



Thanks to the extraordinary commitment and expertise of AHLA leaders, the American Health Lawyers Association continues to thrive and serve as the essential health law resource in the nation. The Association's strong foundation reflects a history that is vibrant, meaningful and worth sharing. Finding a way to preserve AHLA's history was especially relevant in light of the Association's 50th Anniversary, which was celebrated throughout 2017.

This transcript reflects a conversation between AHLA leaders that was conducted via audio interview as part of the Association's History Project. More than 60 of AHLA's Fellows and Past Presidents were interviewed. A video documentary was also prepared and debuted on June 26 during AHLA's 2017 Annual Meeting in San Francisco, CA.

March 22, 2017

Donna Fraiche interviewing Kristen Rosati:

Donna: I'm so delighted to have an opportunity to talk to you about the American Health Lawyers Association. I know that you have been a recent president of the AHLA and we're here to talk about the history of the AHLA. A good starting point might be ... Where you were, where you are, and where you might be going in connection with the American Health Lawyers Association. So why don't you tell me about your history with the organization.

Kristen: Sure, I would be happy to. And thanks for the opportunity to participate in this project for the 50th anniversary of AHLA. So I guess my AHLA journey started back in 2000 I believe when I became ... or 2001, when I became vice chair of the AHLA Health Information and Technology practice group. Elizabeth Belmont was the chair of the practice group at the time and was a wonderful mentor to me and got me involved in the association. And Beth Schermer, who is a past president, was my partner at the time and really encouraged me to get involved as well. So I got involved in the HIT practice group and became chair of that, then was asked to be on the board of directors in 2006, and was on the board for a number of years, and then served as president in the 2013-2014 fiscal year.

Donna: You know, it's very generational that you would be the chair of IT or technology ... And how prophetic, because we're in a world of technology. But, perhaps, when many of us first got started in health law that was sort of a blip on the screen ... I don't think we even had cellphones back then ... So in talking about milestones in healthcare and healthcare law and what you do in technology, maybe you can give us a little bit of a reference point in terms of how you got involved in healthcare technology and how that impact some milestones in health law.

Kristen: Sure. I got involved ... I started a healthcare practice here at Coppersmith Brockelman with Beth Schermer back in 1998 and about November 1999 we got the first proposed HIPAA privacy rule ... Which was really a sea change in data protection and privacy issues. And it created a whole new field for healthcare lawyers which has just expanded since then. And I think one of the big differences in healthcare law now is there is such an emphasis on not just technology, but also on data and the importance of data.

One of the things that I think that points out is even as a very young healthcare lawyer you can really get involved in a brand new area. Because health law is always evolving and there are

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always really interesting things. And when it's brand new, nobody knows anything about it, so it's a nice opportunity for young lawyers to get involved in healthcare law.

Donna: In interviewing a number of former leaders of the AHLA and a little about the history ... So many of them had something to do with a particular milestone, and in your case, to have identified HIPAA as an emerging practice area and then develop your practice, your expertise and frankly, your leadership around that theme is pretty amazing. Thank you for making the kind of contribution that you have personally ... and that you are to younger lawyers as they come into their own. And what kind of advice would you give to lawyers today that are looking at health law as a career?

Kristen: Oh, certainly to throw themselves into AHLA. It's been very, very good to me. So it's not just that I've contributed to AHLA, but I've gotten so much from the association. It's such a wonderful, collegial organization that really supports its members. So being very involved in AHLA not only did I get a chance to get involved in leadership, but through the really high-level educational opportunities and the networking, I built this wonderful network of fabulous lawyers across the country, and speaking and writing for AHLA really gave me a platform for developing a specialty practice that now supports me. I think young healthcare lawyers who are just entering the field should get as involved in AHLA as they can. And there are lots of opportunities for them.

Donna: Tell me about what were some of the really interesting highlights of your term as president, or your leadership term, which is broader than president at AHLA.

Kristen: Well one of the really great experiences that I had while I was president of AHLA was leading a healthcare study trip to Cuba. And this was before the diplomatic relations were restored, so it was a very very interesting trip ... As an aside, diplomatic relations were restored about four months later so we hope that there was a connection between our trip and that. But it was really a fascinating trip for the members who came because we got to really study the healthcare system. All the way from the primary care system up through the tertiary care system in terms of whether there is a tertiary system there or not ... But also had a chance to talk with lots of doctors and hospital administrators, and met with the top brass from their equivalent agency to the CDC, NIH, and FDA ... And it was just a wonderful experience.

One of the things that we all came out of that trip with is a real clear sense that Cuba does primary care really well because they put a lot of resources to making sure there are sufficient physicians, and nurse practitioners, and PAs out in the community to deal with the primary care issues when they arise. But they don't have the resources they need for advance care. I think we could, as Americans, learn a lot from them in terms of how to provide better primary care ... But it also made us very thankful that we live here in the United States with the resources we have.

Donna: Well did that experience tell you anything about maybe the future of AHLA's participation in more international opportunities like you said

Kristen: Oh I think there's a great appetite for that. I know there's been some effort to develop international educational programs in connection with some international Bar associations. I think the reach of healthcare now is so global that I think there'd be a lot of interest, at least by some AHLA members, in attending international programs. So I vote for one in Florence, Italy myself.

- Donna: I'm with you, hun. What would you tell the current leadership of AHLA if you had an opportunity to advise them?
- Kristen: I think that one of the most important things we need to do is make sure we embrace the changes coming. There are a lot of changes right now in the membership ... We are getting younger ... The rest of us are not, but AHLA certainly is. And I think we need to make sure that we're flexible and willing to embrace the change that comes along with reaching a new demographic that may communicate differently. And I know from my time on the board that was really a tough nut to crack and I think the board made really great strides at incorporating the voice of younger people in the board.
- For example, when I was president, we had the first Young Professionals Association delegate to the board, which was very helpful at getting a different voice in the decision making. And I'd really urge AHLA and the future leadership to make sure we stay flexible and reach the people who are future and hopefully permanent members.
- Donna: So what do you think is the future of health law and what would the AHLA's participation in those developments be as we move forward?
- Kristen: Well I think that one of the things that's a challenge ahead is AHLA has relied a lot on in-person programs ... which I think is one of the reasons a lot of the existing older members really love the association ... because that's how we created our networks and friendship systems et cetera, but one of the things we're finding is that there is less interest in in-person programs in the younger demographic. There are lots of theories about why that is, I'm not sure why. I think AHLA, in terms of its focus, probably over time will rely less on in-person programs and continue development of webinars and other types of outreach to members. I think the format for our education services will change over time. But I think one thing is for sure; AHLA will be committed to continuing the really high-quality educational services that we provide to our members. [crosstalk 00:10:52] I'm sorry, go ahead Donna.
- Donna: No please, continue.
- Kristen: I was going to say - where healthcare law as a whole is going, who knows? We're in uncertain times right now and I think that really points out the need for AHLA to be really flexible in terms of how we provide services to members and how we stay on top of all of the legal developments in health law to make sure that we stay relevant and really useful for our membership.
- Donna: You talked about your relationship with Elizabeth Belmont, and Beth Schermer, and mentors to you and what it meant to you ... Not just in your career, but your career at AHLA and your ability to advance and participate in a leadership track there ... What would you say to those younger lawyers that are so busy looking at their iPhones and texting to each other, and not really actually having a conversation, about what having a personal and meaningful mentor relationship in real time meant to you?
- Kristen: Right. Boy, that's a big issue. I think ... outside of healthcare law, too. I think it's important to mentor young lawyers coming up through the ranks to give them really concrete examples about why that in-person relationship makes a difference. I think it's one of the reasons I continue going to the annual meeting every year, and probably will until I am no longer able to do so. Because I get to see this wonderful bunch of friends that I've created over the years. And you don't make good friends by tweeting to them or frankly, even by emailing them. You have

to be able to know each other, and sit down and have dinner together ... And I think giving advice to young lawyers to make time for that is so important to make sure we maintain the association that we love and how collegial it is, frankly.

Donna: Well I've certainly enjoyed this interview with you, and I've learned a lot about you and about our friendship at AHLA that I hope was strengthened by this incredible opportunity that I've had to share the afternoon with you. Is there anything in closing that you'd like to impart as part of this celebration that we have coming ... The 50th anniversary of AHLA?

Kristen: Oh, thank you Donna. And it is such a celebration ... It's amazing to have had a small part in the development of this fabulous organization. And I would hope that everyone listening to these interviews will take up the torch and convince young people to get involved in the association, to have a really meaningful relationship with each other, and to continue this fabulous tradition that folks like you, who came slightly before me, have established. It's just been a joy to be involved in this organization.