

Delaware State Bar Association

Health Law Section Minutes

October 28, 2019

DSBA Health Law Section

Minutes recorded by Stephanie Wilhelm

The October Health Law Section meeting was called to order at 12:07pm.

Attendees in person: Andrew Wilson, Stephanie Wilhelm, and Susan Gordon

Attendees by phone: Kate Keller, Nick Heesters, Kellie Garson, Jim Gallagher, and Nathan Trexler

Guest: Susan Simmons, Director of Continuing Legal Education at DSBA

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

CLE

The section discussed CLE topics and planning a joint CLE with Delaware Law School. Susan Simmons provided the section with DSBA's requirements with respect to holding a CLE, including when materials must be provided to DSBA, formatting requirements, fee requirements, etc. The DSBA prefers not be charged for speakers and Ms. Simmons suggested that Wednesdays and Thursdays are optimal days for holding a CLE.

The section members discussed the potential CLE topics that had been circulated to the members in advance of the meeting. It was suggested that the topic on Delaware's aging population would be a timely topic for various reasons, including the fact that the U.S. Department of Justice and other federal agencies are pushing an elder initiative and/or focusing on this topic. In addition, regulatory enforcement actions with respect to staffing ratios are continuously in the news. It was suggested that if the section selects this topic, the section should discuss the CLE with the Elder Law Section to avoid conflicts.

The section members also discussed other potential topics such as the intersection of HIPAA privacy rules with other topics (e.g., re-identification of data, OCR's enforcement actions, remote patient monitoring, etc.) and the implications of artificial intelligence on privacy.

It was noted that the Health Law Section in 2014 held a CLE on aging with the Elder Law Section. This CLE was also approved for CME credits and there were some physicians in attendance. A copy of the agenda for the 2014 CLE will be sent to the Section members.

The section discussed whether the upcoming CLE should also be a joint CLE/CME seminar.

The section voted on the CLE topic. It was unanimously decided to proceed with the topic on Delaware's aging population. As presented, the topic description is as follows:

The demographic crush coming for the nation will be felt acutely here in Delaware as our favorable tax laws bring in an aging population looking to retire. Is Delaware ready to care for this influx? We look at case studies of patients, examine systems for aging, look at the role of technology, and discuss areas where law and care intersect.

This topic could be a partnership with the Elder Law Section and also pull in support from the Hospital Association which is grappling with Guardianship, the Medical Society for end-of-life care, and the Long Term Care Association, along with various state and federal agencies with regulatory authority.

The section discussed next steps, which include contacting the Elder Law Section and deciding upon sub-topics for one hour discussions. Potential sub-topic ideas include regulatory enforcement and technology. Section members are encouraged to send potential speaker ideas.

Other Business

DSBA Health Law Section will be at the Pre-Bar Admission Conference on November 21 and section members are welcome to attend and help represent.

Next meeting

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

Meeting adjourned at 12:48pm.