

Law Offices of Alexander & Cleaver

GOVERNMENT RELATIONS BULLETIN

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The Law Offices of Alexander & Cleaver Celebrates 38 Years

Many clients and friends of The Law Offices of Alexander & Cleaver celebrated the milestone of Gary Alexander's 38 years of practicing law. We also congratulated Attorney **Todd Pounds** on his election as President of the Prince George's County Bar Association. We cheered the 34 "contented" years of service of Sandie Turner, Gary's secretary. We followed our social with a concert performed by a jazz combo, the Bertell Knox Group. Gary and Jim thanked the A&C staff, our clients and friends for the continued growth and success of our firm. *Photo right, l. to r.* House Judiciary Chairman **Joe Vallario**, **Sandie Turner**, **Del. Jim Proctor**, **Gary Alexander** and **Jim Cleaver**.



On Duty on the Hill . . .

A&C Works with the Maryland Congressional Delegation

Many clients have issues that spill over from state and local governments to Capitol Hill. Let us know how we can help. *Above, l to r, Cas Taylor, Rep. Albert R. Wynn and Gary Alexander.*

A&C Client Events

Our GR Team invites state and local leaders for small client lunches in our office. Department of Health and Mental Hygiene Secretary **Anthony McCann** gathered with a small group of clients to discuss his vision for the department and update us on issues to come before the legislature. *Below, l to r. Cas Taylor, Kenny Battle, Chantel Ornstein, Sec. McCann, Robin Shaivitz and Kelley Ray.*



Topics in this Government Relations Bulletin discuss the laws, opinions and other developments in a wide variety of government relations issues. The laws of each jurisdiction may be different. The articles are presented for general reading and should not be relied upon as legal opinion or legal advice. We would be happy to answer further questions or discuss particular factual situations or problems with you in more detail. The Law Offices of Alexander & Cleaver is a full-service law firm that represents clients in a wide range of legal matters, lobbying, procurement and government relations services and association management.

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Keeping Our Clients Ahead of the Curve

Stuffers

A recent decision by The Maryland Court of Special Appeals may have far reaching impact on Maryland pharmacies that use “stuffers.” The Court affirmed that a pharmacy can be held liable, under an express warranty, to the patient for instructions which the pharmacy inserts as a “patient package insert.” The Court in reaching its conclusion indicated where the patient is invited to rely on the inserted information and in fact relies on the inserted information; the pharmacy has made an express warranty to the patient.

Commercial Email

The Federal CAN-SPAM Act places conditions on the sending of unsolicited commercial email. **Commercial email is defined as transmitting email with the primary purpose of advertising or promoting products or services.** The CAN-SPAM Act makes it unlawful to send commercial email where the header (the email address and domain name) is false or misleading. The law makes certain violations of the law a criminal offense.

Agency Regulation Review

Executive branch agencies in Maryland regularly publish new regulations as part of COMAR. The review process and public input and hearings can often generate controversy. In addition, the joint State Senate and House of Delegates “AELR” Committee reviews all regulations. The committee may disagree and request the agency to reconsider a part of the regulations. A&C attorneys monitor all published regulations and keep our clients advised. We prepare legal arguments for the agencies and lobby for or against action by the AELR Committee. Staying on top of these regulations is becoming even more important for every segment of the business community – from reimbursement rates, Workers’ Compensation, Insurance Administration, privacy and disclosure issues, affiliate restrictions, environment and many others that affect day-to-day business life.

Time for Filing a Protest

The State Board of Contract Appeals consistently hold protestors filing an appeal to the stringent time requirement of filing within seven (7) days after the protest was known or should have been known. The Board recently considered timeliness of an appeal. The Board confirmed that a protestor may properly delay filing its protest until after a debriefing where information provided to the protestor earlier left uncertain whether there was any basis for protest. The Board further upheld the standard that when there are doubts as to when the protestor knew or should have known of the protest, the doubts will be resolved in favor of the protestor.

For assistance with interpreting the impact of these legal notes on your business or for help with any other business need, please contact any of our attorneys at 301-292-3300.



Preparation is Always the Key to Winning

A&C attorneys discuss trial preparation at an ongoing law firm seminar. We regularly represent clients in litigation. *Seated*, Personal Injury Department Manager **Robin Stiles**, *standing l to r*, Attorneys **Jennifer Lancaster**, **Jason DeLoach**, **Jim McGee**, **Jim Cleaver**, **Joe Hart**, **Denise Bowman** and **Todd Pounds**.

Alexander & Cleaver, P.A. is a full-service law firm and lobbying firm providing both legal and government relations services to a wide range of clientele. We engage in these practice areas and services:

- *Civil Litigation* ▪ *Personal Injury/Automobile Accidents* ▪ *Business Legal Matters* ▪ *Corporate Law*
- *Administrative Practice* ▪ *Business Economic Development* ▪ *Association Representation* ▪ *Local Counsel*
- *Zoning and Development* ▪ *Lobbying and Government Relations* ▪ *Procurement Representation*
- *Municipal Representation* ▪ *Insurance Disputes* ▪ *Business Networking and Image Building* ▪ *24/7 Client Services*

Calendar of Events

Along with General Assembly summer study and committee dates, below are dates of upcoming networking and marketing opportunities through the remainder of the year. Although various summer studies are planned, the committees have not set the dates. Watch for the next edition of the *Government Relations Bulletin* for updates. The A&C Government Relations Team assists and attends events with our clients, as well as assisting with strategic event planning and exhibits. For more information or to participate, please contact Lyle Fowlkes at 410-974-9000 or by email at lfowlkes@alexander-cleaver.com.

July

- 26 **Breakfast Fundraiser for Rep. Steny Hoyer sponsored by Alexander & Cleaver**, Woodmore Country Club.
- 30-8/3 **Southern Legislative Conference Annual Meeting**, Mobile, AL. State elected officials from Maryland to Texas attend.

August

- 1-3 **Southern Legislative Conference** (*see above*)
- 16-20 **National Conference of State Legislatures Annual Meeting**, Seattle. Huge meeting with many events and great attendance by Maryland officials.
- 17 **MGRA Dinner Honoring Delegate John Hurson** at the NCSL conference. Space Needle, Seattle.
- 17-20 **Maryland Association of Counties**, Ocean City. All county elected and cabinet officials attend, as well as many state legislators, Governor, Lt. Governor and cabinet. Large exhibitor floor. Many networking receptions.
- 23 **Senate Finance Briefing** on the use of academic medical centers for primary and specialty care by MCO enrollees. Joint with House Appropriations.
- 24 **Senate Finance Briefing** on pharmacy benefit managers.

September

- 14 **Breakfast Fundraiser for Rep. Ben Cardin's US Senate Campaign**, Columbia.
- 20 **Senate Finance Briefing** on nursing home and assisted living facilities issues.
- 28 **Senate Budget & Tax Committee Site Visit** to Baltimore City, including a tour of Kennedy Krieger Institute.

October

- 18 **Department of Legislative Services Fiscal Briefing** before Senate Budget & Tax, House Appropriations and Ways & Means, and the Spending Affordability Committee.
- 25-28 **Health Facilities Association of Maryland Annual Convention and Trade Show**, Ocean City. HFAM represents over 150 licensed nursing homes in Maryland including comprehensive nursing, assisted living, sub-acute, and transitional care units, all fully licensed in Maryland. Exhibitor opportunities.
- 26 **Workers' Compensation Benefit & Insurance Oversight Committee Briefing** on workers' compensation issues.
- 27-29 **MGRA Legislative Weekend**. Location TBD

November

- 1 **Senate Budget & Tax Briefing** on Medicaid issues including cost containment and projected increases.
- 1 **House Economic Matters Briefing** on interstate wine shipping.
- 15 **House Ways & Means Briefing** on corporate income tax issues.
- 30 **Senate Finance Briefing** on the impact of Federal cuts to Medicaid and the structure of MHIP.

December

- 7 **Workers' Compensation Benefit and Insurance Oversight Committee Hearing**. Discussion of the Workers' Compensation Commission and other agency reports.

A&C GR Team and Clients Pack their Bags for Summer Conferences

As you can see from our **Calendar of Events**, we have a busy summer planned. **Lyle Fowlkes** and **Kenny Battle** just returned from the **Maryland Municipal League Convention** in Ocean City. They worked exhibits with clients and helped clients to network among legislators and municipal and state officials.

Another big event of the summer is the **Maryland Association of Counties Conference** at the Ocean City Convention Center from August 17-20. The A&C GR Team will be on the ground in full force. We are making plans to network with our clients during the week. If you are planning to attend, be sure to let us know. We can work with you to plan your special events during the conference. One of our clients is hosting a lunchtime seminar/demonstration. We can coordinate with you on all the special events that pack the calendar for those four days.

Cas Taylor and **Chantel Ornstein** will be in Seattle with our clients attending the **National Conference of State Legislatures** from August 16-20. Our own delegate, **John Hurson**, Chair of the Health and Government Operations Committee, is president of NCSL this year. During the conference, the Maryland Government Relations Association will host its annual NCSL dinner. The dinner will honor Del. Hurson. Please let us know if you would like to be a sponsor.

Please contact Lyle Fowlkes for more information at 410-974-9000 or lfowlkes@alexander-cleaver.com.



Top, **Lyle Fowlkes** networks at the Maryland Municipal League conference in Ocean City with Secretary of the Environment **Kendl Philbrick**, Secretary of the Department of Natural Resources **Ron Franks**, Brentwood Mayor **George Denny** and Secretary of the Department of Labor Licensing and Regulation **Jim Fielder**. A&C represents the town of Brentwood among other municipalities.

Bottom, Economic Matters Committee Chair **Dereck Davis**, **Lyle Fowlkes**, Prince George's County Executive **Jack Johnson**, and Secretary of Veteran Affairs **George Owings**.