

**TRENDS, THREATS AND NEW HORIZONS:
EXPLORING THE CHANGING DIMENSIONS OF
HEALTH INFORMATION AND TECHNOLOGY**

AN AMERICAN HEALTH LAWYERS ASSOCIATION

MASTERS PROGRAM

APRIL 6-7, 2006

at

**The Westfields Marriott at Dulles
Chantilly, Virginia**

The American Health Lawyers Association is pleased to announce its latest Masters Program in Health Information and Technology. All sessions are interactive with discussion leaders and participant involvement is encouraged and expected.

Thursday, April 6, 2006

8:00 am-4:30 pm

Registration and Information

8:00-9:00 am

Breakfast

9:00-10:00 am

Welcome

Keynote Address

Zoë Baird, Esquire

President, Markle Foundation

10:00 am-12:30 pm

First Working Session: Identity Theft in Healthcare

Session Facilitators: Marilou M. King, Office of General Counsel, Department of Health and Human Services

Ian C. Dewaal, US Department of Justice

Janet E. Kornblatt, TriWest Healthcare Alliance

This session will examine in depth the problem of identity theft in healthcare. Dubbed by some as the crime of the new millennium, identity theft will challenge the healthcare industry as it has other industries that use sensitive information. Healthcare is almost uniquely dependent on the fatal convergence of factors that give rise to identity theft: sensitive information and operational access to it by multiple user groups.

Using a detailed case study, the facilitators will take a detailed, hypothetical fact pattern and use it as a platform to explore the numerous legal issues that are triggered by a case of identity theft. The identity theft session will examine the following principal areas of law: (i) state and federal criminal statutes; (ii) administrative and regulatory codes applicable to healthcare entities that must protect healthcare information; and (iii) related avenues of civil liability.

12:30-2:00 pm
Group Lunch

2:00-4:30 pm
Second Working Session: Legal Issues Relating to Electronic Health Record Access
Session Facilitators: Beth Schermer, University of Arizona College of Medicine
M. Kathleen Kenyon, Kenyon Law Firm PLLC
Morris D. Linton, Intermountain Health Care Inc.
Carmella Bocchino, America's Health Insurance Plans

The implementation of electronic health information systems raises new issues for who should have access to this information and the terms for that access. While federal and state laws establish certain access rights, this session will examine the spaces between legal provisions as well as emerging issues in consumer access to medical information. The session will use a case study and panel discussion to analyze how consumer access to medical information is being implemented, the development and implications of personal health records, the benefits and risks of making some information more readily available than other personal health information and what policies and conditions should govern consumer access. The session will also examine third party access to electronic health information, such as access by payors, quality and billing consultants, other business partners and providers, and the protections that an organization might seek to protect itself, both legally and in the public eye, in developing these access arrangements.

4:30-6:00 pm
Reception

Friday, April 7, 2006

7:30 am-12:00 noon
Registration and Information

7:30-8:30 am
Breakfast

8:30-11:00 am
Third Working Session: Rise of the Infomediaries
Session Facilitators: Edward F. Shay, Post & Schell PC
Gary Scott Davis, McDermott Will & Emery LLP
Peter Lee, Pacific Business Group on Health

Health plans, both commercial and nonprofit, are repositioning themselves as the central brokers of health information for both group purchasers and ultimate consumer members. No longer content to be fiscal intermediaries, or even care managers, health plans seek to become “infomediaries,” the managers and brokers of health information essential to a consumer driven, value focused system of health benefits. Parallel to the forces pushing health plans to become infomediaries are trends in the delivery system enhancing the nature and type of health information created by and available to providers. New electronic administrative and clinical information systems create an abundance of timely and accessible health information that speaks directly to the business needs of the emerging infomediaries. However, as health plans strive to acquire the information for their new role, providers may not readily give up information essential to that transformation.

This session will examine the legal and contractual tensions that may confront the new infomediaries and their provider partners in a transparent environment. Among many issues, it will explore what “transparency” really means to infomediaries and providers; techniques for secure disclosure and use of proprietary information; standards for accuracy and fairness for what consumers may want to know, and the interplay with existing health privacy and information security regulations. The session will also explore legal risks facing infomediaries, and suggested contract provisions for fair information practices.

11:00-11:15 am

Break

11:15 am-12:00 noon

V. Conclusion and Adjournment.