October 27-28, 2016  •  Andaz Wall Street  •  New York, NY

2nd Annual Advanced Forum on

MEDICAL LIABILITY
CLAIMS, COVERAGE & RISK MANAGEMENT

Learn from:

Prashanth Mekala
FBI

Tara Ramanathan
CDC

Matthew Fitzsimmons
Office of the Conn. AG

Esther Chavez
Office of Tex. AG

Steve Kinion
Delaware Ins. Dept.

Leonard Berlin, MD, FACR
Radiology Department – Skokie Hospital
Professor of Radiology – Rush University and U. of Ill.

Elliott Goodman, MD
Bariatric Surgeon
Beth Israel Medical Center

Michael G. Ross, MD, MPH
Distinguished Professor of Obstetrics and Gynecology and Public Health
Geffen School of Medicine at UCLA

Edward Eden, MD
Division of Pulmonary, Critical Care & Sleep Medicine
Mount Sinai Hospital

Harry F. Farb, MD
Obstetrician and Maternal Fetal Medicine Specialist

Joseph Wu, MD
Associate Professor of Psychiatry
UCI Brain Imaging Center

David E. Ross, MD
Virginia Institute of Neuropsychiatry

Martin S. Kohn, MD, MS, FACEP, FACPE
Chief Medical Scientist
Sentrian - Remote Patient Intelligence

Sessions include:

- ELECTRONIC MEDICAL RECORDS, METADATA, AUDIT TRAILS: Tackling the Unique Malpractice Risks and E-Discovery Challenges

- The Latest CYBER THREATS to the Healthcare Industry: PHI Data Breaches, the Recent Alarming Wave of “RANSOMWARE ATTACKS,” Growing Cybersecurity Threats to Medical Devices

- Mitigating Exposure to Rising Healthcare BATCH CLAIMS, and Defending Against Batch Claims Once They Are Brought

- CALCULATING DAMAGES in Med Mal Cases, Catastrophic Injury & Life Planning Considerations and USING THE ACA TO MITIGATE FUTURE DAMAGES

- HOSPITAL BORNE ILLNESSES & INFECTIOUS DISEASES: What Hospitals Can Do to Mitigate Risks and Avoid Legal Implications

- HOSPITAL WORKER MISCLASSIFICATION ISSUES AND OSTENSIBLE AGENCY in Medical Malpractice – What Are the Risks?

- Does Saying Sorry Work?: An Industry Discussion of DISCLOSURE AND APOLOGY LAWS and Their Impact on Medical Malpractice

- TELEMEDICINE, 3D PRINTING, ROBOTIC SURGERY & OTHER MEDICAL DEVICE DEVELOPMENTS – Mitigating Emerging Exposures & Assess These Technologies from an Enterprise Risk Management Perspective

- OBSTETRICS: Looking at 2016’s Biggest Claims Trends, New & Emerging Risks and What to Expect in the Year Ahead

- New Claims Trends Related to the U.S. Pain Crisis: Taking a Look at the Recent PRESCRIPTION OPIOID ABUSE EPIDEMIC and Its Impact on a New Wave of Med Mal Insurance Claims

- A to Z of LITIGATING YOUR MEDICAL MALPRACTICE CASE: An Examination of Each Stage Including Trial Techniques, Lining Up the Right Experts, Using Technology in Trial Presentations, and Beyond

Be sure to also book for the Brain Injury Master Class:
Oct. 28; 2-5 p.m. (see page 6 inside)

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HERE ARE JUST SOME OF THE COMPANIES AND FIRMS ALREADY PARTICIPATING

Transatlantic Reinsurance Company  | AmWINS Brokerage Group  | Lewis Brisbois Bisgaard & Smith LLP  
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Beazley Group  | Physician-Patient Alliance for Health & Safety  | DeCorato Cohen Sheehan & Federico, LLP  
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Swiss Re Insurance  | Heidell, Pittoni, Murphy & Bach, LLP  | and others  
North Shore Physicians Group  | Wilson Elser Moskowitz Edelman & Dicker LLP  |  
Medical Underwriters of California  | Kamykowski, Gavin & Smith, PC  |  
CompAlliance Managed Care  |  |  

Healthcare providers are facing rising med mal exposures given the recent increase in healthcare utilization under Obamacare, changing trends in hiring and employment patterns and healthcare delivery models, increased use of electronic platforms and portals, decreasing reimbursements and greater regulatory scrutiny. As such, on a variety of fronts, all those along the medical liability continuum are looking for answers on assessing and mitigating risk, managing litigation, defending claims and altering underwriting processes to address the changing medical liability landscape.

That is why you cannot afford to miss AMERICAN CONFERENCE INSTITUTE’S 2ND NATIONAL ADVANCED FORUM ON MEDICAL LIABILITY – CLAIMS, COVERAGE AND RISK MANAGEMENT. This conference will bring together AN UNPARALLELED FACULTY OF GOVERNMENT, MEDICAL EXPERTS, RISK MANAGERS, INSURANCE PROFESSIONALS, AND LEADING PLAINTIFFS’ AND DEFENSE ATTORNEYS, who will provide you with the MOST UP-TO-DATE INFORMATION ON COMPLEX MEDICAL ISSUES AND LITIGATION HURDLES, INCLUDING:

- ELECTRONIC MEDICAL RECORDS, METADATA, AUDIT TRAILS: Tackling the Unique Malpractice Risks and E-Discovery Challenges
- The Latest CYBER THREATS to the Healthcare Industry: PHI Data Breaches, the Recent Alarming Wave of “RANSOMWARE ATTACKS.”
- Mitigating Exposure to Rising Healthcare BATCH CLAIMS, and Defending Against Batch Claims Once They Are Brought
- CALCULATING DAMAGES in Med Mal Cases, Catastrophic Injury & Life Planning Considerations and USING THE ACA TO MITIGATE FUTURE DAMAGES
- HOSPITAL BORNE ILLNESSES & INFECTIOUS DISEASES: What Hospitals Can Do to Mitigate Risks and Avoid Legal Implications
- HOSPITAL WORKER MISCLASSIFICATION ISSUES AND OSTENSIBLE AGENCY in Medical Malpractice – What Are the Risks?
- Does Saying Sorry Work?: An Industry Discussion of DISCLOSURE AND APOLOGY LAWS and Their Impact on Medical Malpractice
- TELEMEDICINE, 3D PRINTING, ROBOTIC SURGERY & OTHER MEDICAL DEVICE DEVELOPMENTS – Mitigating Emerging Exposures & Assess These Technologies from an Enterprise Risk Management Perspective
- OBSTETRICS: Looking at 2016’s Biggest Claims Trends, New & Emerging Risks and What to Expect in the Year Ahead
- New Claims Trends Related to the U.S. Pain Crisis: Taking a Look at the Recent PRESCRIPTION OPIOID ABUSE EPIDEMIC and Its Impact on a New Wave of Med Mal Insurance Claims
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This year marks 30 years since the inception of C5 Group.

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30 years building a network of industry leaders
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Our new brand look and language will be fully revealed soon. Stay tuned for more exciting changes.
DAY ONE
THURSDAY, OCTOBER 27, 2016

7:15
Registration and Continental Breakfast

7:55
Co-Chairs’ Welcome Remarks

Richard T. Henderson, CPCU, ARM, AIC, AU
Vice President
Transatlantic Reinsurance Company

Lori Semlies
Wilson Elser Moskowitz Edelman & Dicker LLP

8:00
Electronic Medical Records, Metadata, Audit Trails and More: Tackling the Unique Malpractice Risks and E-Discovery Challenges of Today’s Paperless World

Susan Purcell Montiel
Administrative Director, Corporate Compliance and Legal Services and Corporate Compliance Officer
Southwestern Vermont Medical Center

Kasie Leigh Cousino
Director of Claims
HealthCap Risk Management & Insurance

Harry F. Farb, MD
Obstetrician and Maternal Fetal Medicine Specialist

Scott A. Wandstrat
Amali Golden Gregory LLP

Joshua Cohen
DeCorato Cohen Sheehan & Federico, LLP

• A discussion of the new and increasing malpractice risks associated with EMR today
• Examining med mal claims trends related to EMR over the last year
• The issues EMR can present with regard to the standard of care (e.g. lack of training; EMR contributing to breakdown of communication between physician and patient)
• Training users of EMR systems and the associated risks
• Providing assurance of the integrity of the electronic record and associated raw data
• Risks associated with cloning records and the retroactive manipulation of electronic records
• EMR in the litigation/trial stage: how metadata and audit trails can be used in the course of a claim/lawsuit and tips and strategies for overcoming e-discovery challenges

9:30
Morning Break

11:15
Mitigating Exposure to Rising Healthcare Batch Claims, and Defending Against Batch Claims Once They Are Brought

Richard T. Henderson, CPCU, ARM, AIC, AU
Vice President
Transatlantic Reinsurance Company

Stephanie A. Sheps
Director, Claims
Coverys

Steven Chang
Specialty Lines
Beazley Group

Michael P. Bruyere
Freeman Mathis & Gary, LLP

• An industry discussion of how batch claims / batch events are increasing in size and frequency in the new world of healthcare
• The types of risks that are contributing to healthcare organization and facility batch claims
• Recent developments in the healthcare industry that are leading to more and bigger batch claims (e.g. market consolidation, healthcare reform)
• Types of batch claims and the legal theories used to support them
  o Medical Necessity / Unnecessary Procedures (e.g. cardiac stents, chemotherapy, back surgery, etc.)
  o Sexual Abuse / Misconduct
  o Employee Supervision / Improper Credentialing (e.g. angel of death cases, treatment provider/practitioner drug addiction-related offenses)
  o Equipment Failure / Infections (e.g. improper sanitation/sterilization, “alarm fatigue,” food poisoning, malfunction of equipment)
• The new frontier of batch claims - financial batch claims: batch claim exposure based on allegations of financial misconduct and broad scale operation or system failure
• Relevant batch claim cases – theories of liability (direct corporate negligence; vicarious liability)
• Strategies for managing and defending batch claims once they are brought
• Risk management strategies to mitigate rising exposures to batch claims going forward

Media Partner:

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Calculating Damages in Med Mal Cases, Catastrophic Injury & Life Planning Considerations and Using the ACA to Mitigate Future Damages: Hear from a Top Plaintiff & Defense ACA Attorney, a Life Care Planner and an Economist on this Hot Button Issue

Chad L. Staller, JD, MBA, MAC, CVA
President, Senior Economist
The Center for Forensic Economic Studies

Robert P. Tremp, Jr., MA, CRC, CLCP, LAC
Certified Life Care Planner
Deutsch, Tremp & Tremp, LLC

Thomas Geroulo
Weber Gallagher Simpson Stapleton Fires & Newby LLP

Michael F. Barrett
Saltz Mongeluzzi Barrett & Bendesky, P.C.

Norris Cunningham
Hall, Render, Killian, Heath & Lyman, PC

- Calculating damages in med mal and catastrophic injury cases
  - Types of damages recoverable
  - Dealing with caps on non-economic damages
  - Dealing with the collateral source rule
- Catastrophic injuries that require a lifetime of medical care:
  - Calculating future medical bills
  - Using a special expert witness (economist, certified life care planner)
  - Plaintiff vs. defense perspectives on using a life care planer
- Effect of state tort reform on damages
- The rise in defense efforts to use the ACA to mitigate future damages
- What arguments are defense attorneys making that are succeeding in lowering/limiting plaintiffs’ damages for future medical care?
- What arguments are plaintiff attorneys making in response?
- How are counsel determining which cases, when and how to make these arguments?
- What the ACA means for life care plans
- How are different states treating defense evidence relating to the ACA in med mal and catastrophic injury cases?
- How is the ACA being used as a tool during settlement negotiations?
- Relevant cases since the rollout of the ACA

Who You Will Meet:
- Lawyers, both plaintiff and defense, who litigate medical malpractice cases attend in order to get a solid grounding on the latest medical issues upon which cases are based. Our faculty of medical and legal experts from around the nation will provide you with the information and strategies that are essential to achieve the best outcomes for your clients
- Doctors, nurses and hospital risk/quality assurance managers attend in order to benchmark their current practices and procedures and develop a deeper understanding of the current state of medical malpractice litigation
- Insurance professionals attend in order to obtain valuable insights and strategies for assessing professional negligence claims and to better understand litigation strategies and hospital risk management techniques

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Does Saying Sorry Work?: An Industry Discussion of Disclosure and Apology Laws and Their Impact on Medical Malpractice

Leonard Berlin, MD, FACR
Radiology Department
Skokie Hospital
Professor of Radiology
Rush University and U. of Ill.

Edward Eden, MD
Chief
Division of Pulmonary, Critical Care & Sleep Medicine
Mount Sinai-St. Luke’s-Roosevelt Hospital Center

Lesli Giglio RN, MPA, CPHRM, CPPS
Director
Regulatory Affairs/Risk Management
Patient Safety Officer
Privacy Officer
St. Francis Hospital

Kirsten K. Ullman
Managing Partner, Tampa
Co-Chair National Healthcare Practice
Lewis Brisbois Bisgaard & Smith LLP

Grena Porto, RN, MS, ARM, CPHRM
Vice President
ESIS ProClaim

• In states with disclosure & apology laws – statements by doctors disclosing unanticipated outcomes to patients and expressions of apology to patients and/or family are excluded from being used against medical professionals in court – what is the impact of this on medical malpractice?
• How do disclosure and apology programs work?
• Examining flaws and shortcomings in state “apology” and “disclosure” laws
• Do these laws have the actual effect of discouraging comprehensive disclosures and apologies, and weakening the laws’ impact on med mal suits?
• What are some barriers to adopting such policies?
• Do liability insurers accept full disclosure protocols?
• Addressing the difficulties of managing patients’ expectations and perceptions when communicating openly and honestly with them
• Given the costs associated with disclosing errors (and in some cases offering compensation for unanticipated outcomes), how do these programs affect service providers’ finances?
• What effects does the ACA have on these laws?
• What effect do the ACA have on these laws?
• Does this in fact decrease indemnity and expenses?
• How to best handle these disclosures & apologies, particularly in catastrophic injury cases (what to say, how to say it, etc.)

6:30
Conference Adjourns
DAY TWO
FRIDAY, OCTOBER 28, 2016

7:30
Continental Breakfast

8:00
Teledermicine, 3D Printing, Robotic Surgery & Other Medical Device Developments – Mitigating Emerging Exposures & How to Assess These Growing Healthcare Technologies from an Enterprise Risk Management Perspective

Martin S. Kohn, MD, MS, FACEP, FACPE
Chief Medical Scientist
Sentrian - Remote Patient Intelligence

Mike Midgley, RN, JD, MPH, CPHRM, FASHRM
Vice President Healthcare Risk Engineering
Swiss Re Insurance

Tatum O'Sullivan
Ambulatory Risk & Patient Safety Manager
North Shore Physicians Group

Michael J. Sacopulos
Sacopulos Johnson & Sacopulos

Victoria L. Vance
Tucker Ellis LLP

- Exploring the latest technological advances in teledermicine, 3D printing, robotic surgery and beyond
- Assessing the emerging risks, exposures and potentials for new claim development
  - Equipment failures / breakdowns
  - Security & privacy breaches
  - Credentialing and licensing issues
  - Informed consent management
  - And much more
- Assessing these emerging healthcare technologies from an Enterprise Risk Management (ERM) perspective
- Comparing different state legislation on these new technologies in healthcare
- How are insurers dealing with these new risks?
- Tips for underwriters in evaluating the risk of these developing technologies

9:30
Hot Topics in Obstetrics: Looking at 2016’s Biggest Claims Trends, New & Emerging Risks and What to Expect in the Year Ahead

Michael G. Ross, MD, MPH
Distinguished Professor of Obstetrics and Gynecology and Public Health
Geffen School of Medicine at UCLA
Department of Obstetrics and Gynecology
Harbor-UCLA Medical Center

John S. Moore
Director, Strategic Claim Unit, Specialty Claim
CNA

Paul Greve
Willis Towers Watson

Andrew S. Kaufman
Kaufman Borgess & Ryan LLP

This session will offer an in-depth examination of the year’s hottest topics and med mal claims trends in the areas of obstetrics as well as what to expect in the year ahead. Discussions will include the latest on pattern cases, recommendations for updating strategies in response to recent claims and pivotal cases, and how to coordinate defense efforts when faced with litigation. Experts will provide you with insight on where the trends are headed and the potential risks involved.

10:30
Morning Coffee Break

10:40

Jennifer L. Green
Senior Claims Analyst - Major Loss Healthcare Professional Liability
Beazley USA

Michael Wong
Physician-Patient Alliance for Health & Safety

Michael D. Anderson
Senior Claims Examiner and Risk Specialist
Medical Underwriters of California

Keri Marmoruk
Specialty Lines

- Recent trends in med mal claims resulting from large-scale prescription opioid abuse
- Examining recent studies in pharma manipulation of dosing guidelines
- Associated risks of prescription opioid use by elderly patients
- Issues with opioid prescribing by multiple providers in Medicare and its impact on insurance claims
- Correlation between large-scale prescription pain drug use and other related medical conditions; impact on claim trends
- Children born to addicted mothers suing later for related conditions
- Claims based on failure to properly screen for drug seeking behavior (not just against PCPs but OB/GYNs and other service providers)
- Legalization of Medical Marijuana issues
- Claims trends and exposure risks associated with addiction treatment facilities

11:50
A to Z of Litigating Your Medical Malpractice Case: An Examination of Each Stage Including Trial Techniques, Lining Up the Right Experts, Using Technology in Trial Presentations, and Beyond

Kelly Henderson
Vice President & Deputy General Counsel
Legal and Risk Services Department
Allina Health

Tammy L. Wade
Johnson & Bell, Ltd.

Ryan J. Gavin
Kamykowski, Gavin & Smith, P.C.

Johnny Wade
Brunini, Grantham, Grower & Hewes, PLLC

Roger Harris
Swift, Currie, McGhee & Hiers, LLP

- Investigating the facts concerning liability, causation, and damages: what is relevant?
- Ensuring that your client is prepared for trial
- Lining up the right experts to reduce economic damages (e.g. life planner, life expectancy experts, etc.)
- Trial briefs and motions in limine
- Overcoming the challenges of representing the institutional client
- Giving an effective opening statement
- Effective use of exhibits
- Effectively using modern technology and/or electronics in trial preparations (e.g. presenting x-rays and records using iPads)
- Final arguments and closing statements
- Making the case for or against damages

1:05
Main Conference Ends – Lunch for Master Class Participants
# POST-CONFERENCE MASTER CLASS

## (SEPARATE REGISTRATION REQUIRED)

**Brain Injury Litigation 2.0**

A Panel of Medical Experts Share Cutting Edge Insights on the Latest Brain Injury Litigation Trends, New Theories of Liability, Emerging Defenses, Evolving Standards of Care and Beyond

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## 2. Select your Level of Engagement

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- **Please reserve** additional copies of the Conference Materials at $199 per copy.

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## 5. Accept the Terms and Conditions to Register

- **I confirm I have read and understood the terms and conditions of registering for this event**

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## Venue Information at a Glance

- **Venue:** Andaz Wall Street
- **Address:** 75 Wall Street, New York, NY 10005
- **Tel.:** 1-888-421-1442
- **Online:** http://tinyurl.com/MedicalLiability2016

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Attendees of this expert master class will gain instrumental information on:

- The latest information on diagnosing, evaluating, and presenting brain injury cases
- Expert insights on understanding rehabilitation, diagnostic tests, and the complexities of brain injuries on a case by case basis
- Litigation trends and theories of liability
- Tips and strategies for pursuing and challenging a brain injury defense in today's courtroom
October 27-28, 2016 • Andaz Wall Street • New York, NY

American Conference Institute’s 2nd Annual Advanced Forum on MEDICAL LIABILITY CLAIMS, COVERAGE & RISK MANAGEMENT

Learn from and meet:

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