



The Center for Innovative Collaboration in Medicine and Law

January 2016

Inside this issue:

Upcoming Events & POLST News	1
Center Events	2-3
RRF Grant and UROP	4
Student	
Presentations and Publications	5
Associate & Affiliate Activities	6-7
2015 Student Activities	7
Student Writing Competition	8
Center Media Mentions & Social Media	8

Online Resources:

- ◆ [Register for our January 25, 2016 annual conference](#)
- ◆ [Make sure to check out the latest news on the development of POLST in Florida.](#)
- ◆ [See what the Center has been up to in 2015](#)
- ◆ [Get the latest news from the Center's Associates and Affiliates](#)
- ◆ [See how the Center works with students at FSU and elsewhere](#)
- ◆ [Check out our digital content and like us on Facebook!](#)

2016 Annual Conference

"Medical, Legal, and Ethical Aspects of Pain Management in Florida"

On Monday, January 25, 2016 from 8:00 a.m. to 4:30 p.m. the Center will host "Medical, Legal, and Ethical Aspects of Pain Management in Florida" at the FSU Alumni Center. The conference will be sponsored by the Medical Educational Council of Pensacola (MECOP), the Center for Innovative Collaboration in Medicine and Law and the Florida Bioethics Network.

This program will identify, describe, and critically analyze the most significant legal and ethical issues that may arise as Florida physicians and other health care professionals endeavor to satisfactorily manage the challenges associated with patients who claim to be suffering from serious and persistent pain.

We will examine governmental initiatives and the regulatory and litigation environment surrounding health care pain management practices in Florida and examine the impact of these public initiatives and legal environment factors on both inadequate pain treatment



and excessive pain treatment.

We will discuss ways that health care professionals can be guided to successfully balance sometimes competing ethical, legal, and clinical interests characterizing this dynamic patient care context.

To view the program and register for our annual conference, [click here](#). Just fill out the registration form in the packet and mail, email or fax it back to us!

POLST News

—The Center continues to coordinate Physician Orders for Life-Sustaining Treatment in Florida based on the National POLST Paradigm.

—On October 28, two bills related to POLST ([SB 0662](#) and [SB 0664](#)) were prefiled for the 2016 Legislative Session. These two bills will be heard by assigned committees

in January.

—On September 17, Professor Kapp traveled to Orlando, Florida for the Florida Bar Health Law Section's 7th Annual FUNDamentals Conference. This year's conference theme was Lawyers at the Bedside: The Intersection of Legal and Medical Ethics. Professor Kapp presented "Physician Orders for

Life-Sustaining Treatment (POLST) in Florida."

—Check out our redesigned [POLST Facebook page](#) and make sure to "like" for updates on POLST in Florida.

POLST
FLORIDA
PHYSICIAN ORDERS FOR LIFE-SUSTAINING TREATMENT

Center Events in 2015

Big Bend Hospice Event

On April 14, 2015, National Health Care Decisions Day, Big Bend Hospice and the Center for Innovative Collaboration in Medicine and Law presented ["Being Mortal: A Discussion About Medicine and What Matters in the End,"](#) facilitated by Guest Speaker Reverend James L. Brooks.

Rev. Brooks facilitated a discussion based on the audience's viewing of a video in which Thomas Jennings of FRONTLINE follows renowned New Yorker writer and Boston surgeon Dr. Atul Gawande as he explores the relationships doctors have with patients who are nearing the end of life. In conjunction with Gawande's best-selling book, "Being Mortal," the film explores how the medical profession can better help people navigate the final chapters of their lives with confidence, direction and purpose.



Big Bend Hospice Event Guest Speaker, Reverend James L. Brooks

ACC Road Scholars Speaker Series

On October 9 2015, the Center hosted the ACC Road Scholars Speaker Series: Florida State University's Series of Talks by Distinguished Scholars from Other Institutions in the Atlantic Coast Conference.

The Center welcomed Dr. Kenneth Goodman, Director of the Institute for Bioethics and Health Policy at the University of Miami and Director of the Florida Bioethics Network, as he presented "Helmet Safety, Biohacking and Genetic Enhancement: New Challenges in Science, Sport and Society." The event was held in the Robert B. Bradley Reading Room of the Strozier Library.



Dr. Kenneth Goodman, Ph.D., FACMI

SCOTUS Update 2015

On July 7, 2015, the Center held a lunch time discussion, ["Update: Health Law Cases from the U.S. Supreme Court 2015 Term,"](#) facilitated by Center Director, Marshall Kapp. Recent health law court decisions discussed included:

- King v. Burwell (Are federal tax credits and subsidies available to people enrolled in federal (rather than state) health exchanges?)
- Armstrong v. Exceptional Child Center, Inc. (Can a Medicaid provider sue the state for inadequate reimbursement rates?)
- North Carolina State Board of Dental Examiners v. Federal Trade Commission (FTC enforcing antitrust laws)
- Young v. United Parcel Service (Young alleged UPS violated Pregnancy Discrimination Act.)



Students, faculty, and staff enjoying Scotus Luncheon Lecture

The Future of Medical Malpractice Law in Florida

Center's 2015 Conference

On Monday, February 9, the Center hosted, "The Future of Medical Malpractice Law in Florida" at the FSU Alumni Center. The conference was sponsored by the Medical Educational Council of Pensacola (MECOP), the Center for Innovative Collaboration in Medicine and Law, and the Florida Bioethics Network and was supported by the Tallahassee Memorial HealthCare Foundation and the Florida Blue Foundation.

This program described and critically analyzed the current legal system in Florida for handling allegations that substandard care provided by a physician or other health care professional injured a patient. We examined the positive and negative impacts of the current legal system on the way that medicine is practiced. We identified and discussed the pros and cons of potential modifica-

tions to the current legal system and their likely effects on medical practice.

The conference was comprised of four panel discussions:

Session One (Top Left Picture): *Was There, and Is There Now, "A Medical Malpractice Crisis" in Florida?*

Session Two (Top Right Picture): *Health Care Providers' Perceptions of Law and the Legal System: Psychological, Economic, and Clinical Implications of Defensive Medicine and Risk Management.*

Session Three (Bottom Left Picture): *Can We Do Better? Potential Changes in, or Alternatives to, the Current Malpractice System*

Session Four (Bottom Right Picture): *How Does the Medical Malpractice Environment Impact the Preparation and Development of the Next Generation of Health Care Professionals? Dealing With the "Hidden Curriculum"*



Marshall Kapp, J.D., M.P.H. (at Podium), William Large, J.D., Dana Brooks, J.D., William Bell, J.D.



Leslie Beitsch, M.D. J.D. (at Podium), Riley Allen, J.D., Ken Brummel-Smith, M.D., Patricia Born, Ph.D., Alfredo Paredes, M.D.



Ray Moseley, Ph.D., Tamara Demko, J.D., M.P.H., Stephen Ecenia, J.D.



Greg Turner, Ed.D., M.B.A., M.P.H., (at Podium), Suzanne Collins, J.D., M.P.H., Ph.D., Ron Hartsfield, M.D., Karen Myers, ARNP, Greg Todd, M.D., J.D.

Center Awarded Retirement Research Foundation Grant

Written by: Julie Jordan, FSU College of Medicine Public Relations Office

Working together for an older patient/client is often a strain for physicians and attorneys. According to Professor Marshall Kapp, this phenomenon is often talked about but has yet to be formally addressed. To help identify and address the behavioral impediments to these interprofessional relationships, Kapp received a grant from the Retirement Research Foundation to produce continuing education modules in Florida that are usable nationwide.

"It's got to happen primarily where people get to know each other individually," said Kapp, director of the FSU Center for Innovative Collaboration in Medicine and Law.

As a health-law expert, Kapp hopes to use the almost \$40,000 grant to help educate current doctors and lawyers in how to better establish interprofessional collaboration and communication for successful older patient/client health-care outcomes — such as when someone's decision-making capacity is questioned or a Medicare claim is denied. In creating continuing education modules for attorneys and physicians, Kapp hopes to lay the groundwork for better individual relationships.

"There is value to continuing education programs but only as an inroad to selling collaboration on an individual basis, which is what's necessary to establish trust," said Kapp. "Ideally that would be one of the outcomes of this project."

Doctors and lawyers will be educated separately using two modules developed by Kapp, Assistant Professor Shenifa Taite and an advisory board. Associate Dean Greg Turner will then conduct follow-up research based on attendees' survey responses.

"Doing two separate modules is a bow to the reality that we need to get them in the room to begin with," said Kapp. "Then, hopefully, the next step will have them in the same room talking to each other."

The continuing education courses will occur at the Florida Bar and the Florida Geriatrics Society.

Center Hosting Undergraduate Research Opportunity Program Student

During the 2015-2016 academic year, The Center for Innovative Collaboration in Medicine and Law is the home of an Undergraduate Research Opportunity Program (UROP) participant. Sophomore International Affairs student Melissa Villalta was chosen from a bevy of competitive candidates to participate in a research assistantship with Center Director Marshall Kapp on a year-long project titled, "Culture Change in Nursing Homes: Addressing Regulatory Impediments."

The Florida State University Undergraduate Research Opportunity Program "offers a rare opportunity for first- and second-year students to partner with our excellent faculty as research assistants.

The Undergraduate Research Opportunity Program (UROP) is an initiative by the Center for Undergraduate Research and Academic Engagement to engage more undergraduates in academic research and offer help to our faculty members and graduate students. Started in Fall 2012, UROP students participate in a colloquium introducing them to the practice of research, work as research assistants to faculty members and graduate students, and present their Research Sponsors' projects and their contribution to it at the annual undergraduate research symposium.



Melissa Villalta, Undergraduate Research Opportunity Program Student

To find out more about the Florida State University Undergraduate Research Opportunity Program, [click here](#).

Featured Meeting Presentations in 2015

June 5, 2015: Marshall Kapp, "Resident Choices in Long Term Care Communities: Risk Management Challenges and Opportunities," at 38th Annual Health Law Professors Conference sponsored by American Society of Law, Medicine and Ethics, St. Louis, MO.

July 15, 2015: Marshall Kapp, "The Physician's Responsibility Concerning Guns and Older Patients," at 34th International Congress on Law and Mental Health" sponsored by the International Academy of Law and Mental Health at Sigmund Freud University, Vienna, Austria.

October 14, 2015: Marshall Kapp, "Health, Law, and Medical Ethics" to the FSU Honors Medical Scholars Society. The Honors Medical Scholars Society was founded in 2008 and is focused on preparing its members for a future in the field of medicine. To learn more about the FSU Honors Medical Scholars Society, [click here](#).



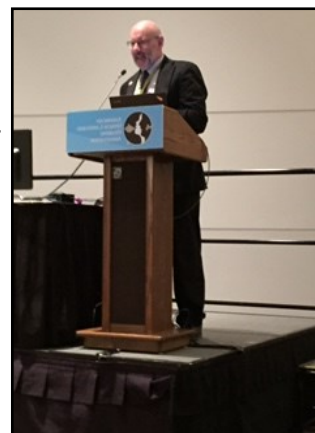
Professor Kapp presenting, "Nursing Home Culture Change: Legal Apprehensions and Opportunities"

November 3, 2015: Marshall Kapp, "[Nursing Home Culture Change: Legal Apprehensions and Opportunities](#)" [ppt], as part of the Brown Bag Lunch Series sponsored by the FSU Institute for Successful Longevity at the Florida State University College of Medicine in Tallahassee, FL.

November 12, 2015: Marshall Kapp co-presented "My Life, My Decisions...I think: Autonomy, Capacity & Impaired Mental Status" at the Annual Convention of the American Speech-Language-Hearing Association (ASHA), Denver, CO.



Attendees of 34th Annual Congress on Law and Mental Health, Vienna



Professor Kapp giving presentation at 2015 ASHA Convention, Denver

Featured Publications

—Marshall B. Kapp, "[Evaluating Decision Making Capacity in Older Individuals: Does the Law Give a Clue?](#)", 4 LAWS 164-174, doi:10.3390/laws4020164 (2015), [open access version](#).

—Marshall B. Kapp "Long-Term Care and the Law," in Long-Term Care in an Aging Society: Theory and Practice, edited by Graham D. Rowles & Pamela B. Teaster. New York: Springer Publishing Company, pp. 379-395 (2015).

—Marshall B. Kapp, "Legal Issues in Critical Care," in [Principles of Critical Care](#) (4th Edition), edited by Jesse Hall et al. New York: McGraw-Hill, pp. 125-130 (2015).

—Marshall B. Kapp, Book Review of Health Care in America: A History, by John C. Burnham, Vol. 16, No. 3, pp. 170-171 CARE MANAGEMENT JOURNALS (2015).

—Marshall B. Kapp, Letter, [British Medical Journal](#) (May 13, 2015), <http://www.bmj.com/content/350/bmj.h2308/rr-3>.

—Marshall B. Kapp, "Aging Population," in Oxford Handbook of U.S. Healthcare Law, edited by I. Glenn Cohen, Allison K. Hoffman, & William M. Sage. New York: Oxford University Press, published electronically in Oxford Handbooks Online, doi: 10.1093/oxfordhb/9780199366521.013.49. (July 2015)

—Marshall B. Kapp, "[Nursing Home Culture Change: Legal Apprehensions and Opportunities](#)," published electronically on the Institute for Successful Longevity Blog Site (December 8, 2015)

—Marshall B. Kapp, "Getting Physicians and Patients to Choose Wisely: Does the Law Help or Hurt?," Vol. 46, No. 2, pp. 529-543, UNIVERSITY OF TOLEDO LAW REVIEW (Winter 2015).

Selected Center Faculty, Associate and Affiliate Activities

Ken Brummel-Smith

In 2014, Dr. Ken Brummel-Smith, the Charlotte Edwards Maguire Professor of the FSU College of Medicine's Department of Geriatrics, was appointed chair of the Alzheimer's Disease Research Advisory Board for the state of Florida by Florida's State Surgeon General and Secretary of Health, John H. Armstrong.

In 2015, Dr. Brummel-Smith served as the Co-Principal Investigator for the [Geriatric Workforce Enhancement Program Grant](#) awarded by the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA) to the FSU College of Medicine Department of Geriatrics. The ultimate goal of this grant is to enhance the workforce by addressing the challenges that face Florida regarding its increasingly aged population. Florida has the highest percentage of older residents in the country and the population of those 65 and older is expected to more than double in the next 15 years to nearly 8 million.



Ken Brummel-Smith

Presentations

- **May 5, 2015 and November 17, 2015:** ["POLST and its Role in the Care of People with Dementia."](#) National POLST Paradigm Webinar.
- **February 4-6, 2015:** "Leveraging Health Care Reform to Improve Advance Care Planning" and "Billing and Reimbursement for Advance Care Planning and POLST Discussions" at the National POLST Conference in California.
- **February 28, 2015:** Served as an American Geriatric Society/Scan Foundation Panelist in developing a position statement, Identifying Successful Approaches to Person-Centered Care Coordination, in Los Angeles, CA.
- **April 1, 2015:** "Advance Care Planning and POLST," at Leading Age Florida" in Orlando, FL.
- **June 30, 2015:** "Advance Care Planning: Helping Residents Control Their Destiny," at Leading Age in Orlando, FL.
- **October 7, 2015:** "Making the End Count," at the Area Health Education Center (AHEC) in Gainesville, FL.



Michael Nair-Collins

Michael Nair-Collins

Dr. Michael Nair-Collins, FSU College of Medicine, Professor of Behavioral Sciences and Social Medicine, published several papers and gave two national presentations relating to health law and bioethics in 2015.

Papers

- Taking science seriously in the debate on death and organ transplantation, Hastings Center Report: <http://www.ncbi.nlm.nih.gov/pubmed/26081017>
- Laying futility to rest, Journal of Medicine and Philosophy: <http://www.ncbi.nlm.nih.gov/pubmed/26232595>
- Moral evaluations of organ transplantation influence judgments of death causation (Nair-Collins and Mary Gerend), Neuroethics: <http://www.ncbi.nlm.nih.gov/pubmed/26594257>
- Clinical and ethical perspectives on brain death, Medicolegal and Bioethics (invited review): <https://www.dovepress.com/clinical-and-ethical-perspectives-on-brain-death-peer-reviewed-article-MB>

Presentations

- "Can the brain dead be harmed or wronged?", presented at the American Society for Bioethics and Humanities Annual Meeting 2015, Houston, TX., and at the XXVII World Congress of the International Society for the Philosophy of Law and Social Philosophy in Washington, D.C.
- "The moral psychology of death and organ transplantation," invited presentation at the Department of Bioethics, NIH Clinical Center, Bethesda, MA.

Selected Center Faculty, Associate and Affiliate Activities (Continued)

Linda Keen

Linda Keen of Linda A. Keen P.A. is an attorney with a master's degree in nursing. She is active in the field of health law and in 2015 gave the presentation "Rules and Laws Affecting Osteopathic Physicians" at the Florida Osteopathic Medical Association District 7's Seminar in Bradenton, FL.

On January 13, 2016, Linda Keen will present Rules and Laws Affecting Osteopathic Physicians at the Pinellas County Medical Society's twenty seventh Osteopathic Winter Seminar in Clearwater Beach, FL.

For more information and to register this upcoming event, visit: <http://pcomsociety.com/events/annual-winter-seminar/>.



Linda Keen



Larry Krieger

Larry Krieger

Larry Krieger, FSU College of Law Clinical Professor and Director of Clinical Externship Programs, published a paper on the mental health of lawyers in the George Washington Law Review titled, "What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers."

Professor Krieger was then quoted in the New York Times article, "[Lawyers with Lowest Pay Report More Happiness.](#)"

Aline Kalbian

Dr. Aline Kalbian, Professor and Chair of the FSU Department of Religion and Director of Undergraduate Studies at the FSU Department of Religion, presented a paper at the annual American Academy of Religion Meeting on November 21, 2015 in Atlanta on "Relational Autonomy, Vaccinations, and Public Health."



Aline Kalbian

2015 Student Activities



Eric Krivensky, President, HALO

The Center for Innovative Collaboration in Medicine and Law continues to work closely with and advise two student groups: FSU College of Medicine's Health and Law Organization (HALO) and the FSU College of Law's Health Law Society.

On November 2, 2015, HALO presented "Vaccination Laws and Ethics" with guest speaker Claudia Blackburn. Claudia Blackburn, MPH, RN serves as Health Officer at the Department of Health in Leon County and as Assistant Professor at the FSU College of Medicine Department of Behavioral Sciences and Social Medicine.

Both the FSU College of Medicine Health and Law Organization and the FSU College of Law Health Law Society are in the process of planning future events to actively engage their fellow students with health law professionals within the community and abroad.



Katherine Perdomo, President, Health Law Society

If you would like more information on the FSU College of Medicine HALO or would be interested in becoming a member, [click here](#).

If you would like information on the FSU College of Law Health Law Society or would be interested in becoming a member, [click here](#).

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Mollie and Paul Hill Student Writing Competition in Medical-Legal Interprofessional Collaboration

Beginning in 2014, the Florida State University Center for Innovative Collaboration in Medicine and Law presents awards for the outstanding original papers submitted by a law student and a medical student or medical resident in response to an assigned question pertaining to collaboration between medical and legal professions. This writing competition is made possible by a generous gift from Mollie and Paul Hill.

2015 Competition Winners

Gurney F. Pearsall III of the University of Colorado School of Law was selected as the winner of the 2015 Mollie and Paul Hill Student Writing Competition in the Law Student category for his submission, [Practicing Quality Medicine Instead of Defensive Medicine](#). The Center would like to congratulate Mr. Pearsall for his fine essay on medical-legal interprofessional collaboration and thank all the students who submitted their essays for the competition.

2016 Contest Question

"In recent years, Ebola and other infectious diseases, natural disasters, threatened acts of bioterrorism, the rise of obe-

sity and obesity-related ailments, the recreational use of tobacco and drugs, and other actual or potential developments have threatened the health of the public in the United States and elsewhere. Successfully preparing for and effectively addressing these and other public health dangers will require use of an array of tools involving expertise and experience possessed and practiced by medical and legal professionals. Discuss some of the ways in which medical and other health care professionals can work innovatively and collaboratively with members of the legal profession in the next few years to jointly protect and promote public health in the U.S. and beyond in the face of actual and potential challenges, while also respecting individual and institutional persona and property rights."

Winners of the 2016 Mollie and Paul Hill Student Writing Competition will be announced on or before April 1, 2016.

For information about the 2017 Mollie and Paul Hill Student Writing Competition in Medical-Legal Interprofessional Collaboration, please visit the [center website](#), and click on the ["Students" tab](#).

Center Media Mentions in 2015

March 21, 2015: Center Director Marshall Kapp was quoted in the Daytona Beach News-Journal article ["Pastors hired by Halifax Health to preach good health, but deal surprises board members."](#)

May 7, 2015: Center Director Marshall Kapp was quoted in WCTV news story, ["Florida Suing Feds for Withholding Funds."](#)

September 8, 2015: Center Director Marshall Kapp wrote an opinion piece for CNN.com titled, ["Guns Key to Senior Suicide Problem."](#)

November 20, 2015: Center Director Marshall Kapp was quoted in The Daytona Beach News-Journal article, ["Volusia Teachers, District at Odds on Contract."](#)

Center on Social Media

The Center continues to maintain its Facebook Page to keep faculty, students and the general public up-to-date on the latest developments in health law.

Not only do we post about upcoming Center events and faculty, associate and affiliate updates, but we also post lots of interesting articles about recent news in law, medicine and ethics that affect everyone. If you'd like to learn more about any of the above topics, [like our Center Facebook Page today!](#)

The Center also maintains the POLST Facebook page to advocate for the use of POLST in Florida while informing and educating the populace about POLST's benefits and characteristics. [Like Florida POLST on Facebook!](#)