

# MINUTES

## HEALTH LAW SECTION EXECUTIVE COUNCIL THE FLORIDA BAR ANNUAL MEETING JUNE 26, 2014 3:30-5:30 P.M.

### GAYLORD PALMS RESORT & CONVENTION CENTER ORLANDO, FLORIDA

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**MEMBERS PRESENT:**<sup>1</sup> Monica Rodriguez, William Dillon, Steven Grigas, Charmaine Chiu, Bernabe Icaza, Erin Aebel, Gregory Chaires, Robert Conroy, Grant Dearborn, Lewis Fishman, Rodger Hochman, George Indest, Harold Kaplan, Charles Koval, Bruce Lamb, Myla Reizen, JoAnn Guerrero, Nicholas Romanello, Allen Grossman, Cynthia Mikos

**OTHERS IN ATTENDANCE:** Willie Mae Shepherd, Adam Maingot, Al Robinson, Zach Shrader, Ryan Zika, Brian Wright, Marshall Kapp, Malinda Lugo, Thomas Ferrante, Ryan Wierenga, Radha Bachman, Trish Calhoun, Thomas Ferrante, Ryan Wierenga, Brian Zargham, Richard Siehl, Pam Perry, Catherine Hollis, Lance Leader, Chris Brown, Lenis Archer, Shachi Mankodi, Laurie Levin

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#### **I. CALL TO ORDER – OPENING REMARKS**

Chair, Monica Rodriguez, called the meeting to order at approximately 3:30 p.m. Introduction of the meeting attendees followed and a sign in sheet was passed around. Ms. Rodriguez specifically thanked the Young Lawyer Section of the Counsel for their efforts and attendance. She then introduced Al Robinson of Navigant Consulting who updated the Council on latest events in fraud detection and Navigant's work in other states. Specifically noted were Navigant's expansion into Outsourcing Services as well as their work in Predictive Coding and Analytics.,

#### **II. APPROVAL OF MEETING MINUTES**

A motion to approve the prior meeting minutes was made, seconded and approved without objection by Council members. Ms. Rodriguez thanked Secretary, Steve Grigas, for his work in preparing the minutes.

#### **III. FINANCIAL REPORT**

Charmaine Chiu discussed the section's Financial Report included as Exhibit B to the agenda. It was noted that the Total current fund balance for the section was \$204,670 – a

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<sup>1</sup> Note: Some individuals may not be reflected due to difficulties encountered with the sign in sheet.

126% increase over the budgeted total of \$161,989. Ms. Chiu concluded her report and advised that there was nothing new that needed to be approved by the Council

#### **IV. OLD BUSINESS**

##### **A. 2012-2014 Legislative Positions**

Monica Rodriguez advised that after discussion with Allen Grossman and Lew Fishman, no change in the sections' legislative positions was indicated. All current legislative positions would be renewed for another year. This decision was moved, seconded and approved without debate by the Council members. Lew Fishman concluded the discussion by noting that the current positions are not controversial and mostly track similar positions that have been voiced by other sections.

##### **B. Advance Directives – Pro Bono Activity**

Monica next gave a brief update on the pro bono initiative (Advanced Directives) that she had proposed for her term as Chairperson of the Council. She indicated that she, Lew Fishman, Harold Kaplan, Rob Conroy and an Associate from Monica's office presented at a Health Fair that was sponsored by Memorial Hospital. Advance Directive packets were given out, and general discussion regarding them was given. The community attendance at the fair, while not large, was felt to be a good sampling of the populace and the team's efforts were well received. Memorial Hospital seemed pleased with the effort.

The discussion next turned to whether others might wish to pursue a similar exercise in other geographic locations of the state - in conjunction with local hospitals and medical centers. The proposal was discussed favorably by members of the Council. Lew Fishman indicated that for any future events, he recommended that the Council should have at least one Spanish speaking attorney present to help with any communication difficulties encountered. Monica noted that the forms that were included in the Advanced Directive packets were in both English and Spanish.

In concluding Old Business, Monica and Bar Liaison Willie Mae Shepherd let it be known that the donation that was given by the Council to the designated charity of attorney Wendy Hanson (who had passed on earlier) in lieu of flowers had been received. It appears, however, that the HLEC was not referenced. The check was cut and issued by the Florida Bar without any additional detail being given regarding its source.

#### **V. NEW BUSINESS**

##### **A. Election of Council Members and Officers.**

An election of Council Officers and Members was proposed and affirmed after discussion and without objection with the following results:

## HLEC OFFICERS – 2014 – 2015

Chair – William Dillon  
Chair Elect – Charmaine Chiu  
Treasurer – Steven Grigas  
Secretary – Nicholas Romanello

## HLEC MEMBERS (Filling Vacant Seats)

Barry Herrin  
Rodger Hochman  
Malinda Lugo  
Michel Smith

## YOUNG LAWYERS GROUP OFFICERS

Chair – Ryan Zika  
Vice Chair – Joann Guerrero  
Secretary – Adam Maingot

It was also discussed that Nicholas Romanello's transition to officer status would leave his member position vacant (term expiration 2016) and would need to be filled. Similarly, it was indicated that Ann Bittinger was resigning her member position (term expiration 2015). Bruce Lamb, offered that the top two candidates to fill these now vacant positions were Radha Bachman and Rob Williams. The appointment of Radha and Rob to these vacant positions was moved, seconded and approved without objection.

### B. Discussion on Election Process

Next, a brief discussion was held that responded to Grant Dearborn's questions regarding how the Council's election slate functioned and general workings of the election process. Lew Fishman noted that the election slate was compliant with the section bylaws and that initially, elections by vote were held for any contested seats, but that with the passing of time, the Council opted for election by slate. The Council amended the bylaws accordingly. As part of this change, notice was required to be published 90 days before an election took place and opportunity given to any non-nominated person to be considered alongside the slate of candidates proposed by the nominating committee. Lew also indicated that any variance from the bylaws would need to be done under an amendment to its current language.

Monica talked favorably as to how the election slate operates and noted that it allows for a gradual education of the candidates as to each of the officer positions as they move up the ranks. She further noted the presence of many former Chairs at the Council meetings and the valuable knowledge that each brought to the Section.

## VI. COMMITTEE REPORTS

### A. Nominating Committee

#### i. Letter from Barry Herrin

Bruce Lamb gave thanks to all the members who participated in his committee's activities over recent months. He then discussed the thank you letter received from Barry Herrin for his nomination to the HLEC (subsequently confirmed). Barry was unable to attend the annual meeting due to a prior commitment. Bruce indicated that there was nothing else to discuss from his committee.

### B. Communications & Technology

#### i. HLS Summaries – Malinda Lugo

Malinda Lugo noted that the HLS summaries were going out monthly and were very well received. Monica Rodriguez congratulated Malinda on the fine work being done by her committee. Nothing further was reported.

#### ii. Newsletter – Ann Bittinger

General discussion was given regarding the need for a replacement chair for this committee due to the resignation of Ann Bittinger. As well, a plea was made for additional authors to be found. Harold Kaplan noted that newsletter articles were generally much easier to get out than others. **[NOTE: MY NOTES DO NOT SHOW THAT A REPLACEMENT FOR ANN WAS EVER MADE – DID I MISS THIS? IF SO, WHO HAS AGREED TO FILL THE VACANCY?]**

#### iii. Website – William Dillon/Brian Zargham

The conversation next turned to the HLS Website. Bill Dillon praised the work of Brian Zargham and indicated that Brian was doing most of the heavy lifting for this committee in conjunction with Harold Kaplan and others. Bill and Monica offered kudos all around to the team for their efforts.

Brian passed out sample pages of the revised website and the new interface that will be used. The general consensus was that the changes were excellent and a vast improvement on the earlier versions. It was further noted that Bryan had taken over/incorporated Erin Aebel's Facebook section – for which Erin was extremely grateful.

One correction was suggested by Lew Fishman who indicated that the verbiage on the interface should be consistent with general usage and should reference the "Executive Council" not the "Executive Section".

iv. Handbook – Rob Nicholson

Rob Nicholson was not able to attend the meeting, but Monica noted that she had talked with him and that his update on the handbook was that it remained in progress with 7 completed chapters and 4 missing. General discussion was had as to whether the handbook should be discontinued with a consensus reached and approved without objection that given the historic problems encountered with completion that it should be let go. Bruce Lamb and others suggested that the chapters already completed should be published as articles of interest on the website so as to give the hardworking authors their just due. Harold Kaplan also suggested that there might be a drop down link on the website to these articles. Monica noted that it should be considered and if not too difficult implemented.

C. Legislative Committee – Steve Grigas

Steven Grigas next presented a powerpoint summary (attached) of healthcare laws passed during the 2014 Legislative Session. General discussion was held on bills that passed including SB 702 on Pharmacy Audits; SB 1030 on General Cannabis (the Medical Marijuana bill) and various other bills of note. It was noted that many of the "big ticket" bills that were sponsored this last session (Telemedicine, APRN, Pre-paid Dental) did not pass, but may resurface in future sessions.

D. Public Health Committee – Rodney Johnson

Rodney Johnson was not present for this meeting, and no updates were given for this committee.

E. Education Committee – Myla Reizen/Grant Dearborn

Grant Dearborn reported that the Education Committee was very active and gave a brief summary of the webinars that had been given and that were scheduled for the future. He noted that the Webinars are very popular, are usually scheduled for the second Tuesday of each month, and that they cost \$20 for a section member, and \$50 for a non-member. The cost to the section is approximately \$9/line/hour.

Grant thanked all who had participated in the webinars previously and encouraged everyone to get involved if they had not already. The question was raised as to whether the fee charged by the section covered only the specific member, or would cover others who might piggyback alongside the member who paid. Harold Kaplan indicated that it was his understanding that credit would be given by the Bar for all who listened, and not just the member that paid the fee. Grant clarified that this was for bar-sponsored activities, and noted that the Council likely had more power to structure their program differently. In response, Monica and others observed that even if this were so, there would be no easy way to police the issue. George Indest also offered that he thought this issue had been debated previously and that a vote had been taken and affirmed that any person or persons who listened would be given credit for such.

In other discussion on the webinars, Cynthia Mikos asked that future notices/advertisements regarding them include a reference as to who the speaker in the topic would be. Grant and others agreed with the suggestion. Myla Reizen next discussed the two seminars coming up (FUNdamentals of the ACA and Compliance) and again urged everyone to attend or become involved.

#### F. HLS – Young Lawyer Division (YLD)

Radha Bachman next gave a detailed summary of various activities of the YLD. She noted that the biggest event since January was the Certification Review Course – which was of considerable interest to many law students, but that was attended by only 4 of them. It was expressed that travel expense and the cost of the program were likely causes for the small attendance. Further discussion was requested on the issue and whether the Council might be able to cover some of the costs for those students that were interested but unable to afford the course. Willie Mae indicted that law students received a decreased price for the materials used in the educational sessions, but that they still needed to pay the course costs. They could not just "sit in" on the course for free. Bill Dillon offered that the Council might be able to offer scholarships or grants to subsidize students that would otherwise be unable to attend due to financial considerations.

It was also suggested that local courses would have better attendance and that costs and locations of future locations should be given additional consideration. As well, Radha suggested that perhaps the Council members could commit to facilitating communications and activities with the law schools that were in their immediate geographic location. The suggestion met with general approval by the Council. Ryan suggested that the Council should further develop law school visits by Council members and it was suggested that this might be a way to select those students that were candidates for the subsidies mentioned by Bill Dillon.

Radha Bachman ended the YLD discussion by noting that Hillsborough County was attempting to put together a health fair in the near future and that this might be an excellent opportunity for the Council to get involved with. Further details were requested of Radha who agreed to provide when able.

Marshall Kapp ( [Marshall.Kapp@Med.Fsu.Edu](mailto:Marshall.Kapp@Med.Fsu.Edu) ) next introduced himself to the Council and expressed a desire to establish a better relationship with the Council and its members. Marshall is the current director of the Law and Medicine Center at FSU. He expressed his gratitude for the financial support that was given by the Council in prior years and expressed a desire to attend future meeting of the Council. Monica indicated that we would be happy to have him attend and would provide him with notice as able.

Monica Rodriguez also talked briefly on the Post Certification Exam survey results that were provided to Council members and asked that consideration of the findings be given by all. She noted that Bernabe Icaza and Charmaine Chiu have considered the survey results and how they might impact how future exams and the review course for them are structured. It was observed by them that the reviewers do not know with certainty what

is going to be on the certification exams, and that the applicants should supplement the review courses with additional studies independent of the Council. Charmaine noted that the review courses that she had taken were all well executed and of considerable help in taking the certification exam.

Bruce Lamb closed the discussion with a question that had been raised to him by the Administrative Law Executive Council. They wanted to know if the Council would be in favor of offering a group discount on membership to attorneys that wanted an affiliation with both the Health Law Section and the Administrative Law Section of the Florida Bar. It was noted that this had been done before by the Government Lawyers Section and the Administrative Law Section. The issue was moved, seconded and approved for further discussion as to specifics of what would be charged and how the split would be done.

## **VII. PRESENTATION OF AWARDS**

Bill Dillon next expressed his thanks to all that he had worked with this year, with special thanks given to Monica for her leadership of the Council. As the new Chair of the Council, Bill indicated that he would be pursuing an on-line survey of the Section's membership to explore future initiatives of the Council and how it can better satisfy the needs of its members. Bill noted that he would like to particularly explore the education opportunities of the Section and that he would be giving consideration to this in the near future

Monica Rodriguez concluded the meeting by expressing her heartfelt thanks to all that she worked with during her tenure as Chair of the Council. Certificates of Appreciation were given to Bill Dillon, Steve Grigas, Charmaine Chiu, Brian Wright, Malinda Lugo, Bruce Lamb, Grant Dearborn, Myla Reizen, Radha Bachmann, Ryan Zyka, JoAnn Guerrero and Al Robinson (Navigant Consulting).

Bill Dillon expressed final appreciation to Monica for her work as Chair of the Section, and for leaving the Section with a financial surplus.

## **VIII. NEXT EXECUTIVE COUNCIL MEETING**

September 18, 2014  
3:30-5:30 p.m.  
Orlando Airport Marriott  
7499 Augusta National Drive  
Orlando, FL

## **IX. UPCOMING CLE PROGRAMS**

July 8: Eat & Educate: Update on Florida Law  
September 19: 6<sup>th</sup> FUNdamentals  
Moving into 2015 under the ACA  
Orlando Airport Marriott, 7499 Augusta National Drive, Orlando.

November 7: Health Care Regulatory & Compliance Seminar  
Hyatt Regency Orlando International Airport, Orlando

**X. ADJOURN**

A motion to adjourn was made, seconded and approved.