

Directions for completing this form: Place the title of your workshop in the space indicated, followed by the name and contact information for each of the presenters. Provide a brief description of your workshop by placing the cursor on the line below “Brief Description” and commence typing. To complete the “Topical Outline”, place cursor next to each Roman numeral and begin typing. Then place the cursor next to the “a.” to begin listing sub-topics. To list more than one sub-topic, push “Enter” and “b.” should appear on the next line, and so on. Place the cursor on the line under “Notes” to begin providing your notes. To list bibliographic information, place the cursor next to “1.” and start typing. Push “Enter” to move on to “2.” and etc.

ABA / NLADA 2010 Equal Justice Conference

Confidentiality and Ethics in Medical-Legal Partnerships

Moderator

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Brief Description:

Medical-legal partnerships can be found at almost 200 sites across the country including public hospitals, federally qualified health center, and children’s hospitals. MLPs offer a unique interdisciplinary experience for lawyers, but many questions regarding ethics and confidentiality can arise. This session will discuss the ethical issues that arise when practicing law in a health care setting from reaching an agreement with general counsel to communicating with doctors.

Topical Outline:

- I. Introduction to MLP Theory and Model
 - a. How an MLP Works
 - i. Direct Legal Services
 - ii. Systemic Advocacy
 - iii. Training and Education
 - b. Role of Lawyer
 - i. Legal Services
 - ii. Non-Profit Legal Organizations
 - iii. Pro Bono Law Firms and Attorneys
 - c. Role of Medical Providers and Medical Staff
 - i. Medical “Champions”
 - ii. Hospitals / Health Clinics
 - iii. Residents and Medical Students
 - d. Other Partners

- II. Compliance with HIPAA Privacy and Security Requirements
 - a. MLPs formed as a Part of Existing Legal Aid Offices
 - b. MLPs formed as Non-Profits Not Associated with a Legal Aid Office
 - c. MLPs established by a Hospital

- III. Communications with MLP Partners
 - a. Health Care Providers
 - i. Making a Referral
 - ii. Case Updates and Feedback Loop
 - b. Pro Bono Volunteers
 - i. Client Conflicts
 - ii. “Shadowing” Doctors and Medical Staff
 - c. Interpreters
 - d. Email Communication Issues

- IV. Consent Forms and Disclosures
 - a. Release of Medical Information
 - i. Intake
 - ii. Referral to Pro Bono Law Firm / Attorney
 - b. Release of Legal Information
 - c. Defining the Scope of Legal Representation

- V. Other Issues
 - a. Mandated Reporting
 - b. Conflicts with the Patient’s Family Members

- VI. McDermott Will & Emery
 - a. Ethics / Confidentiality Project with MLP Boston
 - b. MLP Site Case Consultations
 - c. Physician Liability

VII. Case Studies and Examples

Notes: The workshop will be a facilitated discussion. Audience members are encouraged to ask questions throughout the presentation.

Bibliography & Website Links:

1. Tichner, Jerry. *Introductory Frequently Asked Questions Regarding HIPAA, Privilege and Confidentiality in the Medical-Legal Partnership*. Model, McDermott Will & Emery, 2010.
2. www.mlpboston.org
3. www.medlegalprobono.org