









Nursing Home/ ALF Litigation

Crisis management by NFL Referee Ed Hochuli

Control the media frenzy surrounding high profile litigation

Shield facilities from liability with comprehensive risk management programs

Navigate assisted suicide laws under threats of wrongful death claims

September 8-9, 2016 Westin Kierland Resort Scottsdale, Arizona

DRI
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resources
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your practice

oin us in Scottsdale to recharge your aura and fuel your intellect under the sun and magical starry skies of the Arizona desert! The 2016 seminar pairs unprecedented networking events with cutting edge education within the vortex of fun and relaxation only available in the bucolic setting unique to Scottsdale. Come experience the fusion of industry with defense counsel as we delve into the most pressing issues challenging aging services providers and medical professionals. Prominent industry executives, counsel, and medical professionals join forces to educate our community on risk management and defense of these claims. DRI sets the standard in education, making this a must attend event for anyone in the industry.



Angeline N. **loannou** Program Chair



Alex J. **Hagan** Committee Chair



Minton P. **Mayer** Program Vice Chair



J. Richard **Moore** Committee Vice Chair



Mary Re **Knack**Law Institute



See what others have to say about DRI seminars

http://www.youtube.com/user/DefenseBar

PRESENTED BY DRI's Medical Liability and Health Care Law Committee

THIS SEMINAR BROCHURE IS SPONSORED BY







What You Will Learn

- The kick is good! Ed Hochuli, a prominent litigator and NFL referee, offers his personal coaching on crisis management under extreme pressure.
- Navigating a challenging media landscape—making your case in the court of public opinion and the court of law.
- Death with dignity? Explore the impact and implementation of assisted suicide legislation.
- Ethically and expertly tackle the issues surrounding the aging LGBT population of residents.
- Craft and implement practical and effective risk management strategies to shield your client from unnecessary and costly litigation.
- Forum shopping: identification of the state laws favoring the defense



Get Started

- Review the brochure and identify sessions of interest to you
- Share this brochure with colleagues
- Register online at http://dri.org/Event/20160190 or complete the form in the back
- Add the program to your calendar
- Download the DRI App App Store Google play and make use of its features to get the most out of this program.
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No one gets you connected like DRI.

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the DRI Medical Liability and Health Care Law Committee Community at http:// **community.dri.org/home** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the **Z DRI Client Connection**—meet in-house registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, SEPTEMBER 7

8:00 a.m. **Golf Tournament** | See page 3 for details.

6:00 p.m. Registration

6:00 p.m. **Networking Reception**

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THURSDAY, SEPTEMBER 8

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7:00 a.m. Registration

7:00 a.m. Continental Breakfast

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7:00 a.m. First-Time Attendees Breakfast

Alex J. Hagan, *Ellis & Winters LLP*, Raleigh, North Carolina

8:00 a.m. Welcome and Introduction

Mary Re Knack, Ogden Murphy Wallace PLLC, Seattle, Washington

Angeline N. Ioannou, *Goldberg Segalla LLP*, Hartford, Connecticut

8:10 a.m. Managing a Crisis in Real Time (AKA, The Story of My Life!)

In this presentation, Ed Hochuli, a prominent NFL referee, shares with us his keys to crisis management. Between his law practice and the NFL, nothing ever goes as expected. And the football field is perhaps the biggest continual crisis of all. His presentation includes anecdotes and video clips—all from actual NFL games. It includes his tips and beliefs on how to prepare for crisis and how to deal with it when it hits, because one thing we all know—crisis will occur.

Edward G. Hochuli, *Jones Skelton & Hochuli PLC*, Phoenix, Arizona

9:40 a.m. The Three Most Important Things You Need to Know About the New SNF Conditions of Participation

Filling over 100 pages, the new SNF Conditions of Participation from the CMS are its most sweeping nursing home changes since introducing the 1987 reforms. Experts provide a historical context for the current changes by examining the public policy behind the original reforms, and the persistent issues the new rules are designed to correct, including an in-depth analysis of the three most important changes affecting nursing home quality of care litigation.

Drew Graham, *Hall Booth Smith PC*, Atlanta, Georgia

Annaliese Impink, SavaSeniorCare
Administrative Services LLC,
Atlanta, Georgia

10:30 a.m. Refreshment Break

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Lyman PC
Hall Booth Smith PC

10:45 a.m. Taking the "Risky" out of the Aging Services Business: Building Blocks for a Comprehensive Risk Management Program

This interactive session will explore common and emerging risks for long term care providers, developing policies to reduce liabilities, and the positive impact a well-managed risk program has on premiums, claims, patient safety, and the bottom line. The panel will also address how to use risk management in the litigation process to your benefit.

MODERATOR | **Caroline J. Berdzik**, *Goldberg Segalla LLP*, Princeton, New Jersey PANFI

Bruce Dmytrow, *CNA*, Chicago, Illinois

Ric Henry, Pendulum Risk Management Services, Albuquerque, New Mexico

Frank Russo, Silverado, Irvine, California

12:00 p.m. **Lunch** (*on your own*)

Denotes **THE DRI CLIENT CONNECTION**: In-house speakers

* Denotes medical professional

12:00 p.m. **Lunch Around** | Join colleagues and friends at selected restaurants for lunch (on your own). More details on-site.

1:30 p.m. "Oh Look! We Are on TV"! When the
Lawsuit Begins with Media on Your Lawn

A seasoned trial lawyer teams up with an expert consultant from a leading global communications firm to discuss the intersection of legal defense and reputation management, and how to work together to counsel clients facing serious allegations even before key facts are known.

Laura J. Ginett, *Hall Prangle and Schoonveld LLC*, Chicago, Illinois

David M. Saltz, *Fleishman Hillard*, Chicago, Illinois

2:25 p.m. Innovation and Involvement of the Defense Bar in State Legislative Efforts

Medicine and the law join forces to provide an overview of state laws favorable to the skilled nursing and assisted living sectors. They will also include a discussion of the importance of the defense bar and the insurance industry involvement with long term care associations in developing and passing legislation. Case studies of involvement with positive outcome will be presented.

Howard B. Hayden, *Wiseman Ashworth Law Group PLC*, Memphis, Tennessee

* Stuart H. Shapiro, MD, Pennsylvania Health Care Association, Harrisburg, Pennsylvania 3:15 p.m. Refreshment Break

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3:30 p.m. After Kevorkian: Assisted Suicide Is Alive and Growing

With California becoming the fifth state to allow assisted suicide, how should this be managed as against the threat of wrongful death litigation? Defense attorneys pair with in-house counsel to help the practitioner and client navigate the challenges to your clients.

J. Richard Moore, *Dillon Bleeke Crandall*, Indianapolis, Indiana

Kathleen M. Reilly, Ensign Services, Mission Viejo, California

Gabriela Sanchez, *Lane Powell PC*, Portland, Oregon

4:20 p.m. Adjourn

4:30 p.m. **Long Term Care Subcommittee Meeting** (open to all)

5:30 p.m. In-House Reception (in-house counsel and claims executives only)

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6:00 p.m. **Networking Reception** (open to all)

7:00 p.m. **Private Cooking Demonstration and Food Tasting** at *Sur La Table*. See below for details.

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (on your own). More details on-site.

NETWORKING EVENTS

Wednesday, September 7

Golf Tournament

Registration Deadline: August 5, 2016

Note: All players must be registered to attend the seminar to participate in the golf tournament; limited to 32 players, first come, first served basis.

Experience the best of desert and resort style golf by joining your friends, colleagues and peers for an entertaining round of golf at the Westin Kierland Resort on Wednesday morning, **8:00 a.m. shotgun start**. Moderately priced at \$200 per player and \$800 per team (foursome), the registration fee includes greens fees, cart, practice balls, continental breakfast, lunch, taxes and gratuities. Both club rental (balls not included) @ \$69 and shoe rental @ \$15, plus applicable taxes, is available. **Cancellations made after August 5, 2016 are non-refundable**. For more information please contact Josh Davis at josh. davis@lewisbrisbois.com. Sign up on registration form.

Thursday, September 8

Lunch Arounds

Join colleagues and friends on Thursday, September 8 at selected restaurants for Junch (on your own). More details on-site.

Sur La Table

Laugh, eat, and learn together at Sur La Table! Meet and greet new colleagues and friends for a tasty dinner and a private cooking demonstration on Thursday, September 8, 2016 from 7:00–8:30 p.m. Sur La Table is located in the Kierland Commons within walking distance from the Westin Kierland Hotel. The cost is \$65 per person and includes the cooking demonstration, dinner, and wine/beer. The registration fee is non-refundable and the event is limited to 30 participants, on a first come, first served basis. To register for this fun networking event or if you have questions, please contact Peter Winterburn at Lewis Thomason, pwinterburn@lewisthomason.com, or Jennifer Strange at Drewry Simmons Vornehm, jstrange@dsvlaw.com.

FRIDAY, SEPTEMBER 9

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Ford PA

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7:00 a.m. **Registration**

7:00 a.m. Continental Breakfast

8:00 a.m. **Announcements**

Minton P. Mayer, *Wiseman Ashworth Law Group PLC*, Memphis, Tennessee

8:10 a.m. Out of the Closet and into the Facility:
Ethically Managing the Needs of
the Increasing LGBT Population

An experienced administrator and a risk management professional will discuss administrative and ethical issues that are unique to care in environments where residents are independent and sexually active. These issues include refusal to allow same-sex couples to share rooms, preventing partners from participation in medical decision making, denial of personal care services, and preventing residents from dressing according to their gender identity.

Mary Adams, PruittHealth

Consulting Services, Atlanta, Georgia

David C. Marshall, *Hawkins Parnell Thackston & Young LLP*, Atlanta, Georgia

9:30 a.m. **Telemedicine: Benefits and Pitfalls in the LTC Setting**

This session will be a discussion of medical and legal issues that arise while using telemedicine for patient care, along with the challenges presented by documentation and charting. How to balance more immediate physician contact and early detection of complications with reimbursement and IT/HIPAA/security issues, along with credentialing consent and jurisdictional challenges, will be discussed.

Angela M. Fox Agustin, *Hall Render Killian Heath & Lyman PC*, Indianapolis, Indiana

10:20 a.m. Refreshment Break

10:35 a.m. New and Revamped NPUAP Staging System and Nomenclature as of April 2016

A physician discusses and explains the April 2016 significant revamp to the NPUAP staging system for pressure ulcers. This session will examine the new nomenclature, as well as the anatomy and pathophysiology of each of the new stages of pressure ulcers, and explore the physical forces at play and how they relate to the forensic examination of pressure ulcer etiopathogenesis.

Lee C. Ruotsi, MD, ABWMS, UHM, CWS, Catholic Health Advanced Wound Healing Centers, Buffalo, New York

11:25 a.m. **Defending Litigation Related to Medications Used for Osteoporosis and Osteoarthritis**

A well-known product liability attorney will discuss risks to the facility and facility staff in situations where the drugs used to treat osteoporosis prevalent among the patients who are at increased risk of falling and fracturing in the skilled nursing setting are the subject of serial pharmaceutical product liability litigation. The discussion will also involve strategies to communicate these types of complex scientific issues to judges and juries when defending long term care facilities and practitioners.

Ranjit S. Dhindsa, *Hollingsworth LLP*, Washington, DC

12:20 p.m. Strategic Prevention and Management of Electronic Data Breaches

Traditional methods of IT security are not keeping up with hacking efforts underway in today's connected world. This session will review recent and landmark health care breach cases and provide insight on how to avoid similar mistakes. Learn how to protect your data and gain an understanding the legal implications and ramifications of a security breach and understand the current security landscape—both in health care and in the IT world.

Helen Oscislawski, *Oscislawski LLC*, Princeton, New Jersey

1:15 p.m. Adjourn

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GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to 11 hours, including 1.25 hours of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Application has been made for continuing education for claims adjusters. Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save \$100 when you register by August 8, 2016. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI app. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by August 18, 2016 (please allow 10 days for processing). Registrations received after August 18, 2016 will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **August 18, 2016.** Cancellations received after **August 18** and on or before **August 25, 2016**, will receive a refund, less a \$100 processing fee. Cancellations made after **August 25** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (**seminars@dri.org**) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined on the registration form. The registration fee for additional registrants from the same firm or company is **\$695**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Nursing Home/ALF Litigation Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Westin Kierland**, **6902 East Greenway**

Westin Kierland, 6902 East Greenway Parkway, Scottsdale, Arizona 85254.

Take advantage of the group rate of **\$245 Single/Double** in one of two ways:

- Reserve online: Visit dri.org and go to the DRI Nursing Home/ALF Litigation Seminar page and click on the "Book Hotel" tab.
- Or contact the hotel directly at 480.624.1000 and mention the DRI Nursing Home/ALF Litigation Seminar.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **August 8**, **2016**, to be eligible for the group rate. Requests for reservations made after **August 8**, **2016** are subject to room and rate availability.

FACULTY

Mary Adams, PruittHealth Consulting Services, Atlanta, Georgia

Angela M. Fox Agustin, Hall Render Killian Heath & Lyman PC, Indianapolis, Indiana

Caroline J. Berdzik, Goldberg Segalla LLP, Princeton. New Jersev

Ranjit S. Dhindsa, Hollingsworth LLP, Washington, DC

Bruce Dmytrow, CNA, Chicago, Illinois

Laura J. Ginett, Hall Prangle and Schoonveld LLC, Chicago, Illinois

Drew Graham, Hall Booth Smith PC, Atlanta, Georgia

Alex J. Hagan, Ellis & Winters LLP, Raleigh, North Carolina

Howard B. Hayden, Wiseman Ashworth Law Group PLC, Memphis, Tennessee

Ric Henry, Pendulum Risk Management Services, Albuquerque, New Mexico

Edward G. Hochuli, Jones Skelton & Hochuli PLC, Phoenix, Arizona

Annaliese Impink, SavaSeniorCare Administrative Services LLC, Atlanta, Georgia

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Minton P. Mayer, Wiseman Ashworth Law Group PLC, Memphis, Tennessee

J. Richard Moore, Dillon Bleeke Crandall, Indianapolis, Indiana

Helen Oscislawski, Oscislawski LLC, Princeton, New Jersey

Kathleen M. Reilly, Ensign Services, Mission Viejo, California

Lee C. Ruotsi, MD, ABWMS, UHM, CWS, Catholic Health Advanced Wound Healing Centers, Buffalo, New York

Frank Russo, Silverado, Irvine, California

David M. Saltz, FleishmanHillard, Chicago, Illinois **Gabriela Sanchez**, Lane Powell PC, Portland, Oregon

Stuart H. Shapiro, MD, Pennsylvania Health Care Association, Harrisburg, Pennsylvania

View faculty bios online at http://www.dri.org/ Event/20160190 (Nursing Home/ALF Litigation Seminar webpage); click on "Speaker List" tab.

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June 9-10

Diversity for Success

Fairmont Chicago, Chicago, Illinois

June 16–17 **Young Lawyers**

Encore at the Wynn, Las Vegas, Nevada

June 23-24

Mariiuana Law

University of Colorado School of Law, Boulder, Colorado

July 21–22 **Class Actions**

JW Marriott, Washington, DC

September 22-23

Data Breach and Privacy Law

The Atlanta Marriott Marquis, Atlanta, Georgia

November 17–18

Fire Science

FireSky Resort, Phoenix, Arizona

December 8–9

Professional Liability

Sheraton New York Times Square, New York, New York

Publications for Your Practice

Newsletter *The Medlaw Update* (4 times a year)

Visit the **Medical Liability and Health Care Law Committee page** on **dri.org** and scroll down to "Lafest Newsletter."

Medical Liability and Health Care Law focus in For The Defense

August 2016 (upcoming)

August 2015

August 2014



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http://www.youtube.com/user/DefenseBar



Committed to Diversity

Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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