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## The Florida Bar 2019-2020 Annual Report of the Health Law Section

The Health Law Section (the “Section”) of The Florida Bar, initiated in 1988, is comprised of over 1,500 members and is dedicated to the education of practitioners with an interest or practice in the field of health care law. The Section’s educational programs have recently been and continue to be in the process of being revamped, membership outreach has been reviewed and enhanced, and publication of information and legislation critical to health law practitioners have been prioritized. Additionally, the Section is undertaking initiatives with regard to its website and communications with our membership to better serve the membership as a whole. A Strategic Planning Retreat, held in early November, proved to be a very effective way to define the long-term initiatives of the Section and outline certain expectations for the leadership in coming years. As outlined below, implementation of the long term strategic plan is underway.

Continuing Legal Education is central to the mission of our Section. The popularity of our education programs continues to grow. The Section has been investigating ways to reduce the overall spend for its CLE programming by identifying locations that might offer alternative pricing for room use and food and beverage. Recent past and upcoming CLE programs of the Section are described below:

1. The Master Class: Legal Issues with Mental Health and Substance Abuse was held on September 13, 2019 in Orlando. This is a revamped program and many thanks to Barry Herrin for spearheading this CLE, which was both timely and informative.
2. Representing the Physician was held on January 31, 2020 in Tampa, FL. This CLE offered insight and observations as to the current state of issues most pertinent to physicians and the lawyers who represent them. Co-Chairs Radha Bachman and Jason Mehta put together a fantastic group of speakers for this event.
3. On March 26 and 27, 2020, the Section planned to hold its annual Advanced Health Law Topics and Certification Review in Orlando. This is our most popular and well-attended program and for good reason. This two-day course offers an in-depth review of areas likely to be tested, and provides advice and guidance on the structure and format of the exam to test takers. Many thanks to Robert Pelaia, who serves as Chair of this program and who continues to work on improving the content and speakers on an annual basis. \*
4. Healthcare in South Florida was planned to be held on May 15, 2020 in Miami. This is a new program and is part of the Section’s initiative to diversify the location of its in-person educational

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programs so as to provide greater access to Section members throughout the state. This program will focus on particular issues that may be more relevant to the South Florida healthcare industry. Michael Gennett and Marcy Hahn-Saperstein serve as Co-Chairs and put together a cutting-edge program.\*

\* Both of these programs have been postponed due to the COVID-19 emergency declaration.

In addition to the live presentations outlined above, the Section continues to offer the ever-popular monthly “Eat and Educate” audio webcast series.

For the coming year, the Section has decided to allocate more resources to its communications platform. Health Law Updates is the Section’s bi-monthly electronic publication, emphasizing various, emerging topics in health law, including, compliance, fraud and abuse, facility and professional licensure, life sciences, privacy and security, public health, transactions, and payor issues. The Section also issues weekly email blasts to all members advising of all Section events and activities, as well as event specific notices on a periodic basis.

A new Section LinkedIn page has been created and the Section is taking concerted measures to increase its presence on social media platforms by encouraging Section members to post and repost pertinent content.

The Section also continues to direct efforts to engage with Florida law schools to collaborate with some of the student associations affiliated with these schools. The intent being to foster interest and participation in the practice of healthcare law in the formative stages of professional development.

The Section has also undertaken an effort to increase the network and social benefits associated with membership by holding more local networking events – many of which are sponsored by healthcare industry vendors or law firms with significant healthcare industry involvement. A series of networking events throughout the state were organized and scheduled for April 2020. Unfortunately, they have been temporarily postponed due to the COVID-19 situation, but can and will be rescheduled as soon as possible.

As it relates to legislative activity of the Section, the Florida Patient Brokering Act was recently amended in such a manner which may have inadvertently raised legal issues as to certain business and contractual arrangements which have been generally accepted as the norm in Florida and upon which health law attorneys frequently render advice on. In line with the Section’s goal of advocating on behalf of the common interests of the members, the Health Law Section chose to actively advocate in support of legislation to provide the clarity and protection required by health law attorneys to continue rendering effective legal advice to clients on the Patient Brokering Act. The Section engaged a lobbyist and a “glitch” bill (SB 1120), supported by the Section, successfully passed both the House and Senate and is awaiting the governor’s signature. All of the above were done in accordance with the processes required by the Bar with respect to legislative position and retention of lobbyists.

Finally, in early November, the Executive Council held an all-day strategic planning retreat, its first in recent history, in Orlando, FL. We considered new strategies to grow the Section, attract new members, create better access for Section members to CLE’s and meetings, and create

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interest through Section wide events such as an annual Health Law Section event in locations throughout the state. Members of the Executive Council worked diligently to create a long range strategic plan (LRP) that was approved at the Executive Council in January 2020. Fine-tuning of initiatives and implementation of the LRP is underway through Section committees (existing and ad-hoc committees created for that purpose) involving most of the Executive Council and other general Section membership. These efforts are expected to benefit the Section for years to come and provide the structure for continuity and success.

This year, our Section Program Administrator, Emily Young, has done a wonderful job, never fails to exceed expectations, and demonstrates the utmost capability. She will be a valuable resource for years to come for our Section.

It has been a privilege and honor to serve the Section.

J. Everett Wilson  
Chair