



Continuing Legal Education

**ACLM 63rd Annual Meeting – Health Law & Legal Medicine
Offered In-person for MCLE credit at the Hyatt Regency Grand Cypress
Resort, Orlando, Florida**

Agenda

Friday, February 24, 2023

7:00 a.m. – 4:00 p.m.

- Registration/Information Desk

6:30 a.m. – 7:30 a.m.

- ACLM Past Presidents' Breakfast

6:30 a.m. – 7:30 a.m.

- Continental Breakfast

7:40 a.m. – 7:45 a.m.

- National Anthem/Honor Guard

7:45 a.m. – 8:00 a.m.

President's Welcome Remarks (Non-CLE Eligible)

Speaker: Tony S. Quang, MD, JD, FCLM – President

Opening Remarks (Non-CLE Eligible)

Speakers: Michael Vinluan, MD, JD, FCLM – Conference Chair and Treasurer;
Jennifer Unis Sullivan, DMD, JD, FCLM – Dental Conference Co-Chair

8:00 a.m. – 9:30 a.m.

**General Session 1: Update of Recent Developments in Legal Medicine
(1.5 CLE Credit Hours)**

Description: This wide-ranging presentation will focus on federal and state regulations implemented in 2022. Among the topics the panel will address are federal and state legislative developments; case law; and regulatory initiatives, including the No Surprises Act and the recent withdrawal of the previous administration's Securing Updated and Necessary Statutory Evaluations Timely (SUNSET) rule.

Panel: Ruth Kvistad, MD/JD Candidate; Peter McCool, MD, JD, FCLM; Kimberly L. Rockwell, MD, JD, FCLM; Tony S. Quang, MD, JD, FCLM (Moderator)

9:30 a.m. – 10:45 a.m.

**General Session 2: Stewart Reuter Lecture and Conference Keynote
(Reproductive Health and Justice in a Post-*Dobbs* World)
(1.25 CLE Credit Hours)**

Description: This topical presentation will analyze the Supreme Court's recent decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*, and state legislation that has gone into effect since that time. The presentation will also evaluate options available to patients and doctors in this new legal landscape, with a focus on interstate travel for abortion care and medication abortion, and the regulation thereof. Finally, the presentation will situate *Dobbs* within the larger discourse of reproductive justice, which advocates for the human right to maintain personal bodily autonomy, have children, not have children, and parent children in safe and supportive communities.

Panel: Laura A. Rosenbury, JD; Michael Vinluan, MD, JD, FCLM (Moderator)

10:45 a.m. – 11:00 a.m.

- Break

11:00 a.m. – 12:00 p.m.

**General Session 3: Sandy Sanbar Lecture
(Equity in AI-Enabled Health Care: Did the White House Blueprint for an
AI Bill of Rights Move Us Closer?)
(Non-CLE Eligible)**

Description: In October 2022, the White House published its Blueprint for an AI Bill of Rights calling for artificial intelligence/machine learning (AI/ML) tools to be “used and designed in an equitable way” to avoid disparities in how they perform for different demographic subgroups. If disparities in system performance cannot be mitigated, the Blueprint suggests “the use of the automated system should be reconsidered.” This advice comes late for health care. AI/ML clinical decision support (CDS) tools are already deployed in a wide range of clinical applications, amid mounting evidence they perform unevenly across racial, gender, socioeconomic, and other demographic lines. It is thorny to reconsider tools that already deliver benefits to many patients if reconsidering means pulling the plug. Reconsideration in real time, after a ship has sailed, is harder than refitting a ship not yet launched from its drydock. The medical AI ship has sailed, and measures to improve equity must navigate the special legal and ethical context of clinical health care. This talk charts a course forward.

Panel: Barbara J. Evans, PhD, JD, LLM; Junying (June) Zhao, PhD, MPH, MBBS (Moderator)

12:00 p.m. – 1:00 p.m.

**Lunch and Poster Presentations
(Non-CLE Eligible)**

Moderator: John (J.D.) Daniels, JD, DO, MBA, MPH, MT (ASP), FCAP, FCLM

1:00 p.m. – 3:15 p.m.

**Medical Session 1: Deconstructing *Dobbs*:
Practical Healthcare and Legal Implications
(2.25 CLE Credit Hours)**

Description: This insightful session provides an update on the legal and practice landscape post-*Dobbs*. Among the topics the panel will discuss are updates in abortion care law, including a state-by-state review; the effects of *Dobbs* on graduate medical education; interstate travel and abortion post-*Dobbs*; data privacy and abortion access in post-*Dobbs* America; and upcoming policy challenges.

Panel: Eli N. Avila, MD, JD, FCLM (Moderator); Amirala Pasha, DO, JD, FCLM; Richard Silbert, MD; Michael S. Sinha, MD, JD, MPH, FCLM; Elizabeth Valencia, MD, JD, FCLM

**Dental Session 1: Ethical, Legal and Regulatory Challenges with Futuristic
Dental Technology and Practices
(2.25 CLE Credit Hours)**

Description: This forward-looking session provides an overview of the ethical, legal, and regulatory challenges and opportunities practitioners face with futuristic dental technology and practices. Among the topics the panel will discuss are AI in dentistry; an update on opioid litigation; the legal implications of electronic charting; and current science, ethical, and legal considerations in regenerative odontogenic medicine.

Panel: Ramon Ivan Lugo, DMD, MBA, FACD, FICD; Jennifer Unis Sullivan, DMD, JD, FCLM; Ian S. White, MS, PhD

3:15 p.m. – 3:30 p.m.

- Break

3:30 p.m. – 5:30 p.m.

**Medical Session 2
Public Health Issues at the Beginning, Prime, and End of Life
(2.0 CLE Credit Hours)**

Description: Beginning with the onset of life to its end, this thought-provoking session addresses myriad issues affecting the legal and health-care rights individuals enjoy. Among the topics the panel discusses are the rights to a good start in life and the legal determinants of health; vaccine safety, injury, and tort law; and the legality of assisting suicide. This discussion includes an examination of physician-assisted suicide legislation and the legality of friends, families, and strangers assisting with suicide.

Panel: Albert Lee, MBBS, LLB, LLMArbDR, MPH, MD, FRACGP, FACLM, FCLM, FRCP; Rey Gonzalez, Jr., MD, JD, FCLM (Moderator); Justine Newman, MD/JD Candidate; Junying (June) Zhao, PhD, MPH, MBBS

**Dental Session 2: A Way Forward in the Access and Delivery of Dentistry
and Diplomatically Dealing with Legal Hurdles with State Dental
Licensing Boards
(2.0 CLE Credit Hours)**

Description: Join us for this session that covers the legal, regulatory, and medical challenges practitioners face, and effective ways for moving forward. Among the topics the panel will address are the value of a good working relationship with state licensing boards, the COVID-19 pandemic, the current regulatory policy and its impact on teledentistry, and oral and elderly health in Jamaica.

Panel: Shanell Dempster-Peart, DDS, MPH; Josanne (Jan) S. O'Dell, MFS, DDS, JD, FCLM (Moderator); Boyd W. Shepherd, DDS, JD, FCLM; Foeng T. (Bill) Tham, BA, DDS, JD, LLM, FCLM

Saturday, February 25, 2023

7:00 a.m. – 4:00 p.m.

- Registration/Information Desk

6:45 a.m. – 7:45 a.m.

- Continental Breakfast

6:45 a.m. – 7:45 a.m.

- ACLM Women's Networking Breakfast

7:45 a.m. – 8:00 a.m.

- Break

8:00 a.m. – 10:30 a.m.

**General Session 4: Ethics Courses: Rethinking Well-Being,
Professionalism, and DEI
(2.5 CLE Ethics Credit Hours)¹**

Description: This session provides a meaningful discussion of ethics and professionalism for legal and medical professionals. Specifically, the panel will address the science of well-being; the art of professionalism; and diversity, equity, and inclusion (DEI) initiatives, including an update on recent landmark DEI legislation that affects health care.

Panel: Michael Lee Brooks, MD, JD, FCLM (Moderator); Richard J. Kelly, MD, JD, FCLM; Emma C. Ross, MD, JD, FCLM; Elizabeth Valencia, MD, JD, FCLM

10:30 a.m. – 10:45 a.m.

**Presentation of New Fellows and Members
(Non-CLE Eligible)**

¹ While portion of this session **may** be eligible for Diversity Equity and Inclusion credit in those jurisdictions having such requirements, the session will **not** be eligible for such credit in Virginia and other jurisdictions.

Moderator: Jennifer Unis-Sullivan, DMD, JD, FCLM

10:45 a.m. – 12:00 p.m.

**General Session 5: Dorothy Rasinski-Gregory Lecture
(Improve Society’s Response to Mental Health Emergencies by
Empowering People to Form Ulysses Arrangements)
(1.0 CLE Credit Hour)**

Description: While mental health has gained increasing attention since the onset of the COVID-19 pandemic, solutions to these issues that afflict a sizable segment of our society have been slow in coming. During this session, our presenter explores the tragedies caused by our current system for responding to mental health emergencies, homelessness, institutionalization, criminalization, harm to self and others, and harm by police. This presentation will include a discussion of recommended reforms from Nebraska and Dallas to help prevent these tragedies, while addressing improvements to these reforms. Further, the presenter will discuss one key to reform that empowers people with serious mental illness through Ulysses arrangements, which are mental health advance directives that authorize doctors to treat the person during a future acute episode when the person lacks capacity, even if the episode causes treatment refusals, and even if the person does not meet involuntary treatment criteria.

Panel: Ellia Ciammaichella, DO, JD, FCLM (Moderator); Judy Clausen, JD

12:00 p.m. – 12:15 p.m.

- Break

12:15 p.m. – 1:30 p.m.

**Cyril Wecht Luncheon
(Updates in Biomedical, Pharmaceutical, and Medical Device IP Law and
Litigation)
(Non-CLE Eligible)**

Description: In recent years, US courts have issued opinions that have dramatically impacted what subject matter is eligible for patent protection. This is especially true for the biomedical fields. During this session, our presenter will discuss the relevant cases and provide strategies for navigating the patent eligibility challenges these cases raise. This session will primarily focus on impacts to the biomedical fields, with a particular emphasis on medical diagnostic kits, methods and devices, and

implementation of artificial intelligence for assessing medical conditions to formulate appropriate medical interventions.

Panel: B. Chandler May, MD, JD, FCLM (Moderator); Timothy H. Van Dyke, MS, JD

1:30 p.m. – 1:45 p.m.

- Break

1:45 p.m. – 4:00 p.m.

**Medical Session 3: Beyond Reasonable Doubt or by a Preponderance of Evidence: Scientific Evidence in Litigation
(2.0 CLE Credit Hours)**

Description: During this litigation-focused session, the panel will discuss the history of *Daubert v. Merrell Dow Pharmaceuticals* (1993) and the subsequent evolution of Fed. R. Evid. 702; the practical implications of *Daubert*, including the Clinical Laboratory Improvement Amendments and its impact on the Drug Evaluation and Classification Program; and the clinical diagnosis of infanticide from the Australian perspective.

Panel: Norman Means, MD, FCAP, DABFM; Michael (Mike) O'Connor, MD, MHL, MForensMed, DCH, DDU, FRCOG, FRANZCOG, FACLM; Joseph D. Piorkowski, Jr., DO, JD, MPH, FCLM (Moderator); Frank C. Woodside, III, MD, JD, FCLM

**Dental Session 3: The Practice of Modern-Day Dentistry and the Legal and Ethical Challenges
(2.0 CLE Credit Hours)**

Description: This session explores the legal and ethical challenges facing dental practitioners. Among the topics our knowledgeable panel will address are the ethical considerations of fee for service care models versus value-based reimbursement; the No Surprises Act, and its related legal challenges; and corporate governance versus dental clinical governance in Jamaica from 2012 – 22, and its impact on the delivery of care.

Panel: Mert Aksu, DDS, JD, MHSA, FCLM; Michael Kaner, DMD, JD, FCLM; Irving F. McKenzie, DDS, FCLM; Jennifer Unis Sullivan, DMD, JD, FCLM (Moderator); Pamela Zarkowski, JD, MPH, FCLM

Sunday, February 26, 2023

8:00 a.m. – 12:00 p.m.

- Registration/Information Desk

7:00 a.m. – 7:45 a.m.

- Continental Breakfast

7:45 p.m. – 8:30 a.m.

- Break

8:30 a.m. – 11:00 a.m.

**General Session 6: Medical-Legal Navigation Challenges in Air, at Sea, in
Cyberspace, and in Bureaucracy
(2.5 CLE Credit Hours)**

Description: This far-reaching session will address various challenges the medical community faces when dealing with legal and regulatory requirements in various contexts. Among the specific topics the panel will address are the need for effective global pandemic legislation concerning the new world order in which conflict and contagion are the biggest symbiotic threat to our safety and security; the medical and legal risks cruise ship doctors face; e-consulting; and the need for competent and impartial administrative law judges.

Panel: Paul D. Blaylock, MD, JD, FCLM; John (JD) Daniels, JD, DO, MBA, MPH, MT (ASP), FCAP, FCLM (Moderator); Richard Hanover, MD, JD, FCLM; David Mullens, DPM, JD, FCLM; Sanjay Pooran, MD, FRCPI, FACLM, MFFLM, FFPHMI, FFPH, LLB, MBA, MCFP, FHKCCM, MSc

11:00 a.m. – 11:45 a.m.

**General Session 7: Dr. Bob Buckman Lecture – Student Writing
Competition Winners
(Non-CLE Eligible)**

Moderators: Robert Buckman, PhD, FCLM; Adam McLaughlin, MD, JD, FRCSC, FCLM; and Michael Wilson, MD, JD, FCLM

11:45 a.m. – 12:15 p.m.

**General Session 8: In an Era of Change, Thankfully Some Things Remain
(Non-CLE Eligible)**

Description: The COVID-19 pandemic dealt humanity a test which challenged many aspects of the world's societies. The more technologically advanced of these managed the pandemic in ways that less developed societies, because of a lack of technology or limitations on distribution of resources, simply could not match – and yet even these found a way to protect and treat their citizens. Both in medicine and in law, extraordinary adjustments took place for the public's benefit. This session will particularly focus on the resourcefulness of, and methods employed by, societies worldwide to adapt under pressure in order to continue serving.

Speaker: Rey Gonzalez, MD, JD, FCLM

12:15 p.m. – 12:30 p.m.

Closing Remarks

Speaker: Eli N. Avila, MD, JD, FCLM