



PRESENTED BY THE
LOUISIANA SOCIETY OF HOSPITAL ATTORNEYS

Health Law Symposium

DATE

Friday, December 8, 2023

LOCATION

LHA Conference Center
2334 Weymouth Drive
Baton Rouge, LA 70809

WHO SHOULD ATTEND

COOs, hospital legal counsel, healthcare attorneys, and members of the Louisiana Society of Hospital Attorneys

CONTINUING EDUCATION

MCLEs and Health Law

Specialization CLEs: 7.0 hours of credit, including 1.00 hour(s) of ethics, 1.00 hour(s) of professionalism, and 0.00 hour(s) of law office practice, have been approved for complete attendance and evaluation of the program. The LHA is approved for continuing education by the Louisiana State Bar Association.

Nursing: 7.0 contact hours will be awarded for this offering by the Louisiana Hospital Association for complete attendance of the program. The Louisiana Hospital Association is approved by the Louisiana State Board of Nursing – CE Provider #39.

Other Participants will receive, upon completion of workshop, a certificate documenting the completed continuing education/clock hours.

[EDUCATION CALENDAR](#)

[HOTEL WITH LHA GROUP RATE](#)

OVERVIEW: The Health Law Symposium aims to educate and inform attorneys and healthcare leaders on current trends and legislative changes that affect the way healthcare is practiced. This year's focus will include updates from a variety of subject-matter experts who will review recent opinions concerning medical malpractice; review best practices for disclosure and early resolution in medical errors; provide an overview of current trends in fraud and abuse cases; and review conduct standards outlined in the professionalism and ethics requirements for legal counsel.

PROGRAM OBJECTIVES:

Upon completion of this program, participants will be able to:

Disclosure and Early Resolution in Medical Error Events

- Describe the benefits of a Communication Resolution Program; and
- Discuss the key role medical leadership plays to support a program of early disclosure and resolution.

Professionalism in 2023: Virtual Courts

- Understand conduct in a virtual environment.

Medical Malpractice Update

- Review significant jurisprudence related to medical malpractice issues, including prematurity, prescription, summary judgment, and other related issues.

Impact of 2023 Healthcare Fraud Enforcement Trends on Hospital Strategic Initiatives

- Identify healthcare enforcement trends involving hospitals and hospital employed providers;
- Discuss hypotheticals of legal and regulatory risk for hospitals from recent common arrangements with physician; and
- Discuss recommendations to minimize compliance risk for hospitals.

Behavioral Healthcare: New Developments and Updates

- Discuss Louisiana's \$350M+ opioid settlement fund distributions and applicable hospital uses;
- Review 42 CFR Part 2 and the application of these regulations for hospitals; and
- Explain Louisiana's rollout of the 988 Help Line for suicide prevention and mental health crisis.

What in the Heck Are Ethics

- Understand the role of the Louisiana State Bar Association Ethics Advisory Service;
- Identify steps to take to avoid being caught up in an ethical quagmire; and
- Discuss how to handle various ethical quandaries.

PROGRAM OBJECTIVES CONTINUED:

Rethinking Liability

- Cite recent cyber threats impacting the healthcare industry; and
 - Detail cyber insurance change.
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AGENDA:

- 7:30 a.m. **Registration and Networking**
- 8:00 a.m. **Welcome and Introduction**
- 8:15 a.m. **Disclosure and Early Resolution in Medical Error Events**
Kelly Saran, RN, CPHRM, CPPS, Administrative Director, Patient Relations & Clinical Risk, Adjunct Faculty, University of Michigan, School of Nursing
In 2001, the University of Michigan was one of the earliest adopters of a proactive communication and resolution program (CRP) to address unexpected patient outcomes with harm and manage potential malpractice claims versus a traditional adversarial legal process. Key to the program's success was the link to patient safety and learning from errors and disseminating lessons learned. This session will focus on the evolution of the "Michigan Model," and how physician and other healthcare leaders involvement has been critical to understanding when care has been determined to be unreasonable under the circumstances. The presenter will also discuss how the patient relations and clinical risk department approaches patient and family concerns and supports clinicians in the early aftermath of an unexpected outcome.
- 9:15 a.m. **Professionalism in 2023: Virtual Courts**
Honorable Judge Scott U. Schlegel, Louisiana Fifth Circuit Court of Appeal
As the Chair of the Louisiana Supreme Court Technology Division, Judge Schelegel will discuss his work on the Advisory Council of the ABA Task Force on the Law and Artificial Intelligence (AI) and how the modernization of the judicial system will impact professionalism in the legal community. Judge Schlegel will provide insights on how AI, including Chat GPT and other large language models, could revolutionize the judicial system.
- 10:15 a.m. Break
- 10:30 a.m. **Medical Malpractice Update**
Chris Leblanc, JD, Partner, Watson, Blanche, Wilson & Posner, LLP
This session will cover recent medical malpractice cases and decisions affecting hospitals and physicians in Louisiana. The session presenter will analyze cases related to various aspects of the Louisiana Health Emergency Powers Act and related issues.
- 11:30 a.m. **Lunch (Provided)**
- 12:15 p.m. **Impact of 2023 Healthcare Fraud Enforcement Trends on Hospital Strategic Initiatives**
Clay J. Countryman, JD, LSBS Board Certified Health Law Specialist, Partner, Breazeale, Sachse & Wilson, LLP
False Claims Act (FCA) settlements and recoveries in 2022 by the Department of Justice were once again dominated by FCA settlements involving the healthcare industry. A significant number of the FCA settlements in 2022 and the first half of 2023 involve allegations of hospitals and healthcare systems violating the Stark Law, Anti-Kickback Statute, and the FCA. This presentation will address recent healthcare enforcement impacting hospitals, such as compensation and other operational issues with hospital-employed physicians, allegations of hospital improper billing practices, laboratory billing arrangements, and other recent Stark Law and Anti-Kickback Statute enforcement developments.

AGENDA CONTINUED:

- 1:15 p.m. **Behavioral Healthcare: New Developments that Louisiana Hospital Lawyers Need to Know**
Emily Black Grey, JD, LSBS Board Certified Health Law Specialist, Partner, Breazeale, Sachse & Wilson, LLP
The presentation will provide insights into the current distributions and approved uses for hospitals of the \$350M+ opioid settlement funds. The discussion will also include the rollout of the Louisiana 988 Help Line for Suicide Prevention, the Mental Health Crisis Hotline, and the application for hospitals of 42 CFR Part 2.
- 2:15 p.m. **Break**
- 2:30 p.m. **What in the Heck Are Ethics**
Eric K. Barefield, JD, Ethics Counsel, Louisiana State Bar Association
The Louisiana Rules of Professional Conduct are the minimum ethical standards attorneys are required to follow. Lawyers are free to set their ethical standards higher. You never hear a lawyer say "...*Today I will be unethical...*" or "...*Let's violate the Louisiana Rules of Professional Conduct...*" To avoid problems and pitfalls, Louisiana lawyers need to be aware of the Louisiana Rules of Professional Conduct. During this session, the speaker will cover various factual scenarios for discussion on the best ethical approach and review resources available to assist counsel to avoid ethical or professional misconduct scenarios.
- 3:30 p.m. **Rethinking Liability**
Sarah W. Anderson, JD, Owner, SWA Law, LLC and LegallyCyber.com
The speaker will discuss how HIPAA is becoming the new negligence standard in cyber incident litigation, as well as the importance of staying aware of emerging cyber threats to protect healthcare entities from liability and cyberattacks. The speaker will focus on negligence and negligence per se frameworks in healthtech, important cyber insurance changes, and the role of the attorney during cyber incidents.
- 4:30 p.m. **Evaluations/Adjourn**

SYMPOSIUM FACULTY:



Sarah W. Anderson, JD, owns SWA Law LLC and LegallyCyber.com, representing public and private entities on cyber incident responses, regulatory compliance, the implementation of enhanced cybersecurity practices, and contract negotiations involving technology products and services, while also conducting cyber law training across the Gulf Coast. Anderson has participated in numerous cyber incident responses, advising leaders and technology professionals about preventing and mitigating liability before, during, and after a cyber incident. Prior to founding SWA Law, she was in-house counsel with a technology non-profit and a partner in a regional law firm, representing fortune 500 companies in toxic tort and property litigation. She is a veteran, serving in the U.S. Army Reserves and is licensed to practice in Louisiana and Texas. Anderson is the former Cyber Law Judge Advocate for the Louisiana Army National Guard and legal liaison for the Louisiana Cybersecurity Commission.



Eric K. Barefield, JD, is Ethics Counsel for the Louisiana State Bar Association (LSBA). A 1995 graduate of Louisiana State University (LSU) Paul M. Hebert Law Center, Barefield began his professional career as an Assistant District Attorney in Orleans Parish from 1995-1998. From 1998-2005, he served as Deputy Disciplinary Counsel with the Office of Disciplinary Counsel and was responsible for investigating and prosecuting violations of the Louisiana Rules of Professional Conduct. He joined the LSBA staff in 2005, working first with the Practice Assistance Program's alternatives to discipline. Barefield coordinated the launch of the LSBA's Law Office Management Assistance Program and the Solo and Small Firm Conference before accepting his current position focusing on the Ethics Advisory Service.

SYMPOSIUM FACULTY CONTINUED:



Clay Countryman, JD, is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, LLP (BSW). Countryman represents clients in all areas of the healthcare industry, with a primary focus on healthcare business transactions, including mergers and acquisitions, joint ventures, private equity investments, and other business transactions. He has extensive experience in advising healthcare clients on the Stark Law, Anti-Kickback Statute, government investigations, and other healthcare fraud and compliance matters.



Emily Black Grey, JD, is a partner in the Baton Rouge office of BSW. Emily is the Section Manager of the firm's healthcare section, one of the largest in Louisiana. She represents healthcare providers in a wide range of issues including routine operational matters, regulatory compliance, fraud and abuse, licensing, provider enrollment, contracting, joint ventures, and healthcare transactions including hospital/physician integration. Her clients range from Fortune 500 companies to individual healthcare professionals and include hospitals and health systems, as well as other healthcare provider types. She has been elected to the American Health Law Association Board of Directors, with her term extending through 2025.



Chris LeBlanc, JD, is a Partner with Watson, Blanche, Wilson & Posner, LLP, where he practices in medical malpractice and healthcare litigation. He earned a BBA in Business, summa cum laude, in 1991 from Lamar University in Beaumont Texas, and a JD degree from LSU Law School in 1995, where he was the senior editor of the Louisiana Law Review. He has a statewide litigation practice that includes representing hospitals, physicians, and other healthcare providers.



Kelly A. Saran, RN, CPHRM, CPPS, is the Adjunct Clinical Instructor in the Department of Systems, Populations, and Leadership at University of Michigan School of Nursing. Saran is a veteran clinical risk management professional with nearly two decades of healthcare risk management and patient safety experience. She is a frequent nationally invited speaker on the Michigan Model, the University of Michigan Health System's pioneering program for medical error communication and resolution program. Certified in civil mediation, Saran has an extensive background in coaching and supporting clinicians in disclosure and apology, with a focus on learning from and preventing future errors. She was also a clinical consultant with Blue Cottage Consulting in Ann Arbor, Michigan, and partnered with transition teams, safety net hospitals, and multiple academic centers to develop creative solutions to complex healthcare delivery challenges.



Honorable Judge Scott U. Schlegel is a pioneer in using technology in Louisiana state courts. He "manages what may be one of the most advanced courts in the country for delivering justice online," according to a leading legal tech journalist. Judge Schlegel was elected to the bench of the 24th Judicial District Court for the Parish of Jefferson, Division D, State of Louisiana, in May 2013 and was soon thereafter appointed to the Management Committee. He currently serves as the 1) Chair of the Louisiana Supreme Court Technology Commission; 2) Chair of the Technology & Security Committee for the 24th JDC; and 3) Immediate Past President of the Louisiana District Judges Association (LDJA). Judge Schlegel is also a member of the Judicial Council; Louisiana Drug Policy Board; Integrated Criminal Justice Information System (ICJIS) Policy Board; Council of Specialty Court Judges of the Louisiana Supreme Court; and Louisiana State Law Institute's Criminal Code and Code of Criminal Procedure Committee. As a District Court Judge, he handles a variety of cases, including criminal, civil, and domestic. Judge Schlegel also serves as a volunteer judge for two specialty courts he started in Jefferson Parish — Reentry Court and Swift and Certain Probation.



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REGISTER ONLINE AT: <https://lhaonline.org/Event.aspx?EventKey=M2312003>

DATE/TIME: Friday, December 8, 2023

Time: 8:00 a.m. – 4:00 p.m.

PRICE:

- Hospital Member: \$195 (Per Person Rate)
- Associate/Corporate & Attorney Member: \$250 (Per Person Rate)
(2023 dues must be up to date to qualify for this discounted rate.)
- Non-Member Hospital: \$400 (Per Person Rate)

THANK YOU TO OUR SPONSOR:



REGISTRATION:

Registrations are accepted online only, and VISA, Master Card, Discover, and American Express are accepted. Email confirmations will be sent to all registrants who list an accurate email address. The program material is the intellectual property of the speakers and is not meant to be shared with anyone other than registered participants.

CANCELLATION POLICY:

Individuals who cancel **more than seven business days prior to a scheduled event** will be charged a cancellation fee of \$50 per person. Written notice of the cancellation must be emailed to marthur@lhaonline.org. No refunds will be issued for cancellations received **within seven business days of the event or for no-shows**.

SUBSTITUTION POLICY:

Registrants who are unable to participate in an LHA educational event are permitted, and encouraged, to have an eligible substitute; however, written notice of the substitution must be emailed to marthur@lhaonline.org **at least seven business days in advance of the event**. The substitution option is not available if written notification is received by the LHA less than seven business days prior to the scheduled program.

ACCOMMODATIONS:

Please contact the LHA if you have a disability that may require special accommodations for this educational opportunity. The LHA is committed to ensuring full accessibility for all registrants.

LHA Code #M2312003