 833-0779



## AHLA State Resources Web Pages

AHLA has been working for over a year to expand its information offerings to better cover state health law issues, and strengthen its partnership with state health law societies. As part of this effort, we have worked in collaboration with the North Carolina Society of Healthcare Attorneys to design a web page with resources that would be of interest to attorneys who practice health law in that state. The graphics of the page that we have developed are illustrated below. We plan to go live with this first page in the next few weeks, and using it as a model, create similar pages for other states in collaboration with other state health law organizations. Eventually, AHLA's goal is to have a state page for all 50 jurisdictions.



An Alliance between AHLA and North Carolina Society of Healthcare Attorneys

What's going on in your state?

### Headlines

#### Healthcare Reform Update

Healthcare Reform [Legal Essentials](#)

#### North Carolina Healthcare Cases

[Summaries](#) of noteworthy health law cases from North Carolina state and federal district courts and the Fourth Circuit.

#### North Carolina Healthcare Laws

- [Telemedicine Authorities](#)
- [Balance Billing Laws](#)
- [Electronic Record Retention Requirements](#)
- [Summary of Fraud and Abuse Statutes and Regulations](#)

#### North Carolina Forms and Practice eTools

We need your help to expand this Forms Bank. Please submit relevant forms and practice tools (preferably those that are state-specific to North Carolina) to [Cynthia Conner](#).

- [Privacy and Security Policy and Procedures \(NC Department of Health and Human Services\)](#)
- [Organ, Tissue, and Eye Donation \(North Carolina Baptist Hospital, Inc.\)](#)

### [Links to Other Websites of Interest](#)

#### North Carolina Health Lawyers Discussion List

*Coming soon!!!*

#### North Carolina CLE Resources from AHLA

*Coming soon!!!*

#### Upcoming Events

[In-House Counsel Practice Group Annual Luncheon](#)  
Sunday, June 27, 2010

[Payers, Plans, and Managed Care Practice Group Annual Luncheon](#)  
Monday, June 28, 2010

[Business Law and Governance and Physician Organizations Practice Groups Joint Annual Luncheon](#)  
Monday, June 28, 2010

#### Related Resources

##### AHLA's Alliances

The American Health Lawyers Association has developed agreements with state and other healthcare law organizations. The goal of AHLA and State Association Alliances is to facilitate the dissemination of information useful to their respective members, to increase and enhance educational and networking opportunities for their members, to increase the value of membership in each organization, and to provide a foundation for future initiatives to share resources, reduce costs and enhance services, without increasing risks or costs of either organization.

##### Sample Alliance Agreement

To begin a State Alliance, simply download and complete the [State Alliance Agreement](#). [Email](#) or fax it to Andrew Hartman at (202) 833-1105.

##### More Information?

Contact Allison Beard, Manager of Communications and Membership Services, at [abeard@healthlawyers.org](mailto:abeard@healthlawyers.org).

## AHLA State Resources Web Pages

### North Carolina Websites of Interest

#### State Agencies/Regulations

**North Carolina Department of Health and Human Services** offers useful online manuals and a listing of its partners and providers.

**North Carolina Division of Medical Assistance** responsible for the state's Medicaid program and Health Choice for Children program, includes information on False Claims Act compliance, fraud and abuse reporting, and various provider forms.

**North Carolina Division of Public Health**

**North Carolina Department of Insurance**

**North Carolina Attorney General**

**North Carolina Office of Administrative Hearings**, includes links to the NC online Administrative Code and the North Carolina Register.

#### Case Law

**North Carolina Court System**, includes opinions from the NC Supreme Court and Court of Appeals dating back to 1997 and 1996, respectively.

**National Center for State Courts**

**U.S. Court of Appeals for the Fourth Circuit**

**U.S. District Court for the Eastern District of North Carolina**

**U.S. District Court for the Middle District of North Carolina**

**U.S. District Court for the Western District of North Carolina**

#### Legislation

**North Carolina General Statutes**

**North Carolina General Assembly**

**North Carolina Legislative Library**

**National Conference for State Legislatures**

**Hospital Licensure Act**

**Consent to Health Care for Minors**

#### Other

**State Laboratory of Public Health**

The State Laboratory of Public Health provides certain medical and environmental laboratory services (testing, consultation and training) to public and private health provider organizations responsible for the promotion, protection and assurance of the health of North Carolina citizens.

**North Carolina Health Experts**

Who's who listing for North Carolina health policy.

**North Carolina Environment and Health Services**

The North Carolina Environment and Health Services website also includes a list of useful forms.

**North Carolina Society of Healthcare Attorneys**

**North Carolina Biotechnology**

This link list is provided as a service. Health Lawyers does not endorse or recommend any of the links on this list. Please address any concerns to the Health Lawyers' Internet Services Team.

Lester Perling  
<lperling@broadandca  
ssel.com>

08/17/2010 06:08 AM

To "awiley@flabar.org" <awiley@flabar.org>  
cc

Subject: Fw: `Alternative Dispute Resolution (ADR) Section -  
ct Memo from Alan Bookman, ADR Section Chair

Please put under new business for the agenda.

**Subject:** `Alternative Dispute Resolution (ADR) Section - Memo from Alan Bookman, ADR  
Section Chair

Section Chairs,

The below e-mail is sent on behalf of Alan Bookman, Chair of the  
newly created Alternative Dispute Resolution (ADR) Section.

From: Alan Bookman, Alternative Dispute Resolution (ADR) Section  
Chair

To: Section Chairs

cc: Section Chairs-elect

Date: August 16, 2010

Ladies and Gentlemen,

I write you as Chairs of the substantive law Sections of The Florida  
Bar, as well as the President of the Young Lawyers' Division. I am the  
Chair of the new Alternative Dispute Resolution Section of the Florida  
Bar.

We understand some of the Sections currently have ADR  
subcommittees or have expressed an interest in creating such a  
subcommittee. In order to determine what is ongoing, what has been  
tried, what worked and what did not within the organized Bar we  
respectfully request that you have someone from your Section attend  
the initial ADR Section meeting which will take place at the Bar's Mid  
Year meeting in Orlando on September 23 from 2:00 p.m. - 4:00 p.m.

Should you have any questions please do not hesitate giving me a  
call.

Alan Bookman

Exhibit G

	08-09 Actual	09-10 Actual	10-11 Budget	10-11 Projected Actual	11-12 Proposed Budget
Health Law Revenue	29,672	49,681	43,248	0	0
Dues	17,162	16,891	17,625	0	0
31431 Dues	39,540	38,880	40,500	0	0
31432 Affilliate Dues	1,150	1,175	1,250	0	0
31433 Dues-Retained TFB Ge	(23,528)	(23,164)	(24,125)	0	0
Revenue	12,510	32,790	25,623	0	0
35201 Sponsorships	2,000	2,000	1,000	0	0
36506 Section Handbook	750	3,725	990	0	0
Health Law Expense	25,191	41,197	55,857	5,093	5,323
Staff & Office Expense	223	615	1,000	0	0
71001 Telephone/Direct	223	615	550	0	0
71005 Internet Charges	0	0	450	0	0
Travel	2,146	1,856	1,949	0	0
51101 Employee Travel	2,146	1,856	1,949	0	0
Other Expense	19,851	32,674	46,708	0	0
36998 Credit Card Fees	29	32	0	0	0
84001 Postage	209	334	380	0	0
84002 Printing	95	11	2,800	0	0
84009 Supplies	192	58	100	0	0
84010 Photocopying	139	173	200	0	0
84013 Health Law Journal	0	11,505	4,000	0	0
84051 Officers Travel Expe	0	0	2,500	0	0
84052 Meeting Travel Expen	0	89	1,000	0	0
84054 CLE Speaker Expense	3,293	0	2,000	0	0
84101 Committee Expenses	240	486	800	0	0
84201 Board Or Council Mee	1,383	696	2,500	0	0
84202 Annual Meeting	6,258	4,540	10,000	0	0
84204 Midyear Meeting	1,917	5,260	3,000	0	0
84205 Section Service Prog	3,472	0	3,000	0	0
84301 Awards	588	203	550	0	0
84416 Handbook	29	2,676	0	0	0
84422 Website	330	3,075	8,000	0	0
84701 Council Of Sections	0	300	300	0	0
84998 Operating Reserve	0	0	5,078	0	0
84999 Miscellaneous	555	0	500	0	0
Admin & Internal Svcs	2,971	6,052	6,200	5,093	5,323
86543 Graphics & Art	2,971	6,052	6,200	5,093	5,323
Beginning Fund Balance	91,590	96,073	101,155	104,562	0
Beginning Fund Balance	91,590	96,073	101,155	104,562	0

Exhibit H

	<b>08-09 Actual</b>	<b>09-10 Actual</b>	<b>10-11 Budget</b>	<b>10-11 Projected Actual</b>	<b>11-12 Proposed Budget</b>
<b>21001 Fund Balance</b>	91,590	96,073	101,155	104,562	0

"Emmanuel, Karen"  
<kemmanue@shhpens.org>  
09/03/2010 12:32 PM

To "Ashlea Wiley" <awiley@flabar.org>  
cc <lreichle@shhpens.org>  
Subject RE: Last Call for Mid Year Agenda Items!  
ct

Ashlea and Lester, if appropriate, could you please mention to the committee that I am working with the Florida Catholic Conference on some possible proposed amendments to Chapter 765 to address futile care in end of life situations and hospitals' obligations in that regard. We hope to bring FHA into this initiative as well. Our concerns are that hospitals are often asked by proxies/family members to "do everything possible" at the end of life – even when such care is futile. If the patient has no living will, the hospital is in a quandry because to only option under the statute is to attempt to transfer the patient, which is next to impossible in most of these cases. We are looking at the Texas Advance Directive Act and the Uniform Health Care Decisions Act for some possible guidance/solutions.

If there are any members of the council who would be interested in working on this project, or who have any ideas/suggestions regarding this issue, could you please ask them to contact me? Thanks very much.

Karen O. Emmanuel  
System General Counsel  
Sacred Heart Health System, Inc.  
5151 North 9th Avenue  
Pensacola, FL 32504  
Tel 850.416.6500  
Fax 850.416.6119  
kemmanue@shhpens.org

Exhibit I