

**AMERICAN BAR ASSOCIATION  
Health Law Section  
Health Care Facility Operations Interest Group**

**2008-2009 Action Plan**

**Chair:**

Cyndi M. Bailey

**Vice-Chairs:**

Kathy Poppitt  
Paul D. Gilbert  
Jackie Kingsolver  
Tracy Powell

**Council Liaison:**

J.A. (Tony) Patterson

**Interest Group Leader:**

Marty Thompson

**I. Goal; Description**

**A. Goal:**

The goal of the HCFO Interest Group is to provide substantive resources to members of the IG through the various functions served by the IG. We seek to grow, expand, and develop the depth of leadership among our IG and the involvement and number of IG members as well. To the extent feasible and possible, we intend to accomplish our goals by collaborating with other interest groups.

**B: Description:**

The HCFO IG focuses on the laws, regulations, and policies governing the operations of hospitals and other healthcare facilities. It deals with areas of the law and regulations included within Medicare, Medicaid, EMTALA, state and local licensing laws and regulations, and standards of national organizations such as the Joint Commission, the Accreditation Counsel for Graduate Medical Education (ACGME), and the National Committee on Quality Assurance (NCQA). Examples of issues dealt with by this IG include: legal duties of the governing body, medical staff by-laws and credentialing, improving quality of care, medical errors reporting/liability, medical ethics, conflicts of interest, licensure, compliance, internal audits, and investigations. This interest group also undertakes the following activities with regard to these areas of law, regulation and policy: monitors enforcement activities; follows and, where appropriate and applicable, comments on legislative and regulatory developments; and serves as a forum for the exchange of information and debate on these activities.

## **II. Interest Group Structure**

### **A. General:**

Presently, our IG does not have any subcommittees. However, the leadership is considering subcommittees to attract and retain new members and to provide resources to our members. Given our plans, we believe that a potential subcommittee or IG focus this year should be on developing ways to serve in-house counsel and to strengthen our membership by the additional of in-house counsel members.

### **B. Monthly Meetings:**

Monthly conference calls to discuss upcoming events and issues. Members of the IG Leadership Group will be appointed to respective roles on a rotating basis. A matrix will be developed to distribute these responsibilities among the committee leadership and will be finalized during the November conference call.

## **III. Membership Activities**

### **A. Description:**

1. A personalized e-letter will be sent to any new member of the HCFO Interest Group by the Chair of the HCFO IG welcoming them to the group. The e-letter will include a summary of the upcoming events and opportunities both to participate and to learn afforded the new member including speaking, writing, and other involvement in the IG.

2. The IG will communicate, as appropriate, via the List Serve with IG members to communicate significant recent developments of interest to health care facilities, health care providers, and health care attorneys, and encourage IG members to consider and suggest projects for IG regarding said developments, including participation by IG members in said projects- including E-Source, EMI, Teleconferences and Health Lawyer.

3. Monthly IG leadership meetings will be conducted via teleconference. These calls shall occur on the second Tuesday of each month at 2:30 p.m. CST.

At least twice per calendar year, the teleconference will be open to all IG members. We will communicate the dial-in information to the IG via the List Serve. The first IG-wide conference call will be held on [\_\_\_\_\_, 2008.] The purpose of the IG-wide call is to inform the members of the IG's purpose and scope, advise of upcoming events/teleconferences, solicit input from the members regarding the IG (suggestions to increase activity and involvement), and create opportunities for increased member participation in IG activities. Lastly, the IG wide conference call will discuss the IG website as a source of information and utilization by IG members.

### **B. Targeted Groups:**

1. Health Law Section members who are not affiliated with an interest group and current HCFO members. A concerted effort will be made at both the Washington Healthcare

Summit and EMI to identify potential new members as well as connect with existing members in order to encourage retention.

2. HCFO will coordinate with the American College of Healthcare Executives (ACHE) to identify new members to the IG with an interest in operations – compliance/regulatory.

**C. Costs:**

There is no cost for this other than the ABA's internal costs for teleconference lines.

**D. Target Date:**

Ongoing

**E. Responsible Committee Member:**

All HCFO executive leadership

**F. Goal:**

At least 43 new Healthcare Facility Operations IG members will be recruited this year, representing a 10% increase from current membership of 433 (as of September 9, 2008).

**G. Tasks:**

1. Revise initial e-letter concerning HCFO events throughout 2008 and 2009. Obtain lists of Health Law Section members not affiliated with the HCFO IG and draft a marketing letter to same with directions to join IG. Follow-up by e-mail with a link to register for the HG. Divide and assign to leadership of IG follow-up calls for new members to IG as well as members not associated with any IG.

2. Contact AHCE education department to discuss opportunities to joint sponsor an education program/teleconference.

**IV. Government Submissions:**

The HCFO IG will continue ongoing efforts to identify specific issues that it considers relevant for a government submission. IG leadership will monitor regulatory developments that involve issues relating to HCFO and inform IG members of such developments, determine (after clearance from the Committee on Government Submissions and Policy) whether there is a member interest in preparation of a government submission, and oversee the preparation of such a submission.

**V. Publications Area**

**A.** HCFO IG is responsible to publish three articles for the Health Law E-Source newsletter – for November 2008. IG will solicit IG membership for participation in both submission of ideas and drafting of articles.

**B.** HCFO IG is responsible for including information on our website. A member of the Leadership Group will be appointed as the website administrator who will be responsible on a rotating basis for website content management including upcoming events, publications, esource, teleconferences and special notices/bulletins.

**C.** HCFO IG intends to use the Health Law E-Source blast to send a cumulative monthly update of important regulatory and other decisions.

**D.** The Leadership Group will utilize the List Serve to solicit interested parties within the IG to write articles for the *Health Lawyer*.

**E.** The HCFO IG leadership will support and produce materials related to both the Checklist 101 series as well as the 202 series initiated by the ABA YLS. The IG leadership will use the 101 and 202 programs to identify members in the IG that are interested in participating further in the IG.

## **VI. Educational Programs/Teleconferences**

**A.** The HCFO IG is responsible for at least one or two teleconferences and for submitting at least two ideas for the 2009 EMI presentation. Currently we have submitted – **(INSERT EMI Ideas)**

**B.** The HCFO IG presented ideas for the 2008 EMI, and one idea was selected.

**C.** The HCFO IG will identify potential speakers for the 2009 EMI, if selected, or identify speakers for use in an upcoming teleconference.

**D.** The HCFO IG will look to also sponsoring and submission of topics to Washington Health Summit in 2009 and Physician's conference in 2009.

**E.** The HCFO IG will continue to submit ideas to co-sponsor various teleconferences with other ABA health law affiliated groups that might present interests to HCFO IG members either in a current or hot topic involving subject matter relevant to HCFO.

## **VII. Public Service Projects**

**A.** None yet determined. We will solicit ideas from the IG membership and search for opportunities to partner with other interest groups on such project. Additionally, we will respond promptly to any requests from the ABA Staff for assistance with such projects or with responses to media inquiries.

**B.** **Cyndi, Kathy and Tracy – We could look at putting on some public interest seminars to various groups – AARP (Advance directives/living wills/Medicare basics)????**

## **VIII. Technology**

**A.** In our January 2009 IG-wide teleconference, we will be discussing the website and seek suggestions for improving the content contained on it including updates on articles

written (E-Source/Health Lawyer), upcoming events (EMI/Teleconferences), Special Bulletins/Notices, etc.

**B.** Appoint IG leader as Technology Liaison for IG