



SCASHRM+AHQ

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SC CHAPTER OF AMERICAN  
SOCIETY OF HEALTHCARE  
RISK MANAGEMENT  
+HEALTHCARE QUALITY

# Webinar Agenda

August 14, 2020 | 9:00 am – 1:30 pm

## TARGET AUDIENCE

Risk Managers  
In House Council  
Defense Attorneys  
Patient Safety Officers  
Quality Directors & Managers  
Nurse Leaders

Physician Leaders  
Human Resources  
Physician Office Managers  
Safety Officers  
Compliance Officers  
Health System Pharmacists

## AGENDA

**9:00 am**

### **Potential claims that may occur due to COVID-19**

Jay Davis, Partner, Young Clement Rivers, LLP

#### **This session will focus on:**

Will explore what has transpired and will transpire as a result of the COVID-19 Pandemic and what it means for healthcare professionals from a legal perspective.

Will explore the issues caused by the pandemic and how litigation has and will continue to develop for healthcare providers with an emphasis on Hospitals, Doctors, Long Term Care facilities and individuals who work in the medical field.

Will focus on claims that have arisen, will arise, and efforts at immunity designed to help stem the claims of liability related to the lock down and reopening of healthcare facilities.

**10:00 am**

### **Protections afforded by patient safety work product under the Patient Safety and Quality Improvement Act ("PSQIA")**

Eli Poliakoff, Partner, Nelson Mullins Riley & Scarborough LLP

Phillip Mullinnix, Associate, Nelson Mullins Riley & Scarborough LLP

Travis Dayhuff, Partner, Nelson Mullins Riley & Scarborough, LLP

#### **This session will focus on:**

To understand what types of information are afforded protection under the PSQIA.

To understand what protections and exceptions apply to information protected under the PSQIA.

To understand what types of information are afforded confidentiality protection under S.C. law.

To understand who may ask you for this information and the appropriate way to handle such requests

**11:00 am**

**Break**

**11:30 am**

**Apologies, Meetings, and Claims: Where do we go from here?**

Erin Myers, JD, CPHRM, AIC, AINS, AIS, ARM, Senior Claims Consultant, The Risk Authority

Amy Uldrick, MSN, RN, CPHRM, Vice President, Risk Management, The Risk Authority

**This session will focus on:**

Describe the South Carolina Unanticipated Medical Outcome Reconciliation Act and how it applies to your organization.

Describe how utilizing apology, disclosure, and communication can impact claims.

Identify how your organization currently handles apology and communication regarding unanticipated outcomes and one change you would like to institute.

**12:30 pm**

**More Lessons from Quint Studer: A Snapshot of The Busy Leader's Handbook: How to Lead people and Places that Thrive by Quint Studer**

Beth VanOrsdale DNP, MHA, CPHRM, CNE, Interim Associate Dean, Health Professions, Southern New Hampshire University

**This session will focus on:**

Discuss how to lead people and places that thrive

Recognize your key skills and behavior that promote your leadership

Determine key ways to optimize employee performance

Formulate a list of strategic and foundational topics that will help you and your organization move forward

## GENERAL INFORMATION

### Registration & Fees

No Registration fee – Free Webinar. To register for webinar go to <https://attendee.gotowebinar.com/register/7148117915269151756>. Once you register, you will receive an email with the link to join the webinar. The email will come from [cgoulet@scha.org](mailto:cgoulet@scha.org)

### Continuing Education

Certified Professional in Health Risk Management

This program has been submitted for a total of 4.0 contact hours of continuing education credit toward fulfillment of the requirements of ASHRM designations of Fellow (FASHRM) and Distinguished Fellow (DFASHRM) and towards Certified Professional in Healthcare Risk Management (CPHRM) renewal.

### Continuing Nursing Education

The South Carolina Hospital Association is an approved provider of continuing nursing education by the South Carolina Nurses Association, an accredited provider by the American Nurses Credentialing Center's Committee on Accreditation.

Participants who attend the entire program and complete an evaluation will earn 4.0 contact hours.

### Continuing Legal Education

Application has been submitted for CLEs, CPHRM

## **Speaker Bio's:**

### **Jay Davis:**

Jay is a partner in the law firm of Young Clement Rivers, LLP. Jay is chair of the firm's Professional Liability section and the firm's Business Litigation practice group. He serves also on its Management committee. He practices primarily Professional Liability, Medical Malpractice, Nursing Home and Assisted Living, Commercial Litigation, Legal Malpractice, Business, and Real Estate litigation. Jay is a Fellow in the American College of Trial Lawyers®. Jay has also been selected as a member of Super Lawyers® in the areas of Professional Liability defense. Jay has been elected to Best Lawyers in America® as well. Jay is a member of the American Board of Trial Advocates ("ABOTA"). He is also a member of the Federation of Defense and Corporate Counsel ("FDCC") where he serves as immediate past Chair of its Healthcare Practice Section and as a faculty member of the Litigation Management College. He has been nominated by the National Law Journal list of best southern lawyers and has been elected to America's Top 100 High Stakes Litigators.

Jay also serves as the FDCC liaison to the Long Term Care Committee of the Defense Research Institute ("DRI"). He serves on the South Carolina State Bar Association Committee for Professional Liability. He is a past two term member of the Executive Board of the South Carolina Defense Trial Attorneys Association. Jay has served as an adjunct professor of law at the Charleston School of Law where he taught litigation. He has also been certified by the South Carolina Supreme Court Commission on Alternative Dispute Resolution as a civil mediator. He has been selected to the Super Lawyers® Business Edition.

Jay also served as the Associate Editor for the South Carolina Law Review Symposium on the "Restatement (Third) of Unfair Competition." Jay grew up in Charleston and graduated from Porter Gaud School in 1984. He earned his Bachelor of Arts degree from the University of Georgia in 1988. He earned a Master's Degree from the College of Charleston in 1993. In 1996, Jay graduated cum laude from the University of South Carolina School of Law. He was admitted to the South Carolina Bar that same year. He serves on the Roper Hospital Board of Directors.

### **Eli Poliakoff:**

Eli Poliakoff is a partner in the Charleston, SC office of Nelson Mullins. His practice focuses on healthcare matters with an emphasis on hospital-physician relationships, healthcare operational and regulatory matters, health information privacy and security, and medical device regulation. He is a graduate of Harvard University and the University of South Carolina School of Law. Attorney at Nelson Mullins from 2006 to present

### **Phillip Mullinnix:**

Phillip Mullinnix focuses his practice on healthcare. He advises and represents healthcare clients in a range of regulatory, operational, and licensing matters, including health information privacy and security compliance; fraud and abuse (Stark, Anti-Kickback, and Self-Referral issues); and healthcare compliance matters. In addition, Mr. Mullinnix advises mass tort defendants and other entities in negotiating and resolving Medicare Secondary Payer and third party payer liabilities, including Medicare Secondary Payer requirements, MMSEA Section 111 reporting procedures, and reimbursement/lien resolution procedures and processes with public and private payers. Attorney at Nelson Mullins from 2014 – present.

### **Travis Dayhuff:**

Travis Dayhuff provides hospitals, nursing homes, pharmacies, federally qualified health centers, and other healthcare providers regulatory advice and litigation services in administrative law matters involving the S.C. Department of Health and Environmental Control, the S.C. Department of Health and Human Services, and the S.C. Department of Labor, Licensing, and Regulation (and the Boards under LLR's purview including the Boards of Medical Examiners, Nursing, and Pharmacy). These administrative law matters include Certificate of Need, health licensing, controlled substances enforcement actions, trauma level designations, nursing home enforcement actions, Medicaid appeals, and professional licensing. He also advises and litigates in matters involving medical staff bylaws and hospital peer review, and he represents healthcare clients in business litigation cases. Travis has litigated before the S.C. Administrative Law Court, S.C. Circuit Court, Federal District Court, and state and federal appellate courts.

Attorney at Nelson Mullins from 1998 – present

**Erin Myers, JD, CPHRM, AIC, AINS, AIS, ARM:**

Prior to joining TRA in 2012, Erin worked as a claims professional for a number of insurance carriers, as well as a self-insured hospital system, investigating and managing medical malpractice and general liability claims. She has more than 18 years of experience in claims handling and litigation management.

**Amy Uldrick, MSN, RN, CPHRM:**

Amy is a registered nurse with experience in the fields of medical/surgical, oncological, and emergency care, administration, risk management, and patient safety. She also served as adjunct clinical nursing faculty at Piedmont Technical College.

**Beth VanOrsdale: DNP, MHA, CPHRM, CNE**

Beth VanOrsdale has over ten years of risk management, quality, and leadership experience. Most recently, Beth worked in a national quality and risk consulting role in hospitals across the United States. In addition, Beth has over 13 years of teaching experience and transitioned to the role of full-time Clinical Faculty in the Nursing and Health Professions Department for Southern New Hampshire University in 2018. Beth is dually certified in healthcare risk management and nursing education.