



Unique Issues in Patient Care and Healthcare Liability

Wisconsin Society for Healthcare Risk Management

2018 Fall Conference

Emerging Trends in Healthcare Risk Management

Friday, September 14, 2018
Holiday Inn, Pewaukee

Conference Agenda

Friday, September 14, 2018

- 7:30-8:20 a.m.** **Registration and Continental Breakfast**
- 8:20-8:0 a.m.** **Opening Remarks**
- 8:30-9:30 a.m.** **No Good Deed Goes Unpunished:
Medical Liability for Non-Medical Programs**
Sean M. Gaynor, Leib Knott Gaynor, LLC.
- 9:30-10:15 a.m.** **Legislative Update**
John Rather, Wisconsin Hospital Association
- 10:15-10:30 a.m.** **Break**
- 10:30-11:15 a.m.** **To Draw Blood Or Not To Draw Blood:
Issues in Collecting Blood or Urine From Non-Consenting Patients**
Michael Johnson, Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.
- 11:15-noon** **42 U.S. Code § 1983 – Is The New Medical Malpractice Attack
Premised on Violation of Civil Rights?**
Douglas Knott, Leib Knott Gaynor, LLC
- noon-1:15 p.m.** **Annual Meeting and Lunch**
- 1:15-2:15 p.m.** **The Incarcerated Patient: Healthcare & Legal Challenges Involved
In Providing Care to the Patient in Jail or Prison**
Mike Russart & Jill Munson, Hinshaw & Culbertson
- 2:15-2:30 p.m.** **Break**
- 2:30-3:30 p.m.** **A Healthcare Perspective: A Discussion of Policies For Treating
The Patient Brought To The Hospital In Police Custody**
Mike Ramstack, Froedtert Memorial Lutheran Hospital
Jake Haugh, Children’s Hospital of Wisconsin
- 3:30-4:30 p.m.** **The Incarcerated or In-Custody Patient:
A Panel Discussion from Multiple Viewpoints**
*Speakers are being finalized but will include health care providers,
hospital safety specialists, police officers and lawyers.*
- 4:30 p.m.** **Closing Remarks**

Objectives

Attendees can expect to learn:

1. The potential liability to hospital and healthcare facilities for implementation, incomplete implementation or the lack of implementation of non-healthcare related programs such as environmental initiatives, housekeeping policies and/or agendas not specifically related to patient care.
2. The different legal standards for liability involving medical care versus ministerial duties as well as the burden of proof necessary to sustain these discrete causes of action.
3. Updates in Wisconsin law pertaining to the practice of healthcare.
4. The laws and regulations, both State and Federal, pertaining to the collection of blood and urine samples from patients that do not consent.
5. Evaluating patients and situations to determine whether it is permissible, advisable and/or legal to draw blood and/or urine from patients requiring medical clearance for admission to a psychiatric or mental health facility.
6. An overview of 42 U.S. Code § 1983 and how it relates to healthcare.
7. The nature, proof and potential liability for claims pertaining to the violation of a patient's civil rights under 42 U.S. Code § 1983.
8. The challenges, from a healthcare and legal perspective, of treating patients that are in jail or prison.
9. The rules and standards, medically and legally, that apply to the provision of healthcare given to incarcerated patients in a jail or prison setting.
10. A healthcare perspective in creating policies and procedures for patients that are brought to a facility in police custody.
11. Managing staff concerns, worries and safety when a patient is brought to a facility in police custody.
12. Medical and law enforcement concerns in treating patients in custody at a hospital or in a jail/prison setting.
13. The rights of patients regarding their medical care in situations where they are in police custody or incarcerated.



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*Attendees limited
to one entry.*

Hotel Prizes

Speaker Bios



Sean M. Gaynor, Esq.

Leib Knott Gaynor, LLC

Sean Gaynor is a litigation attorney who specializes in the representation of healthcare providers in matters related to malpractice, general negligence, licensing boards, policy, and business issues. Voted a Wisconsin Super Lawyer by his peers annually since 2008, Sean is consistently called upon to handle complex, difficult cases. In addition to his legal practice, Sean is active in numerous healthcare organizations and is the President-Elect for WSHRM. He has been invited to lecture both in Wisconsin and nationally before hospitals, physicians, medical/dental associations, insurance companies and lawyers regarding health care, dental and professional liability. He has co-authored articles on informed consent, changes to Wisconsin's peer review and quality assurance statutes and the physician-patient relationship.



Jake Haugh

Children's Hospital of Wisconsin

Jake Haugh is currently the Director of Security for Children's Hospital of Wisconsin and has accountability for security across the health system. He has 14 years of professional healthcare security experience. Jake is a veteran of the Marine Corps Reserve, is board certified as a Certified Protection Professional and a Physical Security Professional through ASIS International, and holds a Bachelor's degree in Supply Chain and Operations Management from the University of Wisconsin-Milwaukee.



Michael Johnson, Esq.

Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.

Michael Johnson is a shareholder whose practice focuses on litigation. His practice has encompassed state and federal court trial litigation and appeals, administrative proceedings, and professional licensure hearings. Mr. Johnson's litigation practice spans a broad spectrum and includes defending individuals and corporations in commercial matters, personal injury litigation, and professional negligence claims. He has handled a wide range of commercial and insurance defense matters, in addition to defending medical and legal malpractice cases. Mr. Johnson has an active statewide practice defending automobile liability cases. He has significant trial experience in the defense of personal injury cases including medical negligence matters. Mr. Johnson is a frequent lecturer on risk prevention. He has been asked to speak on several occasions on medical legal issues for the Wisconsin Society of Healthcare Risk Management.



Douglas Knott, Esq.

Leib Knott Gaynor, LLC

Douglas Knott practices in the areas of medical malpractice, personal injury defense and civil rights litigation across the Midwest. He has handled death and catastrophic injury matters in both the trial courts and appellate courts of Iowa, Minnesota, and Wisconsin, and has extensive trial experience in those states. He has been consistently recognized by his peers as a Super Lawyer in the defense of medical negligence claims. A former member of the Iowa Attorney General's office, Doug thoroughly understands the processes of public policy and administration as well as the concerns and responsibilities of governmental administrators and employees faced with litigation. Doug's experience and analytical ability enable him to grasp the nuances along with the heart of the matter.



Jill Munson, Esq.

Hinshaw & Culbertson LLP

Jill Munson works with professionals facing liability claims. As a trial lawyer with more than 25 years of experience, she is experienced with all phases of litigation and the management of significant client relationships. As part of her health care practice, she represents hospitals, physician groups and other medical entities. Her clients have also included orthopedic surgeons, obstetricians, nursing homes and prison health systems.

Michael Ramstack

Froedtert Memorial Lutheran Hospital

Mike Ramstack is the Director of Security, Safety & Emergency Preparedness and has over 25 years of law enforcement and private sector security experience including the supervision of security personnel, physical security, internal investigations, risk assessment, crisis management and workplace violence programs. At Froedtert, he oversees a group of managers with direct responsibilities over safety, security and emergency preparedness. He has worked with the hospital to create policies and procedures related to the care of patients in police custody.



John Rather, Esq.
Wisconsin Medical Society

John Rather is the General Counsel for the Wisconsin Medical Society and its affiliated entities. John Handles all legal affairs of the Society, including overseeing all judicial advocacy, legal services and legal education activities. He has been with the Society since 2012, prior to which he was a litigation and defense attorney.

Dr. Karen Ronquillo-Horton

Dr. Horton has experience in Correctional Medicine, OB-Gynecology and General Practice. She is the supervising physician for 2 major correctional facilities in Milwaukee; supervises a staff of physicians and nurse practitioners; heads care of Infirmary cases, supervises Chronic Care Clinics, coordinates with Mental Health Director, Director of Nursing, Health Service Administrator and the correctional leaders in different local and state facilities for the various medical needs of patients; plans and creates policies and procedures for patient care; heads Infection Control and Quality Assurance programs.



Michael Russart, Esq.
Hinshaw & Culbertson LLP

Michael Russart began his practice of law as a Public Service Special Prosecutor with the Milwaukee County District Attorney's office and served for 10 years as a Milwaukee Police Officer. Thereafter, he joined the Hinshaw Firm where he has represented a wide variety of clients, including healthcare facilities, state, county, state and municipal agencies as well as prison-related health care clients since 1994.

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Questions? Contact [Sean Gaynor](#).

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