

**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.*

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Agenda

7:45 a.m. – 8:45 a.m.

Health Law Section Committee Meetings and  
Continental Breakfast  
*Open to all registrants*

Health Law Section has more than a dozen  
substantive committees that provide members with  
the opportunity to learn about very specific practice  
areas, and work to influence the laws that can affect  
your practice.

8:15 a.m. – 8:45 a.m.

**CLE Program Registration**

8:45 a.m. – 9:00 a.m.

**Introduction**

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

NYSBA President Domenick Napoletano, Esq.  
Law Offices of Domenick Napoletano  
Brooklyn, NY

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

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.

**Moderator:**

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

**Speakers:**

Caulyn Baptiste  
3L  
Cornell Law School  
Ithaca, NY

Lisa D. Hayes, Esq.  
Immediate Past Chair of the Health Law Section  
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.

**Moderator:**

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

**Panelists:**

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*