

Delaware State Bar Association

Health Law Section Minutes

December 13, 2019

DSBA Health Law Section

Minutes recorded by Stephanie Wilhelm

The December Health Law Section meeting was called to order around 12:00pm.

Attendees in person: Andrew Wilson and Stephanie Wilhelm

Attendees on phone: Nick Heesters and Kate Keller

Guests: Tanya Sellers, Chair of the DSBA Elder Law Section and Professor John Culhane, Delaware Law School

CLE

The section discussed planning the joint CLE with Delaware Law School, which is scheduled for March 26, 2020. In particular, the section discussed the sub-topics that would be presented. The section reviewed the CLE topics from the last CLE that was hosted by the Health Law Section in connection with the Elder Law Section. The section discussed the pros and cons of having topics that are super-technical versus having topics that are general in nature. The section discussed structuring the CLE as a practicum to increase attendance by focusing on how you can help elderly relatives (e.g., Medicare/Medicaid eligibility, how to build infrastructure for aging in place, what to do in the hospital setting, etc.). The section decided to take a general approach to the CLE topics.

The Section discussed potential subtopics for the CLE, including healthcare insurance, healthcare services at home, patient dumping, advice for adult-child-caregiver, working past retirement age, etc. One suggestion was to structure the CLE as a step 1 to step 10 regarding caring for the elderly (e.g., issues at home vs issues at institutional setting, etc.). The section discussed whether to focus on aging in place and highlight resources available from meals on wheels, transport services, navigating coverage by Medicare on home health, etc. One member mentioned that Medicare/Medicaid has a robust self-directed attendant care program. The section discussed that the increase in home care is associated with an increase in fraud. The attorney general investigates/prosecutes/educates providers on elder abuse neglect and treatment. The section agreed that it would be helpful to have law enforcement officials provide update to healthcare/elder law attorneys re enforcement actions. Other topics discussed included advancements in remote patient monitoring, changes in dialysis (e.g., dialysis at home instead of dialysis at treatment center), and telehealth. The section also discussed potential ethics topics.

The section agreed to the following sub-topics.

- 1 hour on law enforcement actions from provider and patient perspective.
 - Panel to be coordinated by Kate Keller and Nick Heesters.
- 1 hour on resources panel, including treatment options and healthcare insurance.

- Panel to be coordinated by Andrew Wilson.
- 1 hour on ethics. Potential topic of guardianship.
 - Tanya Sellers to coordinate presentation on guardianship.

The section agreed that the topics and speakers should be finalized by the end of January.

Minutes of the October 2019 meeting were reviewed by the section. A motion was made and the minutes were approved.

Next meeting

The section chairs will send out a Doodle poll to schedule the next meeting.

Meeting adjourned before 1:00pm.

Next steps

- Kate Keller will reach out to AG office to get speaker(s) on recent enforcement actions.
- Andrew Wilson will reach out to AARP to see if the organization has any ideas on topics/speakers.
- John Culhane will reach out to a nonprofit organization that coordinates adopting a family.
- Tanya Sellers to reach out to Carla to potentially speak on long-term care.
- Nick Heesters to reach out to CMS re: other potential speakers for the law enforcement actions topic.
- Andrew Wilson to reach out to Medicaid re: resources panel.
- John Culhane to send potential speaker for potential on medical adherence and prescriptions, e-prescribing to Andrew Wilson.