

Health Law Section 2023 Fall Meeting

The New York State Bar Association | 1 Elk Street | Albany, NY 12207

Program Chairs

Anoush Koroghlian-Scott, Lippes Mathias LLP
Jane Bello Burke, Hodgson Russ LLP

Health Law Section Chair

Lisa D. Hayes, Hartford HealthCare

Thursday, October 26, 2023 | 8:30 a.m. – 5:00 p.m.

6.0 MCLE Credits: 3.0 Areas of Professional Practice; 1.0 Cybersecurity, Privacy and Data Protection-General; 1.0 Diversity, Equity, and Inclusion; 1.0 Ethics

2023 Hot Topics and Developments in Health Law

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| 8:30 – 9:00 a.m. | CLE Program Registration (Breakfast Provided) |
| 9:00 – 9:15 a.m. | Welcoming Remarks & Overview of the Health Law Section

Health Law Section Chair:
Lisa D. Hayes, Hartford Healthcare Corporation |
| 9:15 – 10:15 a.m. | I. Physician Practice Ownership and Implications:
Article 45 Issues

Presenters:
Margaret J. Davino, Fox Rothschild LLP
Lauren Ann Suttell, Lippes Mathias LLP

<i>1.0 MCLE Credit in Areas of Professional Practice</i> |
| 10:15 – 11:15 a.m. | II. What New York Healthcare Lawyers, Providers and Payors
Need to Know about Health Equity Now <ul style="list-style-type: none">▪ New York State Health Equity Reports▪ Emerging Policies and Laws Promoting Health Equity▪ Health Equity and CMS/CMMI▪ CMS Framework for Health Equity▪ Health Equity in Accreditation▪ New York Equity Assessment Law
Presenter:
Clifford E. Barnes, Epstein Becker & Green, PC
Johanne E. Morne, Acting Executive Deputy Commissioner,
NYS Department of Health |

1.0 MCLE Credit in Diversity, Equity, and Inclusion

11:15 – 11:30 a.m.

Break

11:30 a.m. – 12:30 p.m.

III. Cybersecurity Issues in Healthcare

This session will cover (i) the federal and New York State Medicare, Medicaid and privacy/security laws governing “off-shoring” and the security implications for clients’ vendor contracts that involve electronic data and communications; and (ii) the Federal Trade Commission and Department of Health Alerts pertaining to health information tracking technology and the corresponding implications on the privacy and security of personal health information, be it known or unknown to the technology “user.”

Presenters:

John A. Lewis, Hodgson Russ LLP

Daniel Meier, Benesch, Friedlander, Coplan & Aronoff LLP

Michelle Lynn Merola, Hodgson Russ LLP

Nathan Garrett Prystowsky, Johnson & Johnson

*1.0 MCLE Credit in Cybersecurity, Privacy and Data Protection-
General*

12:30 – 1:30 p.m.

Lunch (Included with program registration)

1:30 p.m. – 2:30 p.m.

IV. Artificial Intelligence in Healthcare

This topic will provide an introduction on the use of Artificial Intelligence (AI) in health care with a specific focus on legal, compliance, ethical and privacy concerns relating to the recent proliferation of AI technology. Machine learning, data and algorithms are increasingly being utilized to innovate and modernize healthcare service delivery to improve efficiency, clinical outcomes, medical research, and quality of patient care. Many health care entities that are currently using or planning to use various AI technology are covered by the Health Insurance Accountability and Portability Act of 1996 (HIPAA). From a regulatory standpoint, the panel will explain how HIPAA obligates covered entities to ensure the privacy of and maintain adequate security standards for protected health information (PHI). The program will also help attorneys learn how to navigate risks associated with the development, implementation, and use of AI in healthcare as well as the associated ethical obligations.

- Introduction: What is Artificial Intelligence?

- How is Artificial Intelligence used in Healthcare?
- Is AI here to stay and why should attorneys be concerned?
- Special Considerations: What are the implications for use of AI in healthcare?
- Privacy Issues
- FDA Issues
- Issues with Bias in Artificial Intelligence

Presenters:

Brett R. Friedman, Ropes & Gray LLP
 Puja Khare, Vice President, Legal, Regulatory and Professional Affairs, Greater New York Hospital Association
 Valerie A. Vilsaint, New York Life Insurance Company

1.0 MCLE Credit in Ethics

2:30 – 2:45 p.m.

Break

2:45 – 3:45 p.m.

V. OMIG: New Regulations and Implications

During this session, a representative from the OMIG will describe current and forthcoming initiatives involving and impacting voluntary self-disclosure. In addition, speakers will review and discuss the status of efforts to change and improve OMIG auditing, self-disclosure and related practices including a review of current and historical reform efforts.

Presenters:

Linda Jane Clark, Barclay Damon LLP
 Elisa Nunziato, Manager of Self Disclosure Unit, OMIG
 Jennie Shufelt, Hinman Straub, PC

1.0 MCLE Credit in Areas of Professional Practice

3:45 – 4:45 p.m.

VI. Legal and Regulatory Pitfalls in the Laboratory (Compliance)

This session will begin with a description of the trends and applicable federal laws and regulations impacting the operation of clinical laboratories. It will further highlight these national trends in the context of the law and regulations of the state of New York and provide insight to mitigate risk for your clients operating clinical laboratories.

Presenters:

Danielle Holley Tangorre, Robinson + Cole, LLP
 Anoush Koroghlian Scott, Lippes Mathias LLP

1.0 MCLE Credit in Areas of Professional Practice

4:45 – 5:00 p.m.

Closing Remarks