

Career Paths in Public Health Law and Health Law

June 1, 2016

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All participants are muted. Type a question into the Q & A panel for our panelists to answer. Send your questions in at any time.



This webinar is being recorded. If you arrive late, miss details or would like to share it, we will post a link to this recording and a copy of slides after the session has ended.



Other Student Network Resources

- Attend the <u>Student Network Pre-Conference</u> <u>Workshop</u> at the 2016 Public Health Law Conference
- Archived webinar recordings are <u>available online</u>
- Public Health Law Career Tool
- Join the Student Network
- Connect with the <u>Student Network on LinkedIn</u>



Your Public Health Law Job: Where it is and how to get there

Daniel O'Brien
Network for Public Health Law Consultant
Former Principal Counsel
Maryland Department of Health and Mental Hygiene

Maryland Public Health Career Paths

- U of Md B.S. Psychology
- American University JD
 - No PHL Training 1979
- Maryland OAG Health
 - AAG 8 years
 - Principal Counsel 22 years
- Hospital System Counsel
- Network Consultant

- Hiring Recommendations
 - Approximately 100 hires
 - AAG, staff attorney, interns, law clerks, policy positions
- ▶ 40% OAG / state agencies
- ▶ 20% private practice
- ▶ 20% unrelated activities
- ▶ 10% regulated industry
- ▶ 10% judges, elected office

Finding Your PHL Job: Two Routes

- Theme: Mary Chapin Carpenter's "Feeling Lucky"
- Theme: Rolling Stone's "Satisfaction"

Single arrow and small target –

Multiple arrows and larger target –

Hard to hit.

Easier to hit.

Public Health Law Practice

- 1. What is it?
- 2. Where is it?
- 3. How do you find one for yourself?



Three Types of PHL Practice

- Primary PHL Practice
 - "Full Time" Public Health Law Focus
- Ancillary PHL Practice
 - "Part Time" Public Health Law Focus
- Law Practices with Transferable Skill Sets
 - Minimal "PHL" but opportunity to develop useful skills



Why Different Kinds of PHL Practice?

- Lawyers provide wide range of needed services:
 - Provide direct advice on specific public health topics
 - Support development of public health laws, regulations, policies
 - Defend agency actions in administrative and judicial forums
 - Enforce agency decisions in contested proceedings
 - Assist in contract development & execution
 - Manage personnel related activities and conflicts
 - Negotiate with advocates, policymakers, regulated industries



Where are the Primary and Ancillary PHL Practice Jobs?

- Public Health Agencies
 - State, federal, local health departments
 - Program counsel, administrator or regulator
 - Traditional Form of "Primary PHL Practice"
- Executive and Legislative Branch Positions
 - Advisor to policy makers with some public health activities
 - One form of "Ancillary PHL" Practice
- Advocacy Organizations and Regulated Industries
 - Counsel, staff, and administrative positions



Where Can You Find These PHL Jobs?

Agency Postings

- State, local, federal job postings
 - Not just health departments
 - environmental protection, transportation, juvenile justice, consumer protection
- State and local Public Health Organizations
 - ▶ ASTHO, NACCHO, Health Related Organizations
- Foundations
 - ▶ RWJF, Pew, local charities
- Advocacy Organizations
 - Guns, Tobacco, Food & Drug Safety, Trade Associations
- Networking & Networking
 - ▶ Bar associations, public health conferences, Network for PHL....



Two Approaches: Single and Multiple Arrows

- Single Arrow & Narrow Target
 - Aiming for Primary or Ancillary PHL Practice Job
 - Quick Hit
 - Timing Key
 - Prior Relationship?
 - Recommendations very useful

- Multiple Arrow & Broad Target
 - Aiming for Ancillary PHL
 Job or Unrelated Practice
 Area with Transferable Skill
 Development
 - Longer term strategy
 - Networking important
 - Transferable skill development strategy

Securing Primary PHL Position

- Not Impossible
 - Prior relationship a key factor
 - ▶ Timing: 2 to 6 months
- Securing Ancillary PHL Position
 - More likely because more open positions
 - Networking important
 - ▶ Timing: 6 to 24 months
- Securing Developmental Position
 - Most probable most job opportunities
 - Difficulty Identifying Transferable Skills
 - Timing: 2 to 42 years

Modify

Your

Strategy

As

Your

Career

Evolves:

Take Multiple Shots as Needed!!

Career Paths in Public Health Law and Health Law | June 1, 2016

Practitioner Profile 1: Primary PHL Position

- Education
 - ▶ JD with some health focus
 - Joint MPH / JD degree more frequent in recent years
- OAG Health Department Entrance
 - Initial Relationship: intern or law clerk placement
 - Mentoring: Developed working relationship with OAG staff
 - Produced memorable work product
- Health Department Counsel Role
 - ▶ 3-25 years
- Health Related Legal Career
 - Health system counsel or private health care law firm



Practitioner Profile 2: Ancillary PHL Position

- Education
 - Some health focus but not necessary
- Initial Legal Job
 - Legal Aid, private firm, trade association
- Public Health Exposure
 - Developed some public health expertise and contacts
- Ancillary Public Health Practice Position
 - Secures policy position with legislative or executive branch
 - Opportunities with advocacy or trade associations



Practitioner Profile 3: Transferable Skill Route

- Education
 - Broad range of interests
 - Open to many types of legal positions
- Early Legal Career
 - No relation to public health
 - Objective: Develop wide range of legal skills
 - Including but not solely litigation activities, client counseling, writing
- Intentional Health Law Networking
 - Through bar association and pro bono work
- "Transfer In" Vigilance
 - Uses accumulated skills and networking to secure PHL position



Moral of the PHL Practice Story

The Need Exists and Is Growing

- Public Health Needs Wide Range of Legal Supports
 - Traditional legal skills
 - Emerging legal capabilities
- The PH Workforce is Aging and Evolving

Skill Development and Perseverance Essential

- Lawyers Have Multiple
 Opportunities to Secure
 Public Health Positions
- New Grads have New Skills
- Keep After the Objective!

Career Paths in Public Health Law and Health Law

Network for Public Health Law June 1, 2016

Thaddeus Mason Pope, JD, PhD Mitchell Hamline School of Law

Overview



Why health law?

That's where

the jobs are

Widely noted and measured

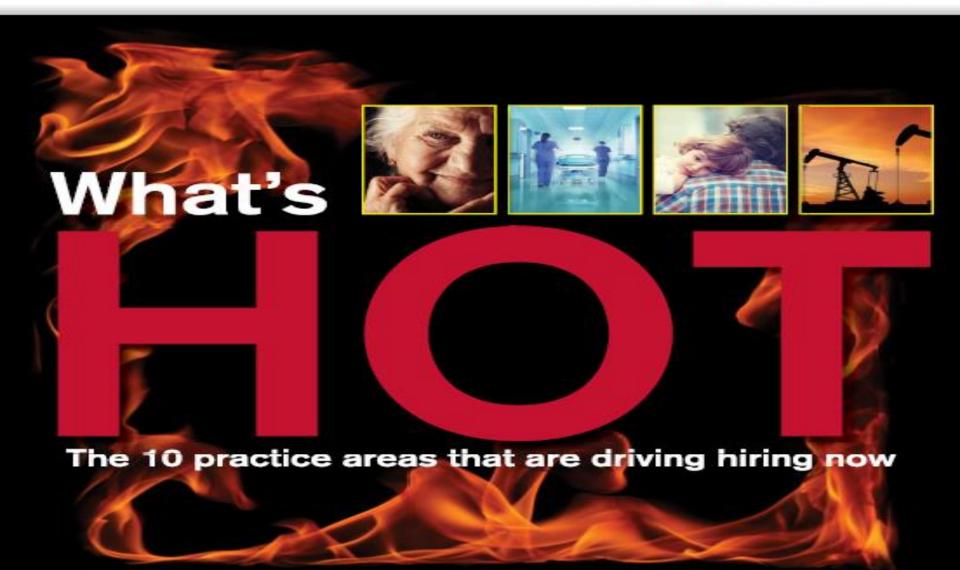
Law student publications

National Jurist

HE MAGAZINE FOR LAW STUDENTS SEPTEMBER 2013 VOL. 23, NO. 1

The PRACTICE SPECIALTI of the future

Health law, I.P., family law expected to lead the way during the next 10 years



STUDENT LAWYER

/BN MAY 2916 VOL 42, NO. 9

Red-Hot Areas of Law

ENERGY, HEALTH CARE, AND REGULATORY LAW



EMPLOYMENT NEWS

Super hot: health law

Health care is expanding at a fast pace, and that means prospective lawyers in this field need to stay abreast of the changes

BY MIKE STETZ



Home > Publications > Student Lawver > 2012-13 > February 2013

Exploring Growing Areas of Law

Vol. 41 No. 6



Fact #1: The population of Americans who are getting older and living longer is growing dramatically. As lawyers try to make sense of all the issues related to elder law, they need a keen sense of the broad policy issues, an up-to-date understanding of all the regulations of their state and the federal laws, and a patient understanding of the unique needs and desires of their client.

Fact #2: Insurance law, particularly as it relates to health care,

2015

Lawyer & Statesman A National Jurist Publication



Not only law student pubs

Legal practice publications



SIGN IN TO YOUR SUBSCRIPTIONS/ACCOUNT

NEWS

April 7, 2016

Health-Law Specialty Still Evolving, Attorneys Say



ASPEN PUBLISHERS

Vol. 30 • No. 7 • July 2011

State of the Practice Area...

Health Care Lawyers Stay Busy and Expect Even Heavier Workloads in the Future

Financial news pubs

THE WALL STREET JOURNAL.

WSJ.com

LAW JOURNAL Updated June 16, 2013, 11:40 p.m. ET

Want a Law Job? Learn the Health-Care Act

By JENNIFER SMITH

Some companies are warning that President Barack Obama's health-care overhaul will cost jobs. It won't be in their legal departments.

Health-care companies racing to comply with the Affordable Care Act and other rules are calling in the lawyers, sparking a mini-boom for specialist attorneys who can backstop overloaded internal teams and steer clients through an increasingly crowded regulatory minefield.



CONTINUING EDUCATION SPECIAL SECTION

New Health Law Is Sending Many Back to School

By PHYLLIS KORKKI MARCH 17, 2014



Twitter IDA | Jahr Danart

6 Fields Where ObamaCare is Creating Jobs

Published October 25, 2013 / Bankrate.com

But where exactly are these jobs?

Roadmap

Public health law

VS.

Health law

Attorney

VS.

Non-attorney

Health

Mostly defined by client business, not by area of law

Health Law refers to law affecting "healthcare"

Healthcare

Services

Medical, nursing, dental . . .

Goods

Drugs, devices, equipment . . .

180/0

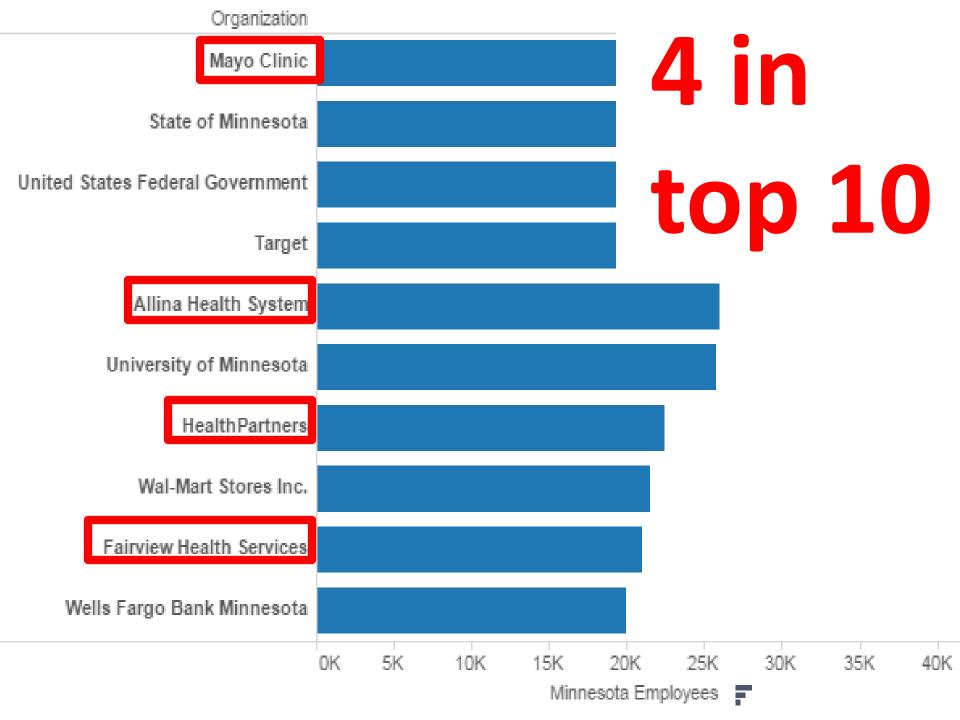
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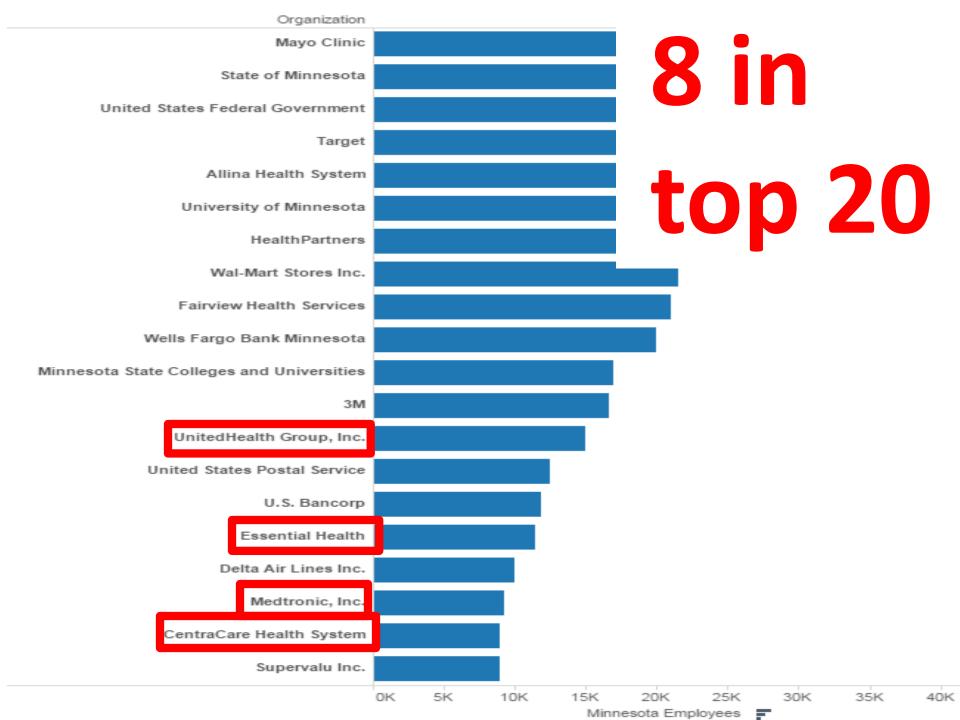
you will be in

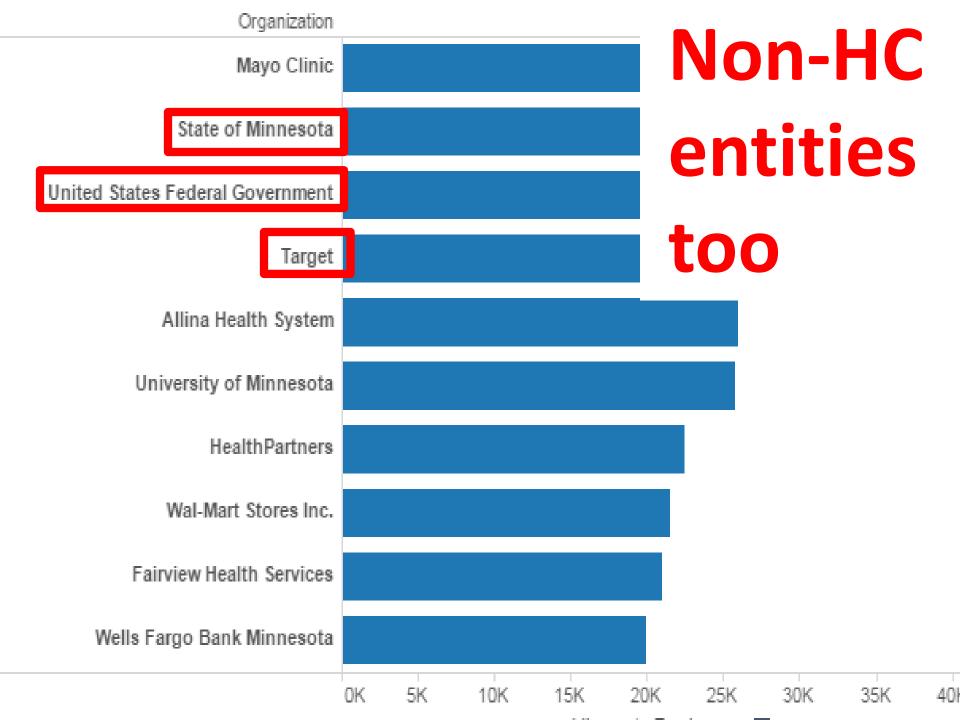
health law



Top Employers Statewide







Attorney

Litigation

Transactional

Can combine with other areas of interest

3 hot HI practice

areas

Independent practice areas

But special rules for HC clients





Also – local, state, property











Labor & Employment Law

Issues

specific to health law

Patient care Medical malpractice Fraud & abuse Health privacy Credentialing, licensing, accreditation

Practice

settings

examples

State

GOV



MINNESOTA*

BOARD OF DENTISTRY

Minnesota Health Licensing Boards









Minnesota Department of Human Services

Federal







Insurers

MEDICA®





OptumHealth_{sm}

Optimizing Health and Well-Being™





Health care that starts with you. SM

Providers







Manufacturers













Enhancing Outcomes for Patients and Their Caregivers....



Professional Associations







Firms



STINSON LEONARD STREET





Related & overlaps HL

Elder

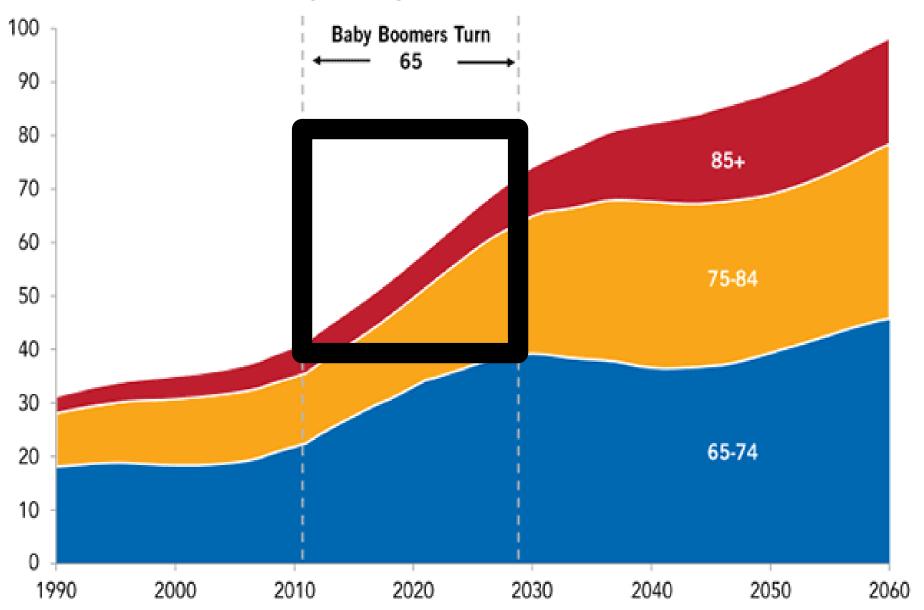
Law.

Estate planning

Medical directives

Long-term care

U.S. POPULATION AGE 65+ (MILLIONS)



SOURCE: U.S. Census Bureau, National Intercensal Estimates, and 2014 National Population Projections, December 2014. Compiled by PGPF.

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A CALL TO ACTION ON ELDER LAW EDUCATION: AN ASSESSMENT AND RECOMMENDATIONS BASED ON A NATIONAL SURVEY

Nina A. Kohn Edward D. Spurgeon

THE ELDER LAW JOURNAL

Volume 21

Number 2

2014

Elder Law—A Growth Field

"There are ample job opportunities in the field of Elder Law."
68% Agree • 24% Other • 8% Disagree

"There is a need for more Elder Law attorneys." 72% Agree • 20% Other • 8% Disagree

"Elder Law is growth field."

93% Agree • 5% Other • 2% Disagree



Attorney

JD advantage

JD preferred





Compliance officer Risk manager Regulatory affairs Privacy officer Ethics consultant

Compliance

1 of 5

Compliance = meet expectations of those who grant us money, pay for our services, and regulate our industry.

Jump-Start a Legal Career With a Job in Compliance Law

New consumer protection and health care laws are fueling growth in legal compliance and related fields.



Companies are looking for professionals with the legal knowledge to help recognize and fix problems before they start.

By Margaret Loftus

March 16, 2015 | 7:30 a.m. EDT

+ More

HIPAA Privacy

Foreign Corrupt Practices Act

Stark & Anti-kickback

Sunshine Law

CCH° ASPEN



Health Care

Wolters Kluwer



Publication

Health Care Compliance, Professional's Manual

Editors:

Al Josephs, CHC Steven Ortquist, CHC Brent L. Saunders Roy Snell, CHC Debbie Troklus, CHC

Health Care Compliance Association

Wolters Kluwer Aspen Publishers

Law & Business

Administration): the public health agen and Aging. The fourth chapter end Department programs,

TABLE OF CONTENTS

Introduction and Overview

- Compliance, Health Care and Organizations
- The Compliance Officer in Context
- False Claims Act and Qui Tam Suits
- Government Enforcement Trends
- The Deficit Reduction Act of 2005:
 Significant Changes in Compliance Laws

Basics of the Law

- Overview of Medicare and Medicaid Programs
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- Billing and Coding Compliance
- Health Care Fraud and Abuse Laws
- The 2008 2010 Implementation of the Deficit Reduction Act
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- Equal Employment and Labor Standards Laws
- Worker Safety and Environmental Protection
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- Corporate Laws
- Patient Record and Confidentiality Laws
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- Identification and Management of Financial Conflicts of Interest in Clinical Research
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- Clinical Research Billing and the National Coverage Decision
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- Identity Theft Red Flags and Address Discrepancy Requirements
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Who Sets the Standards of Compliance Programs?

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- HITECH Act: Meaningful Use of Electronic Health Records

Model Policies and Forms

- Auditing and Monitoring
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- Code of Conduct.
- Compliance Program, Development
- · Compliance Program, Evaluating and Improving
- Conflict of Interest
- · Document Creation, Retention, and Disposition
- HIPAA Privacy and Security
- Hiring and Delegating Responsibility
- Hotlines and Other Reporting Mechanisms
- Internal Investigations
- Interaction with Pharmaceutical Representatives

LISINE WORLD REPORT CALS

Jump-Start a Legal Career With a Job in Compliance Law March 16, 2015 |

New consumer protection and health care laws are fueling growth in legal compliance and related fields.



10 hottest alternative legal careers

A host of factors are changing the employment landscape. Here are some jobs you might want to put on your radar.

BY RICHARD L. HERMANN

hen I spoke at law schools 20 years ago, career service directors would ask me to limit my comments to traditional legal careers. Today, they ask me to focus on legal opportunities outside the mainstream.

intellectual capital management, tax, contracting and procurement, depending on their relevant law school courses, internships and externships, certificates earned and non-legal employment experiences.

Because many J.D.-preferred positions pay well, obtaining and working in one can

1. Compliance

Both the U.S. Bureau of Labor Statistics (www.bls.gov) and the Society of Corporate Compliance and Ethics (www.corporatecompliance.org) report that compliance is the fastest-growing profession in corporate America. Regulatory compli-



Businesses hire up to deal with more regs

By Ben Goad and Julian Hattem - 11/09/13 12:00 PM EST

CNNMoney/PayScale's top 100 careers with big growth, great pay and satisfying work.

20. Compliance Manager

Median pay: \$87,200

Top pay: \$127,000

10-year job growth: 27%

Total jobs*: 29,300

What they do all day? Like business traffic cops, compliance managers make sure their employers understand and conform to all relevant industry laws and regulations. Commonly found in pharmaceutical, health care, financial



Healthcare fraud remains major focus



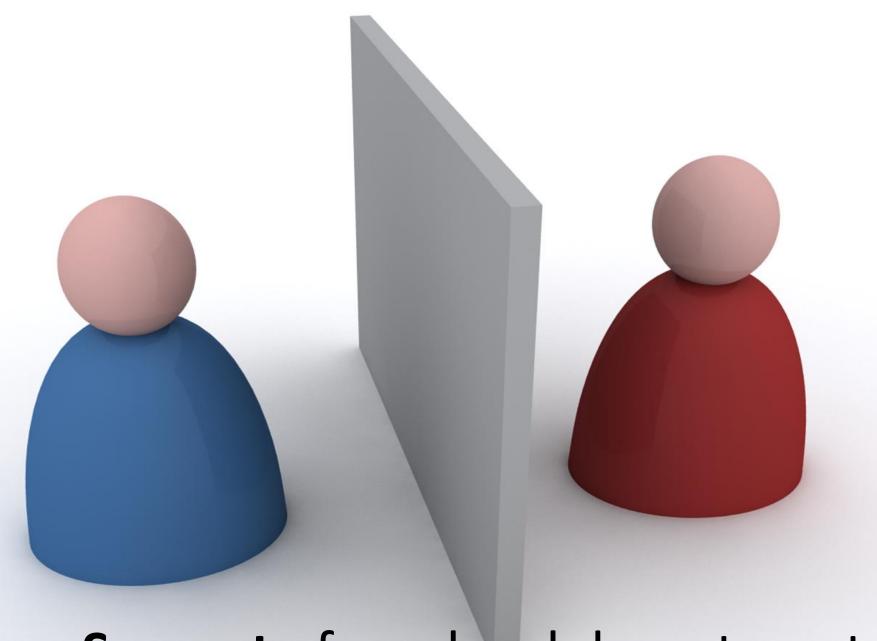
\$17 billion recovered since 2009

\$8 recovered for every \$1 spent

ACA 6401

```
"a provider of medical or other items or services.

..shall...establish a compliance program..."
```



Separate from legal department

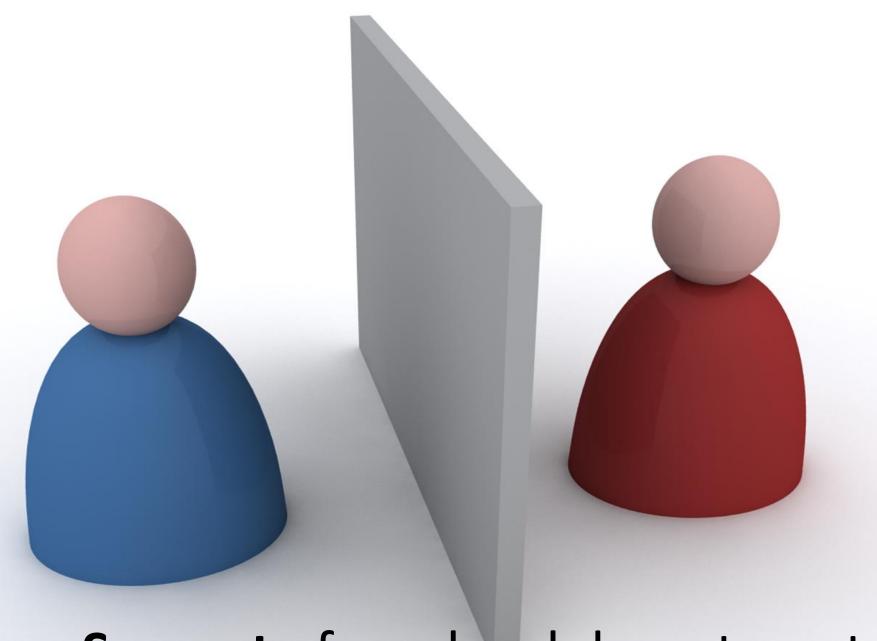
Risk Manager

2 of 5

Identify causes of accidents

Implement preventive measures

Manage claims & insurance



Separate from legal department

Regulatory affairs

3 of 5



U.S. Department of Health and Human Services Food and Drug Administration







Use legal skill set Interpreting laws and regulations

Technical writing
Problem solving

Pre-Market

Develop test strategy

Post-Market

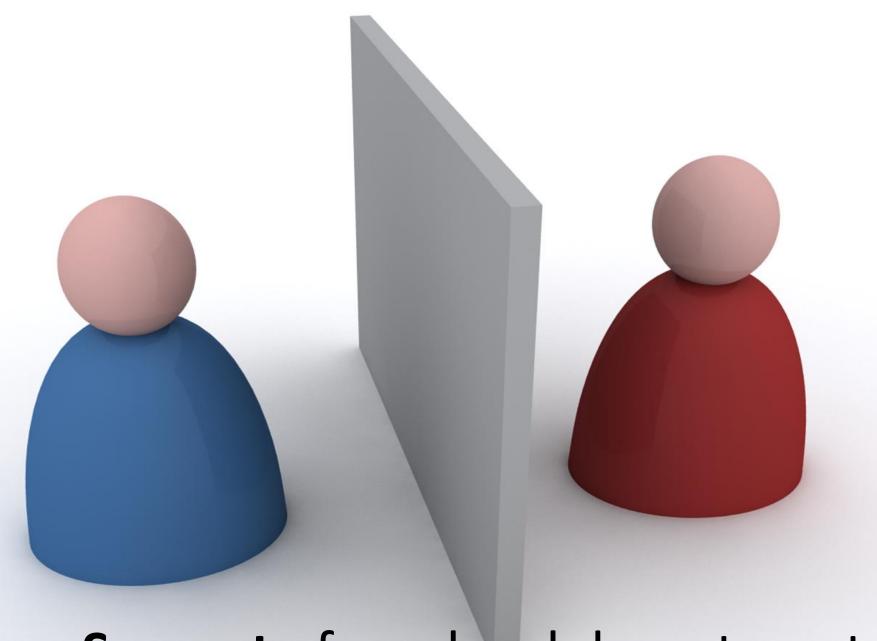
Review promotional pieces

Review labeling

Assess design, material, manufacturing process changes

Regulatory Affairs Professional Development Framework

AN OVERVIEW



Separate from legal department

Privacy

4 of 5



Privacy Rule (2000) - to assure protection of individual health information

"A covered entity must designate a privacy official . . ."

45 C.F.R. 164.530

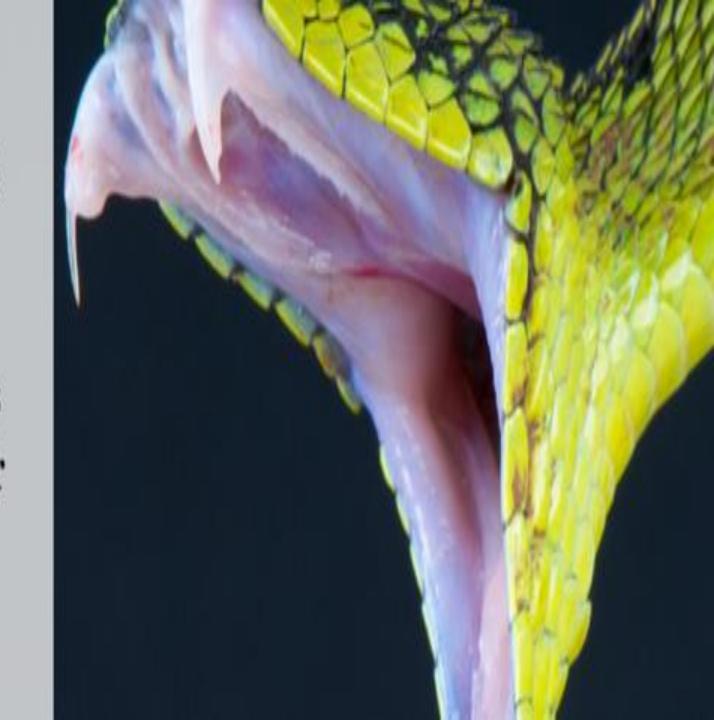
Health care provider that conducts certain transactions in electronic form

Health care clearinghouse

Health plan

>500,00

HIPAA Audits Grow Teeth: Why Dental Organizations Can No Longer Ignore Them



Health care changes keep Minnesota lawyers busy

Companies are enlisting law firms to help them navigate reform and privacy issues.

By Nicole Norfleet (http://www.startribune.com/nicole-norfleet/101685423/) Star Tribune

MAY 13, 2016 - 9:50PM

Clinical ethics consultant 5 of 5



Patients, families, and practitioners sometimes face ethically hard, confusing, or conflicted choices.

Common Ethical Issues We Address

- End-of-Life Decision Making
- Surrogate Decision Making
- Decisional Capacity
- Informed Consent
- Minors and Decision Making
- Complex discharges

- Privacy and Confidentiality
- Pregnancy and Perinatal Issues
- Dealing with "Difficult"
 Patients
- Critically/chronically ill neonatal and pediatric patients

medicineandpublichealth.vanderbilt.edu

Ethics Consultation facilitates discussion, analysis and understanding and provides recommendations



Also MD, PhD, RN...
But growing JD hiring

Cleveland Fellowship in Advanced Bioethics (CFAB)



Cleveland Clinic

Networking





Externships

Residencies

Clinics

Summer P/Tjobs





National Bar Associations





American Health Lawyers Association



American Health Lawyers Association



American Health Lawyers Association



American Health Lawyers Association

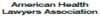


AHLA Student Memberships are now free!

Put away your debit card, Google Wallet, Paypal, or cash—Student membership in AHLA is now FREE! AHLA knows that making the right connections and having the most timely analyses are crucial to advancing your career in health law, and we are committed to helping students make these connections as early as possible.

Share this amazing news with all of the students in your network.

Visit www.healthlawyers.org/join to become a member today.





American Health Lawyers Association



American Health Lawyers Association



American Health





American Health

Lawyers Association









AHLA CONNETT May 2014 Volume 18 Issue 5 CONNETT CONSTRUCTIONS

For the health and life sciences law community

The "10/3": Ten Questions for Three Attorneys from Public Sector, Government, and Public Interest Groups

This year, AHLA's Young Professionals Council has been producing a Job Resource Guide and Toolkit that draws upon the expertise and wisdom of leaders in the field of health law. The first article in the series was featured in the October 2013 issue and included profiles of three AHLA members in different practice settings: a solo practitioner; attorney in a mid-sized firm; and an attorney in a large firm. The second article appeared in January 2014 and asked questions of three in-house counsel

at the Centers for Disease Control and Prevention in Atlanta, GA; and James Saling spoke with Victoria L. Veltri, State Healthcare Advocate at the Office of the Healthcare Advocate, Hartford, CT.

Each provided a unique perspective about their career paths and shared thoughts about what they do—it's interesting, never the same, and makes a difference in the lives of many.



Young Professionals To-Do List

Update your AHLA Member Profile - Go to www.healthlawgers. org, login, then click on Update Your Demographic Information. Click on the Personal Profile tab and complete your demographic profile. Mid-way down the screen there is a place to designate how you want to become involved. This information is then made available to AHLA leaders looking for volunteers on particular projects.



- 2 Find a Practice Group and Get Involved If you're interested in knowing more about one of AHLA's sixteen Practice Groups (PG), each Group has a Vice Chair of Membership who will be glad to talk with you about opportunities (a listing of PG leaders is available at www.healthlawgers.org/pg). AHLA's PG leaders welcome new members to bring fresh perspectives on member outreach and technology issues, and to help with member alerts, publications, and other special projects. Getting involved in a PG is a great way to broaden your knowledge base, make contacts within the industry, and grow as a professional.
- Subscribe to the Young Professionals Discussion List This listserv enables young professionals to share and network with one another by discussing hot topics in the healthcare world, and best practice techniques and tips. PG leaders also participate on the list and often post available opportunities to become more involved. To subscribe and to post, go to www.healthlawyers.org/lists.
- Participate in the AHLA Mentoring Program (reate your profile at www.healthlawyers.org/mentoring. Become a mentor for a law student and find your own mentor.

Write for the AHLA Health Law Wiki - To learn more, go to www.healthlawyers.org/wiki. In addition, each year, AHLA hosts a Wiki competition for young professionals wanting to create an original entry or add to an existing Wiki entry on any matter of health law. Winners receive prizes and have their winning article published in AHLA Connections. For more information, email YPBhealthlawyers.org.

Become an AHLA Author - AHLA has initiated a New Author pilot program that

helps young professionals develop their writing skills by identifying publication opportunities. The pilot
program partners young health lawyers interested in writing with experienced attorneys, with

the expectation that they will collaborate to produce an article for publication by AHLA. If you're interested in participating, contact us at YPE healthlawyers.org. Young professional members are also encouraged to submit an article for the Member Forum column in AHLA Connections magazine, write a book review of a recently released AHLA publication, or to submit an article for one of the Practice Group newsletters. See our Call for Authors information at www.healthlawyers.org/volunteer.

Volunteer to Speak - Visit www.healthlawyers.org/volunteer to view the Call for Speakers, which has a current list of the programs that are currently accepting proposals and the requirements for proposals. Also join the PG of your choice and let the leadership know you are interested in helping to plan, moderate or speak on a webinar.

Tweet, Post, and Link - AHLA and many of its Practice Groups use social media channels, including Facebook, LinkedIn, and I witter to inform their members about the latest health law news and developments as well as to connect with one another. If you're interested in helping to grow AHLA's presence in this area, contact us at YP@healthlawyers.org.

Network - AHLA holds various networking events and receptions for young professionals at AHLA's in-person programs. Look for more information about these events in the program brochures. The Association also sponsors networking events in various cities. If you are interested in helping to organize an event in your area, contact us at YPEhealthlawyers.org. Also download the planning toolkit, which can be found at www.healthlawyers.org/YP.

Register for a Young Professionals Brown Bag - The Young Professional Council sponsors members—only webinars on practical topics of interest. For example, the Young Professionals Council and the Advisory Council on Diversity have co-sponsored: What I Know Now That I Wish I Knew Then - Perspectives from Health Law Attorneys in Government, Law Firms, and In-House Counsel; and Mentoring: The Most Important Tool in Your Professional Arsenal. If you have a topic idea or are interested in speaking, contact us at yp@healthlawyers.org.

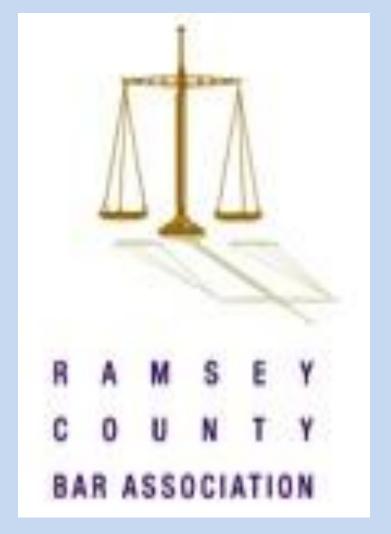
hello

State Bar Association



County Bar Association





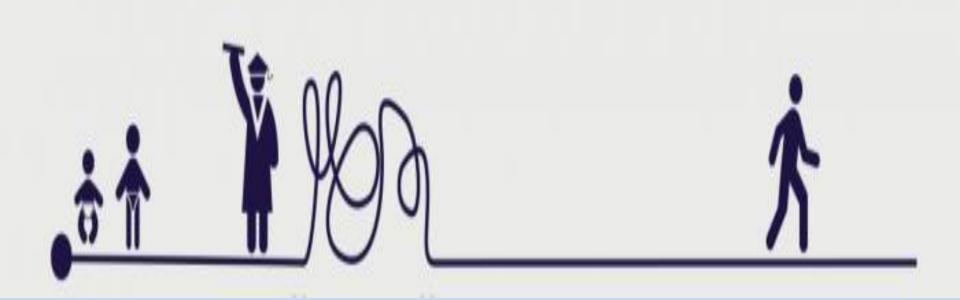


Specialty Association

Health Care Compliance Association

Final

Mord



Your path to health law may not be direct (and that is okay)

Resources



LAWRENCE SINGER
MEGAN BESS
KRISTIN FINN

Health Law Career Guide

Prepared by Kathleen Snow, Class of 2015, and the Career Development Office at CU Law School



Health Law: A Career Guide



Written By:

Catherine Pattanayak, Assistant Director

Joan Ruttenberg, Director of the Heyman Fellowship Program
&

Annelise Eaton, 2012 Summer Fellow

Bernard Koteen Office of Public Interest Advising Wasserstein Hall Suite 4039 www.law.harvard.edu/current/careers/opia

You are Invited to a **Health Law Careers** Program

Sponsored by the New York State Bar Association's Health Law Section Health Law Diversity Committee and Brooklyn Law School's Center for Health, Science and Public Policy

Brave New World: Exploring Today's Health Law Career Paths

Twenty-first century health care is changing rapidly with new regulations and developments emerging every day. Practitioners in Health Law now face issues associated with digital medicine and cyber security as well as changes in compliance and state regulations.

Our panel of practitioners in Health Law will discuss their career path and how the changing world of health care delivery is transforming their practice. The panelists will highlight traditional and nontraditional areas of opportunity in Health Law and offer tips on getting your foot in the door.

Thursday March 10, 2016

6 pm - 8 pm A reception will follow the program

Brooklyn Law School Subotnick Center 250 Joralemon Street Brooklyn

www.brooklaw.edu/directions

RSVP

www.brooklaw.edu/healthlawpgm by Tuesday, March 8, 2016

Ouestions?

Contact the Office of External Affairs: (718) 780 7966 or events@brooklaw.edu

Speakers



Salvatore Russo Senior VP and General Counsel Health & Hospital Corporation New York City Adjunct Professor of Law Brooklyn Law School



Ingrid Green Jones Assistant General Counsel -Compliance The College Board



Robert Swidler VP Legal Services St. Peter's Health Partners:



Danette Slevinski SVF, Chief of Corporate Compliance & HIPAA Privacy Officer NYU Lutheran Medical Center '05 BLS Alumni









COLUMBIA UNIVERSITY PROGRAMS IN BIOETHICS

PANEL & NETWORKING EVENT: Health Care Law and Bioethics: Intersections, Challenges, and Opportunities

David C. Leven, Executive Director, End of Life Choices New York

Adira Hulkower, Bioethics Consultant, Montefiore Health System

David N. Hoffman, Chief Compliance Officer for PAGNY, P.C.

Randi Seigel, Counsel, Healthcare, Manatt, Phelps & Phillips, LLP



School of Professional Studies





Thaddeus Mason Pope, JD, PhD

- Director, Health Law Institute
- Mitchell Hamline School of Law
- 875 Summit Avenue
- Saint Paul, Minnesota 55105
- **T** 651-695-7661
- C 310-270-3618
- E Thaddeus.Pope@mitchellhamline.edu
- W www.thaddeuspope.com
- B medicalfutility.blogspot.com

Question & Answer

Type your question in through the Q & A panel



