Career Paths in Public Health Law and Health Law

June 1, 2016

The legal information and assistance provided in this webinar does not constitute legal advice or legal representation, nor reflect the opinion of the series partners.
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All participants are muted. Type a question into the Q & A panel for our panelists to answer. Send your questions in at any time.

This webinar is being recorded. If you arrive late, miss details or would like to share it, we will post a link to this recording and a copy of slides after the session has ended.
Other Student Network Resources

- Attend the **Student Network Pre-Conference Workshop** at the 2016 Public Health Law Conference
- Archived webinar recordings are **available online**
- **Public Health Law Career Tool**
- **Join the Student Network**
- **Connect with the Student Network on LinkedIn**
Your Public Health Law Job:  
Where it is and how to get there

Daniel O’Brien  
Network for Public Health Law Consultant  
Former Principal Counsel  
Maryland Department of Health and Mental Hygiene
Maryland Public Health Career Paths

- U of Md B.S. Psychology
- American University JD
  - No PHL Training 1979
- Maryland OAG – Health
  - AAG 8 years
  - Principal Counsel 22 years
- Hospital System Counsel
- Network Consultant

Hiring Recommendations
- Approximately 100 hires
- AAG, staff attorney, interns, law clerks, policy positions
- 40% OAG / state agencies
- 20% private practice
- 20% unrelated activities
- 10% regulated industry
- 10% judges, elected office
Finding Your PHL Job: Two Routes

- Theme: Mary Chapin Carpenter’s “Feeling Lucky”
  - Single arrow and small target –
  - Hard to hit.

- Theme: Rolling Stone’s “Satisfaction”
  - Multiple arrows and larger target –
  - Easier to hit.
Public Health Law Practice

1. What is it?
2. Where is it?
3. How do you find one for yourself?
Three Types of PHL Practice

- **Primary PHL Practice**
  - “Full Time” Public Health Law Focus

- **Ancillary PHL Practice**
  - “Part Time” Public Health Law Focus

- **Law Practices with Transferable Skill Sets**
  - Minimal “PHL” but opportunity to develop useful skills
Why Different Kinds of PHL Practice?

- Lawyers provide wide range of needed services:
  - Provide direct advice on specific public health topics
  - Support development of public health laws, regulations, policies
  - Defend agency actions in administrative and judicial forums
  - Enforce agency decisions in contested proceedings
  - Assist in contract development & execution
  - Manage personnel related activities and conflicts
  - Negotiate with advocates, policymakers, regulated industries
Where are the Primary and Ancillary PHL Practice Jobs?

- **Public Health Agencies**
  - State, federal, local health departments
    - Program counsel, administrator or regulator
    - Traditional Form of “Primary PHL Practice”

- **Executive and Legislative Branch Positions**
  - Advisor to policy makers with some public health activities
  - One form of “Ancillary PHL” Practice

- **Advocacy Organizations and Regulated Industries**
  - Counsel, staff, and administrative positions
Where Can You Find These PHL Jobs?

- **Agency Postings**
  - State, local, federal job postings
    - Not just health departments
      - Environmental protection, transportation, juvenile justice, consumer protection
  - State and local Public Health Organizations
    - ASTHO, NACCHO, Health – Related Organizations
- **Foundations**
  - RWJF, Pew, local charities
- **Advocacy Organizations**
  - Guns, Tobacco, Food & Drug Safety, Trade Associations
- **Networking & Networking**
  - Bar associations, public health conferences, Network for PHL,....
Two Approaches: Single and Multiple Arrows

- Single Arrow & Narrow Target
  - Aiming for Primary or Ancillary PHL Practice Job
    - Quick Hit
    - Timing Key
    - Prior Relationship?
    - Recommendations very useful

- Multiple Arrow & Broad Target
  - Aiming for Ancillary PHL Job or Unrelated Practice Area with Transferable Skill Development
    - Longer term strategy
    - Networking important
    - Transferable skill development strategy
Modify Your Strategy As Your Career Evolves:

- **Securing Primary PHL Position**
  - **Not Impossible**
    - Prior relationship a key factor
    - Timing: 2 to 6 months

- **Securing Ancillary PHL Position**
  - **More likely because more open positions**
    - Networking important
    - Timing: 6 to 24 months

- **Securing Developmental Position**
  - **Most probable – most job opportunities**
    - Difficulty – Identifying Transferable Skills
    - Timing: 2 to 42 years
Practitioner Profile 1: Primary PHL Position

- **Education**
  - JD with some health focus
  - Joint MPH / JD degree more frequent in recent years

- **OAG – Health Department Entrance**
  - Initial Relationship: intern or law clerk placement
  - Mentoring: Developed working relationship with OAG staff
  - Produced memorable work product

- **Health Department Counsel Role**
  - 3-25 years

- **Health Related Legal Career**
  - Health system counsel or private health care law firm
Practitioner Profile 2: Ancillary PHL Position

- **Education**
  - Some health focus but not necessary

- **Initial Legal Job**
  - Legal Aid, private firm, trade association

- **Public Health Exposure**
  - Developed some public health expertise and contacts

- **Ancillary Public Health Practice Position**
  - Secures policy position with legislative or executive branch
  - Opportunities with advocacy or trade associations
Practitioner Profile 3:
transferable skill route

- Education
  - Broad range of interests
  - Open to many types of legal positions

- Early Legal Career
  - No relation to public health
  - Objective: Develop wide range of legal skills
    - Including but not solely litigation activities, client counseling, writing

- Intentional Health Law Networking
  - Through bar association and pro bono work

- “Transfer In” Vigilance
  - Uses accumulated skills and networking to secure PHL position
Moral of the PHL Practice Story

The Need Exists and Is Growing

- Public Health Needs Wide Range of Legal Supports
  - Traditional legal skills
  - Emerging legal capabilities
- The PH Workforce is Aging and Evolving

Skill Development and Perseverance Essential

- Lawyers Have Multiple Opportunities to Secure Public Health Positions
- New Grads have New Skills
- Keep After the Objective!
Career Paths in Public Health Law and Health Law

Network for Public Health Law Law
June 1, 2016

Thaddeus Mason Pope, JD, PhD
Mitchell Hamline School of Law
Overview
“That's where the money is.”
Why health law?
That's where the jobs are
Widely noted and measured
Law student publications
The 12 HOTTEST PRACTICE SPECIALTIES of the future

Health law, I.P., family law expected to lead the way during the next 10 years
What’s HOT

The 10 practice areas that are driving hiring now
Student Lawyer

Red-Hot Areas of Law

Energy, Health Care, and Regulatory Law

Hamline University Law Library
Super hot: health law

Health care is expanding at a fast pace, and that means prospective lawyers in this field need to stay abreast of the changes.

BY MIKE STETZ
Fact #1: The population of Americans who are getting older and living longer is growing dramatically. As lawyers try to make sense of all the issues related to elder law, they need a keen sense of the broad policy issues, an up-to-date understanding of all the regulations of their state and the federal laws, and a patient understanding of the unique needs and desires of their client.

Fact #2: Insurance law, particularly as it relates to health care,
10 BEST LEGAL JOBS
Why donning the robe may bring you the greatest happiness
Not only law student pubs
Legal
practice
publications
Health-Law Specialty Still Evolving, Attorneys Say
State of the Practice Area . . .

Health Care Lawyers Stay Busy and Expect Even Heavier Workloads in the Future
Financial news pubs
Want a Law Job? Learn the Health-Care Act

By JENNIFER SMITH

Some companies are warning that President Barack Obama's health-care overhaul will cost jobs. It won't be in their legal departments.

Health-care companies racing to comply with the Affordable Care Act and other rules are calling in the lawyers, sparking a mini-boom for specialist attorneys who can backstop overloaded internal teams and steer clients through an increasingly crowded regulatory minefield.
New Health Law Is Sending Many Back to School

By PHYLLIS KORKKI  March 17, 2014
6 Fields Where ObamaCare is Creating Jobs
But where exactly are these jobs?
Roadmap
Public health law vs. Health law
Attorney

vs.

Non-attorney
Mostly defined by client business, not by area of law
Health Law refers to law affecting “healthcare”
Healthcare

Services
  Medical, nursing, dental . . .

Goods
  Drugs, devices, equipment . . .
18\%
GDP
1 in 5 chance
you **will** be in
health law
Top Employers Statewide

http://mn.gov/deed/business/locating-minnesota/companies-employers/top-employers.jsp
4 in top 10

- Mayo Clinic
- State of Minnesota
- United States Federal Government
- Target
- Allina Health System
- University of Minnesota
- HealthPartners
- Wal-Mart Stores Inc.
- Fairview Health Services
- Wells Fargo Bank Minnesota
8 in top 20
Non-HC entities too
Attorney
Litigation

Transactional
Can combine with other areas of interest
3 hot HL practice areas
Independent practice areas

But special rules for HC clients
More complicated in HC
Also – local, state, property
Labor & Employment Law
Issues specific to health law
Patient care
Medical malpractice
Fraud & abuse
Health privacy
Credentialing, licensing, accreditation
Practice settings
7 examples
State
GOV
Federal GOV
Insurers
Providers
Manufacturers
Hill-Rom
Enhancing Outcomes for Patients and Their Caregivers.

ActivStyle
Your Medical Supply Advocate
Committed to making your life easier
Professional Associations
Law Firms
Related & overlaps HL
Elder Law
Estate planning
Medical directives
Long-term care
A Call to Action on Elder Law Education: An Assessment and Recommendations Based on a National Survey

Nina A. Kohn
Edward D. Spurgeon

The Elder Law Journal
Volume 21  Number 2  2014
Elder Law—A Growth Field

"There are ample job opportunities in the field of Elder Law."
68% Agree • 24% Other • 8% Disagree

"There is a need for more Elder Law attorneys."
72% Agree • 20% Other • 8% Disagree

"Elder Law is growth field."
93% Agree • 5% Other • 2% Disagree
Non-Attorney
JD advantage
JD preferred
Compliance officer
Risk manager
Regulatory affairs
Privacy officer
Ethics consultant
Compliance
Compliance = meet expectations of those who grant us money, pay for our services, and regulate our industry.
Jump-Start a Legal Career With a Job in Compliance Law

New consumer protection and health care laws are fueling growth in legal compliance and related fields.

Companies are looking for professionals with the legal knowledge to help recognize and fix problems before they start.
HIPAA Privacy
Foreign Corrupt Practices Act
Stark & Anti-kickback
Sunshine Law
Jump-Start a Legal Career With a Job in Compliance Law

March 16, 2015

New consumer protection and health care laws are fueling growth in legal compliance and related fields.
10 hottest alternative legal careers

A host of factors are changing the employment landscape. Here are some jobs you might want to put on your radar.  

BY RICHARD L. HERMANN

When I spoke at law schools 20 years ago, career service directors would ask me to limit my comments to traditional legal careers. Today, they ask me to focus on legal opportunities outside the mainstream.

Intellectual capital management, tax, contracting and procurement, depending on their relevant law school courses, internships and externships, certificates earned and non-legal employment experiences.

Because many J.D.-preferred positions pay well, obtaining and working in one can align their skills and interests.

1. Compliance
Both the U.S. Bureau of Labor Statistics (www.bls.gov) and the Society of Corporate Compliance and Ethics (www.corporatecompliance.org) report that compliance is the fastest-growing profession in corporate America. Regulatory compliance is an essential part of every corporate environment.

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Businesses hire up to deal with more regs

By Ben Goad and Julian Hattem - 11/09/13 12:00 PM EST
20. Compliance Manager

Median pay: $87,200
Top pay: $127,000
10-year job growth: 27%
Total jobs*: 29,300

What they do all day? Like business traffic cops, compliance managers make sure their employers understand and conform to all relevant industry laws and regulations. Commonly found in pharmaceutical, health care, financial and legal settings.
Healthcare fraud remains major focus
$17 billion recovered since 2009

$8 recovered for every $1 spent
ACA 6401

“a provider of medical or other items or services . . . **shall** . . . establish a compliance program . . .”
Separate from legal department
Identify causes of accidents
Implement preventive measures
Manage claims & insurance
Separate from legal department
Use legal skill set
Interpreting laws and regulations
Technical writing
Problem solving
Pre-Market

Develop test strategy

Post-Market

Review promotional pieces
Review labeling
Assess design, material, manufacturing process changes
Regulatory Affairs Professional Development Framework

AN OVERVIEW
Separate from legal department
Privacy
Privacy Rule (2000) - to assure protection of individual health information
"A covered entity must designate a privacy official . . . ."

45 C.F.R. 164.530
Health care provider that conducts certain transactions in electronic form

Health care clearinghouse

Health plan
>500,000
HIPAA Audits Grow Teeth: Why Dental Organizations Can No Longer Ignore Them
Health care changes keep Minnesota lawyers busy

Companies are enlisting law firms to help them navigate reform and privacy issues.

By Nicole Norfleet (http://www.startribune.com/nicole-norfleet/101685423/) Star Tribune

MAY 13, 2016 — 9:50PM
Clinical ethics consultant
Patients, families, and practitioners sometimes face ethically hard, confusing, or conflicted choices.
Common Ethical Issues We Address

- End-of-Life Decision Making
- Surrogate Decision Making
- Decisional Capacity
- Informed Consent
- Minors and Decision Making
- Complex discharges
- Privacy and Confidentiality
- Pregnancy and Perinatal Issues
- Dealing with "Difficult" Patients
- Critically/chronically ill neonatal and pediatric patients
Ethics Consultation facilitates discussion, analysis and understanding and provides recommendations.
Also MD, PhD, RN...
But growing JD hiring
Cleveland Fellowship in Advanced Bioethics (CFAB)
Networking
Externships
Residencies
Clinics
Summer
P/T jobs
National Bar Associations
AHLA Student Memberships are now free!

Put away your debit card, Google Wallet, Paypal, or cash—Student membership in AHLA is now FREE! AHLA knows that making the right connections and having the most timely analyses are crucial to advancing your career in health law, and we are committed to helping students make these connections as early as possible.

Share this amazing news with all of the students in your network.

Visit www.healthlawyers.org/join to become a member today.
The “10/3”: Ten Questions for Three Attorneys from Public Sector, Government, and Public Interest Groups

This year, AHLA’s Young Professionals Council has been producing a Job Resource Guide and Toolkit that draws upon the expertise and wisdom of leaders in the field of health law. The first article in the series was featured in the October 2013 issue and included profiles of three AHLA members in different practice settings: a solo practitioner; attorney in a mid-sized firm; and an attorney in a large firm. The second article appeared in January 2014 and asked questions of three in-house counsel at the Centers for Disease Control and Prevention in Atlanta, GA; and James Saling spoke with Victoria L. Veltri, State Healthcare Advocate at the Office of the Healthcare Advocate, Hartford, CT.

Each provided a unique perspective about their career paths and shared thoughts about what they do—it’s interesting, never the same, and makes a difference in the lives of many.
Young Professionals To-Do List

1. Update your AHLLA Member Profile - Go to www.healthlawyers.org, login, then click on Update Your Demographic Information. Click on the Personal Profile tab and complete your demographic profile. Mid-way down the screen there is a place to designate how you want to become involved. This information is then made available to AHLLA leaders looking for volunteers on particular projects.

2. Find a Practice Group and Get Involved - If you're interested in knowing more about one of AHLLA's sixteen Practice Groups (PG), each Group has a Vice Chair of Membership who will be glad to talk with you about opportunities. A listing of PG leaders is available at www.healthlawyers.org/pg. AHLLA's PG leaders welcome new members to bring fresh perspectives on member outreach and technology issues, and to help with member alerts, publications, and other special projects. Getting involved in a PG is a great way to broaden your knowledge base, make contacts within the industry, and grow as a professional.

3. Subscribe to the Young Professionals Discussion List - This listserv enables young professionals to share and network with one another by discussing hot topics in the healthcare world, and best practice techniques and tips. PG leaders also participate on the list and often post available opportunities to become more involved. To subscribe and to post, go to www.healthlawyers.org/lists.

4. Participate in the AHLLA Mentoring Program - Create your profile at www.healthlawyers.org/mentoring. Become a mentor for a law student and find your own mentor.

Write for the AHLLA Health Law Wiki - To learn more, go to www.healthlawyers.org/wiki. In addition, each year, AHLLA hosts a Wiki competition for young professionals wanting to create an original entry or add to an existing Wiki entry on any matter of health law. Winners receive prizes and have their winning article published in AHLLA Connections. For more information, email YP@healthlawyers.org.

Become an AHLLA Author - AHLLA has initiated a New Author pilot program that helps young professionals develop their writing skills by identifying publication opportunities. The pilot program partners young health lawyers interested in writing with experienced attorneys, with
the expectation that they will collaborate to produce an article for publication by AHIA. If you’re interested in participating, contact us at YP@healthlawyers.org. Young professional members are also encouraged to submit an article for the Member Forum column in AHIA Connections magazine, write a book review of a recently released AHIA publication, or to submit an article for one of the Practice Group newsletters. See our Call for Authors information at www.healthlawyers.org/volunteer.

Volunteer to Speak – Visit www.healthlawyers.org/volunteer to view the Call for Speakers, which has a current list of the programs that are currently accepting proposals and the requirements for proposals. Also join the PG of your choice and let the leadership know you are interested in helping to plan, moderate or speak on a webinar.

Tweet, Post, and Link – AHIA and many of its Practice Groups use social media channels, including Facebook, LinkedIn, and Twitter to inform their members about the latest health law news and developments as well as to connect with one another. If you’re interested in helping to grow AHIA’s presence in this area, contact us at YP@healthlawyers.org.

Network – AHIA holds various networking events and receptions for young professionals at AHIA’s in-person programs. Look for more information about these events in the program brochures. The Association also sponsors networking events in various cities. If you are interested in helping to organize an event in your area, contact us at YP@healthlawyers.org. Also download the planning toolkit, which can be found at www.healthlawyers.org/YP.

Register for a Young Professionals Brown Bag – The Young Professional Council sponsors members-only webinars on practical topics of interest. For example, the Young Professionals Council and the Advisory Council on Diversity have co-sponsored: What I Know Now That I Wish I Knew Then – Perspectives from Health Law Attorneys in Government, Law Firms, and In-House Counsel; and Mentoring: The Most Important Tool in Your Professional Arsenal. If you have a topic idea or are interested in speaking, contact us at yp@healthlawyers.org.

American Health Lawyers Association

(202) 833–1100
Final
Word
Your path to health law may not be direct (and that is okay)
CAREERS IN HEALTH LAW

LAWRENCE SINGER
MEGAN BESS
KRISTIN FINN
You are Invited to a Health Law Careers Program

Sponsored by the New York State Bar Association’s Health Law Section Health Law Diversity Committee and Brooklyn Law School’s Center for Health, Science and Public Policy

Brave New World: Exploring Today’s Health Law Career Paths

Twenty-first century health care is changing rapidly with new regulations and developments emerging every day. Practitioners in Health Law now face issues associated with digital medicine and cyber security as well as changes in compliance and state regulations.

Our panel of practitioners in Health Law will discuss their career path and how the changing world of health care delivery is transforming their practice. The panelists will highlight traditional and nontraditional areas of opportunity in Health Law and offer tips on getting your foot in the door.

Thursday
March 10, 2016
6 pm – 8 pm
A reception will follow the program
Brooklyn Law School
Subotnick Center
250 Joralemon Street
Brooklyn
www.brooklaw.edu/directions

RSVP
www.brooklaw.edu/healthlawpgm
by Tuesday, March 8, 2016

Questions?
Contact the Office of External Affairs:
(718) 788 7966 or events@brooklaw.edu

Fee: There is no cost for this event.

Speakers

Salvatore Russo
Senior VP and General Counsel
Health & Hospital Corporation
New York City
Adjunct Professor of Law
Brooklyn Law School

Ingrid Green
Assistant General Counsel – Compliance
The College Board

Robert Swidler
VP Legal Services
St. Peter’s Health Partners

Danette Slevinski
SVP Chief of Corporate Compliance & HIPAA Privacy Officer
NYU Lutheran Medical Center ‘05 BLS Alumni

Brooklyn Law School
ESTABLISHED 1851

NYSBA
COLUMBIA UNIVERSITY PROGRAMS IN BIOETHICS

PANEL & NETWORKING EVENT:
Health Care Law and Bioethics: Intersections, Challenges, and Opportunities

David C. Leven, Executive Director, End of Life Choices New York
Adira Hulikower, Bioethics Consultant, Montefiore Health System
David N. Hoffman, Chief Compliance Officer for PAGNY, P.C.
Randi Seigel, Counsel, Healthcare, Manatt, Phelps & Phillips, LLP

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Question & Answer

Type your question in through the Q & A panel