



2015 WSHRM Fall Conference

End of Life Care: Risks and Responsibilities

September 17 & 18, 2015
Glacier Canyon Lodge at the Wilderness Resort
45 Hillman Road
Wisconsin Dells, WI 53965



Conference Agenda

Thursday, September 17, 2015

0730 -0830 – Registration and Continental Breakfast

0830 -0930 – Usual Medical Care, Palliative Care or Hospice Care? - Timothy Jessick, DO

0930 -1030 – Honoring Choices – John Maycroft, MPP

1030 -1045 – Break

1045 -1145 – Legal Considerations in End of Life Care – Samuel, J. Leib, JD

1145 - 115 – Lunch and Annual Meeting

115 - 215 – Goals of Care at End of Life – Karen Smith, LMSW, PhD

215 - 230 – Break – Networking

230 - 330 – End of Life Care and Futility – Arthur Derse, MD, JD, FACEP & Wendy Peltier, MD

330 - 500 – Panel Discussion: End of Life Issues

Moderator: Monica Marton, RN, MBA, CPHRM, CPHQ, FACHE

Panelists: Arthur R. Derse, MD, JD, FACEP

Kim Marheine, Ombudsman

Wendy Peltier, MD

Kay Schroeder, National Certified Guardian

Karen Smith, LMSW, PhD

500 - 600 – Networking Reception

600 - 800 – Networking Dinner

Friday, September 18, 2015

0730-0830 – Breakfast and Networking

0830-0930 – The Impact of Medicare on Risk Management 2015 – Richard J. Joppich, JD

0930-0945 – Break

0945-1045 – Injured Patients & Families Compensation Fund Update – Terri L. Carlson, Diane Konsella

1045-1145 – Health Care Policy, Law and Advocacy - Kyle O'Brien SVP, Matthew Stanford, JD; WHA

1145-1200 – Wrap Up and Evaluations

Conference Objectives

- Define usual medical care, palliative care and hospice care and understand when to use each
- Understand advance care planning as a process
- Verbalize the legal definition of incapacity in Wisconsin
- Understand the process required to activate a patient's power of attorney for health care in Wisconsin
- Identify various types of legally authorized decision makers for incapacitated patients
- Understand the concept of a surrogate decision maker

Conference Objectives Continued

- Identify potential legal issues that may arise when caring for incapacitated patients and strategies to address them
- Understand what goals of care are, why we need them and how they help patients at end-of-life
- Understand the key clinical elements in quality end-of-life care
- Understand the concept of futility and its elements
- Describe compassionate responses to patients and families who request that everything be done when patients are imminently dying
- Discuss and identify potential legal and ethical issues that may arise at end of life and strategies to address them
- Identify risk management situations that trigger the Medicare Secondary Payer Act reimbursement obligations and strategies to reduce the risk of penalties
- Identify the risk management claim resolution circumstances that require Medicare reporting under the Medicare, Medicaid and SCHIP Extension Act (MMSEA) Section 111
- Understand where, when and how to report when required under MMSEA Section 111
- Understand the types of malpractices cases that the IPFCF has paid out on to identify trends and potential risks
- Understand the basics of the recently enacted biennial state budget and other proposed legislation that could impact liability and risk exposures for health care organizations in Wisconsin
- Understand recent court decisions and pending cases that could impact health care in Wisconsin

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Speakers

Timothy Jessick, DO - Dr Jessick is a physician with Aurora Healthcare. He is board certified in Palliative Care and Family Medicine. He is the co-founder and President of the Palliative Care Network of Wisconsin and a member of the American Academy of Hospice and Palliative Medicine and the American Academy of Family Physicians. Dr Jessick received his Doctor of Osteopathy from Kirksville College of Osteopathic Medicine in 1994 and his Bachelor of Science in Exercise Physiology from the University of Wisconsin –Madison in 1990. He has presented both locally and nationally on the topics of palliative care, pain management, advanced directives and end of life care and participated in numerous initiatives related to these topics.

John Maycroft, MPP – Mr. Maycroft is the Director of Policy Development and Initiatives at the Wisconsin Medical Society and program lead for Honoring Choices Wisconsin, the Society's advanced care planning initiative. Honoring Choices Wisconsin has assisted 25 health care organizations in making advance care planning a routine and standard part of care, in addition to leading community efforts. A University of Wisconsin alumnus, he also earned a Master of Public Policy and spent one session as a legislative research assistant in the Wisconsin Assembly before coming to the Society in 2010.

Samuel J. Leib, JD – Attorney Leib is the deputy regional managing partner of the Milwaukee office of Wilson, Elser, Moskowitz, Edelman & Dicker LLP. He maintains a distinguished general litigation practice representing clients in matters involving medical malpractice, oral surgical and dental malpractice, long-term care facilities, and related business transactions and disputes nationwide. Sam has litigated more than 150 jury trials to verdict in cases ranging from brain damaged babies to decubitus ulcers. Among other professional distinctions, Sam has been a member of the faculty of Marquette University Law School since 1998, instructing and inspiring new attorneys in the area of health care provider liability, a course of study he co-developed. Sam lectures frequently on health care and litigation issues.

Karen Smith, LMSW, PhD – Dr Smith began her career as a hospital social worker and was the appointed social worker for her hospitals first ethics committee. Over the next 20 years she was increasingly attracted to the difficult ethical cases and returned to get her PhD in Philosophy/Medical Ethics at the age of forty. Specializing in death and dying issues she often assists in cases of non-beneficial treatment and withdrawal of care situations. Her dissertation was on palliative sedation at the end of life. She now covers three hospitals in the Milwaukee area. She is also on the National Board for the Funeral Consumers Alliance a non-profit committed to education and advocacy for consumer funeral needs.

Arthur R. Derse, MD, JD, FACEP - Dr. Arthur Derse is the Director of the Center for Bioethics and Medical Humanities, and is Julia and David Uihlein Professor of Medical Humanities, and Professor of Bioethics and Emergency Medicine at the Medical College of Wisconsin. He is a past president of the American Society for Bioethics and Humanities (ASBH), chair of the National Ethics Committee of the Veterans Health Administration, and member and past chair of the Ethics Committee of the American College of Emergency Physicians (ACEP). He is a member of the board of the American Society of Law, Medicine and Ethics (ASLME). He served as Senior Consultant for Academic Affairs at the American Medical Association's Institute for Ethics and as a member of the American Bar Association's Commission on Law and Aging. Dr. Derse serves as ethics committee chair at Froedtert Hospital (the adult university hospital of the Medical College of Wisconsin) and ethics consultant for the Milwaukee VA Hospital and Children's Hospital of Wisconsin. His publication and research has focused on emergency medicine and ethics, confidentiality, informed consent, end-of-life decision making, the doctor-patient relationship and the use of the internet in academic bioethics and medicine. He is co-author of the *Code of Ethics of the American College of Emergency Physicians* and *Practical Ethics for Students, Interns and Residents: A Short Reference Manual, 3rd Edition*. He serves on the editorial boards of the *American Journal of Bioethics*, the *Journal of Clinical Ethics*, the *Medical Ethics Advisor* and the *Virtual Mentor*. He is the founder and moderator of the MCW Bioethics Discussion Forum, a nationally recognized academic online discussion group. He is a recipient of the Gold Foundation's Leonard Tow Humanism in Medicine Award and was elected to the Medical College of Wisconsin's Society of Teaching Scholars. He received the American Society for Bioethics and Humanities 2008 Distinguished Service Award. Dr. Derse is a graduate of the University of Wisconsin Medical School and the University of Wisconsin Law School, cum laude, and he completed emergency medicine residency and a fellowship in medical education at the Medical College of Wisconsin. He is board certified in emergency medicine and licensed to practice law in Wisconsin.

Wendy Peltier, MD - Dr. Peltier is an Associate Professor of Medicine at the Medical College of Wisconsin and Section Head of the Palliative Care Center in the Division of Hematology and Oncology. She has extensive background in medical education, leadership and neuromuscular neurology. She brings these skills to palliative care in the areas of clinical pathways and teaching communication skills. Her research interests are in quality improvement and the development of models for 'upstream' palliative care in serious illness including lung cancer, brain injury and advanced heart failure.

Kim Marheine - Kim Marheine holds a bachelor's degree in music therapy and a master's degree in Community/Agency Counseling, both from UW-Oshkosh, where she also taught in the Music Therapy Division. Kim has worked extensively in the area of long term care, first as a long term care provider for 20+ years, then as Program Director for the Alzheimer's Association of Greater WI, and currently as Ombudsman Services Supervisor for the State of Wisconsin Board on Aging and Long Term Care. At the national level, Kim served on

several committees of the Alzheimer's Association, primarily structured around staff development, client supports, and family caregiver support. Kim has been a frequent presenter on both state and national levels, speaking on a wide array of topics related to maturing adults.

Kay Schroeder, NCG - Kay Schroeder is a National Certified Guardian and President of Corporate Guardians of Northeast Wisconsin. Her background includes a degree in Human Services and Business from the University of Wisconsin Oshkosh and over 20 years of professional experience in various human service related fields including work with individuals with developmental disabilities, mental illnesses and infirmities of aging. She is President of the Wisconsin Guardianship Association for a four year term that began June 2012. Along with her husband, she started Corporate Guardians of Northeast Wisconsin out of a long standing passion for working within the field of human services and the desire to own and operate her own business. She is passionate about the work she does and the people she serves and pursues excellence in this field for the benefit of all individuals under guardianship.

Richard J. Joppich, JD - Mr. Joppich obtained a Bachelor of Arts in both Political Science and Communications from Bowling Green State University in Ohio in 1982. He obtained his Juris Doctorate from the Detroit College of Law (now Michigan State University College of Law) in 1988. He is a Principal Attorney and Marketing Director for Kitch, Drutchas, Wagner, Valitutti and Sherbrook P.C., a regional law firm of one hundred attorneys, with a national reach, having offices throughout Michigan from Detroit to Marquette, in Chicago, Illinois, and in Toledo, Ohio. For over twenty-five years he has been a trial attorney defending hospitals and individual healthcare providers in major complex malpractice and general personal injury suits throughout Michigan. Flowing out of his litigation practice Mr. Joppich developed a focus on assisting clients, the courts, and other attorneys with Medicare Secondary Payer law implications in claims, litigation management, and settlement negotiations, and in navigating the reimbursement and reporting processes. He has been an invited speaker on these and many other topics statewide throughout Michigan, regionally in the Midwest, and nationally, having presented for the Physician's Insurers Association of America, The Chartered Property Casualty Underwriters Society, the Michigan Public Risk Managers Association, the Michigan Society of Healthcare Risk Managers, the Michigan Department of Community Health, the Michigan Defense Trial Counsel, the Risk Management & Patient Safety Institute, among others. He has published on the Medicare reporting and reimbursement requirements in the Michigan Medical Law Reports and has been quoted by the Michigan Lawyers Weekly on the subject. He generates a newsletter for Medicare Updates and has published a monograph on the topic as well. He has maintained leadership in the law as a director on the board of the Michigan Defense Trial Counsel (the statewide association of defense trial attorneys) for the past six years, serves on the government issues committee for the Michigan Society of Healthcare Risk Managers, and has participated in numerous voluntary programs benefiting the education and ethics of law students and young lawyers. He is an "AV" Preeminent rated attorney, the highest in ability and ethics, through Martindale Hubbell.

Terri L. Carlson – Ms. Carlson is the director of the Injured Patients and Families Compensation Fund at the Office of the Commissioner of Insurance (OCI). She brings extensive governmental, legislative, financial service and employee benefit experience to OCI. Prior to joining OCI in 2011, Ms. Carlson served as a health insurance benefits consultant for a national financial services firm and with an independent agency. Terri's 20 years' of experience in insurance, risk management and working with governmental entities provides first-hand knowledge of insurance products and regulatory compliance.

Diane Konsella - Ms. Konsella has managed claims for 35 years, 21 in medical malpractice. Currently she is the vice president of Wausau Med Mal Management, which provides management services for the Wisconsin Health Care Liability Insurance Plan and claim management services for the Injured Patients and Families Compensation Fund.

Matthew Stanford, JD - Matthew Stanford is General Counsel for the Wisconsin Hospital Association (WHA), whose membership includes over 130 hospitals and health care systems in Wisconsin. Matthew joined WHA in 2003, and is a member of WHA's government relations team. Matthew received his law degree and Master's in Health Administration from the University of Iowa.

Kyle O'Brien - Kyle O'Brien is the Senior Vice President – Government Relations at the Wisconsin Hospital Association (WHA). O'Brien joined WHA in December 2012 after working in the administration of Wisconsin Governor Scott Walker as the Legislative Advisor within the Department of Health Services. Previously, O'Brien worked for three different legislators as a policy analyst in the state capitol, including a term on the budget-writing Joint Finance Committee. O'Brien received his bachelor's degree in Finance and Marketing from the University of Wisconsin – La Crosse.

Accommodations

WSHRM has reserved a block of rooms at the special rate of \$99.99 per night at Glacier Canyon Lodge. To receive the special rate you need to make your reservations by **August 21, 2015**. Please use Group Name: **WSHRM 2015 Fall Conference** and Group Number: **476343** when making your reservation.

Glacier Canyon Conference Center at The Wilderness Resort
45 Hillman Road, Wisconsin Dells WI 53965 (Use Baraboo as the city to get GPS directions)
1-800-867-9453
www.wildernessresort.com

Attire

Business Casual is appropriate. Please dress in layers as the temperatures of the conference rooms may fluctuate.

Continuing Education Credits

This activity will be submitted to the American Society for Healthcare Risk Management for CEU credit and to the Wisconsin Bar Association for CLE credit.

2015 WSHRM Annual Fall Conference Registration Form:

Early Bird Registration Received by August 21

WSHRM Member \$125
Non-Member \$225

Registration Received after August 21

WSHRM Member \$150
Non-Member \$250

Name: _____

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If you have any questions please contact Nancy at nduran@mcw.edu

No refunds will be issued unless written cancellation notice is received by September 4, 2015.

If you wish to **join WSHRM** now to get the 2015 member rate for this conference, see the WSHRM Website at www.wshrm.org for membership information or e-mail Karen Whyms, WSHRM membership coordinator at Karen.whyms@aurora.org