

# HEALTH LAW INSTITUTE

Join us for this year's three-part webinar series.

## INFORMATION BLOCKING AND BEYOND: WHAT HEALTHCARE PROVIDERS NEED TO KNOW

Tuesday, October 13, 2020 | 2:00 - 4:00 PM CDT

*Brooke Bennett Aziere and Amanda Wilwert*



On May 1, 2020, the Office of the National Coordinator (ONC) and Centers for Medicare & Medicaid Services (CMS) simultaneously published their final rules implementing the 21st Century Cures Act. On April 24, 2020, the Office of Inspector General (OIG) released its Proposed Rule on Civil Monetary Penalties (CMPs) to be imposed against actors who engage in prohibited "Information Blocking."

These new rules and standards may change certain policies and procedures adopted by covered entities and business associates in accordance with HIPAA and permitted business practices. This presentation will provide a review of the 21st Century Cures Act and its prohibition against Information Blocking, as well as patient access requirements. This presentation will take a deeper dive into how the ONC & CMS final rules affect an organizations' HIPAA policies governing uses and disclosures of protected health information and patient access to electronic health information, and include recommended updates to those policies to ensure the organization maintains compliance with these new 21st Century Cures Act rules, after the November 2, 2020 compliance deadline.

## THE COVID-19 IMPACT ON HEALTH LAW

Tuesday, October 27, 2020 | 2:00 - 4:00 PM CDT

*Alex Schulte, Kyle Calvin, and Lisa Brown*



All our lives have been turned upside down by the outbreak of the novel coronavirus. The COVID-19 pandemic has led to economic shutdown and stay-at-home orders, sweeping new stimulus programs and other governmental responses, and seismic changes to our way of life. While every industry has been impacted by the coronavirus, no industry has

changed more dramatically than healthcare. In this presentation, we will discuss the changes to the industry that the pandemic has caused, focusing on federal and state legislative and regulatory measures that have been implemented to address the pandemic's effects, including the federal CARES Act and the Provider Relief Fund it created, new federal and state telehealth and expedited licensure initiatives, Medicare and fraud-and-abuse waiver programs, developments under § 1557 of the Affordable Care Act and other discrimination laws, and state liability protections. We will provide practical tips for healthcare providers who must navigate the difficult financial and operational challenges that the pandemic poses and will discuss how the new initiatives may affect providers even after the pandemic has passed.

## UNMASKED: HEALTHCARE LITIGATION TRENDS OF 2020 AND WHAT WE CAN LEARN FROM THEM

Tuesday, November 10, 2020 | 2:00 - 3:00 PM CST

*Gary Ayers and Clayton Kaiser*



You may want to forget 2020 and start over in 2021, but, before leaving the last year in the rearview mirror, there are a number of issues that deserve unpacking. During this session, we will focus on six issues that we see potentially having a big impact in 2021: (1) recurring disputes in limited liability companies (corporate piercing, fiduciary duties, squeeze out mergers, operating agreement breaches), (2) enforcement of Kansas' corporate practice of medicine doctrine, (3) the emergence of new False Claims Act/ Qui Tam case defenses, (4) the use of litigation privileges to protect healthcare transactions, (5) lingering questions regarding caps on noneconomic damages, and (6) the murky waters of force majeure clauses. Buckle up, it is going to be (has been) a bumpy ride as we share lessons learned from a tumultuous year and a preview of what is to come in healthcare litigation.