

New York State Bar Association
Health Law Section Fall Meeting 2024
Rebalancing Health Law Policy and Practice in Pursuit of Equity and Justice

The Gideon Putnam, 24 Gideon Putnam Rd, Saratoga Springs, NY 12866

Monday, October 21, 2024

8:45 a.m. – 5:00 p.m.

7.0 MCLE Credits

*3.5 Areas of Professional Practice, 1.5 Diversity, Equity & Inclusion, 1.5 Ethics,
0.5 Cybersecurity, Privacy & Data Protection-General*

Program Co-Chairs:

Heather M. Butts, JD, MPH, MA, HPM, Columbia University Mailman School of Public
Health, NYC

Anoush Koroghlian-Scott, Lippes Mathias LLP, Albany, NY

Health Law Section Chair:

Mary Beth Quaranta Morrissey, PhD, MPH, JD, Yeshiva University, NYC

*This program is transitional and is suitable for all attorneys
including those newly admitted.*

Agenda

8:15 a.m. – 8:45 a.m.

Registration

8:45 a.m. – 9:00 a.m.

Introduction

9:00 a.m. – 10:30 a.m.

I. 1115 Waivers - Updates

Earlier this year the New York State Health Equity Reformer 1115 Medicaid Waiver was enacted, making it part of a growing series of steps to address health disparities and advance health equity. This panel will review the legal framework of the 1115 Waiver in New York, its implications for health care delivery, and the goal of true integration of social determinants of health into Medicaid programming.

Moderator:

Heather M. Butts, JD, MPH, MA, HPM
Columbia University Mailman School of Public Health
New York, NY

Panelists:

Clifford E. Barnes, Esq.
Epstein Becker & Green, P.C.
Washington, DC

Joseph Conte, PhD
Executive Director
Staten Island Performing Provider System

Alexander Elegudin, Esq.
Columbia University Mailman School of Public Health
New York, NY

Erika Lea Hanson, Esq.
Center for Health Law and Policy Innovation of
Harvard Law School
Cambridge, Mass

1.5 MCLE Credits in Areas of Professional Practice

10:30 a.m. – 10:40 a.m.

Break

10:40 a.m. – 12:10 p.m.

II. Re-envisioning the Palliative and End-of-Life Care Continuum, and Medical Aid in Dying

This panel will examine New York’s Medical Aid in Dying Bill in the broader contexts of the existing palliative and end-of-life care continuum in New York and evidence of persistent inequities in access to care. Panelists will discuss the work of the New York State Bar Association Medical Aid in Dying Task Force in addressing the range of medical, spiritual, health and public health policy, and ethics issues related to end-of-life care, including the proposed legislation. The panel will address the financing of care, design of workforce education and training, advancing the goals of equity across diverse populations and communities, expected regulatory trends, and counseling providers on navigating complex care environments.

Moderator:

Mark R. Ustin, Esq.
Farrell Fritz, P.C.
Albany, NY

Panelists:

Heather M. Butts, JD, MPH, MA, HPM
Columbia University Mailman School of Public Health
New York, NY

John Henry Tator Dow, III, Esq.
Trinity Health
Voorheesville, NY

Paul Heasley, MD
Chief Medical Officer
The Community Hospice
Albany, NY

Edward F. McArdle, Esq.
SUNY Upstate and Cornell Law School
Syracuse, NY

Mary Beth Quaranta Morrissey, PhD, MPH, JD
Yeshiva University
New York, NY

1.5 Credits in Ethics

12:10 p.m. – 1:00 p.m.

Lunch

1:00 p.m. – 2:30 p.m.

III. The Right to Maternal Health: Reviewing the Evidence and Mapping the Road to Equity in the United States

Members of this panel will expand upon the corpus of work presented in the July 2024 Special Issue of the *New York State Bar Association Health Law Journal* focusing on Maternal Health. Presenters will present a clinical case example and discuss the most recent research on maternal mortality and morbidity outcomes in the United States, providing in-depth analyses of constitutional and federal and state laws relevant to the growing public health crisis and the disparate impact upon Black women and communities of color.

Speakers:

Cauolyn Baptiste
3L
Cornell Law School
Ithaca, NY

Lisa D. Hayes, Esq.
Hartford HealthCare
Hartford, CT

Mary Beth Quaranta Morrissey, PhD, MPH, JD
Yeshiva University
New York, NY

Mary Breda Morrissey, MD, MS, MBA
Westmed Medical Group
Yonkers, NY

Dorothy E. Shuldman, Esq.
Phillips Lytle LLP
Buffalo, NY

1.5 MCLE Credits in Diversity, Equity & Inclusion

2:30 p.m. – 2:40 p.m.

Break

2:40 p.m. – 4:10 p.m.

IV. The Pre- and Post-Loper Landscape and Impact on Health Care Regulations and Technology

This session will provide a legal analysis of the Loper-Bright decision. It will examine the case law leading up to the Loper-Bright decision, the key provisions of the Loper-Bright decision and the implications the reversal of the Chevron decision may have on interpretation and implementation of longstanding regulations governing long term care, health care technology, privacy and security, compliance and reimbursement, and healthcare operations.

Panelists:

William P. Keefer, Esq.
Phillips Lytle LLP
Buffalo, NY

Colleen R. Pierson, Esq.
Garfunkel Wild, P.C.
Albany, NY

Chaya Rosenbaum, Esq.
Weiss Zarett Brofman Sonnenklar & Levy, P.C.
New Hyde Park, NY

*1.0 MCLE Credit in Areas of Professional Practice &
0.5 Credit in Cybersecurity, Privacy and Data
Protection-General*

4:10 p.m. – 5:00 p.m.

V. OMIG Audits: Time for Reform

For several years, there has been a provider outcry over the devastating impacts of overly aggressive practices by OMIG. This topic will discuss these concerns and recent legislative efforts to reform these audit practices to preserve due process and target material findings and provider misconduct.

Speaker:

Linda J. Clark
Barclay Damon LLP
Albany, NY

1.0 MCLE Credit in Areas of Professional Practice