

CENTER FOR INNOVATIVE COLLABORATION IN MEDICINE AND LAW NEWSLETTER

THE FLORIDA STATE UNIVERSITY COLLEGE OF MEDICINE & COLLEGE OF LAW

UPCOMING EVENTS

February 9, 2012 Grand Rounds: *Admitting Medical Errors & Apologizing for Them*

The Center is sponsoring Douglas Wojcieszak, Founder & Spokesperson, The Sorry Works! Coalition, who will present on medical errors at Noon in the College of Medicine Auditorium. Continuing education credits will be offered. For more information, please visit the Center's website under "Upcoming Events", or call (850) 645-9473.

February 10, 2012 Conference: *Making Health Law in the Sunshine State: Do (and Should) Ethics Influence Policy Making?*

This continuing education program will explore whether and how ethical considerations are taken into account in formulating health policy in Florida by examining the key policy issues arising in several specific contexts. Speakers include: Doug Wojcieszak, Jerry Williamson, M.D., Linda McMullen, J.D., Reid Fontaine, J.D., Ph.D., Aline Kalbian, Ph.D., Michael Nair-Collins, Ph.D., Les Beitsch, M.D., J.D., Senator Durell Peadar, M.D. J.D., Robert G. Brooks, M.D., M.B.A., M.P.H., and Ken Brummel-Smith, M.D. This event is sponsored by the Center and the Florida Bioethics Network (FBN). For more information, please visit the Center website, call (850) 645-9473, or email julie.jordan@med.fsu.edu.

April 14, 2012: *Medical Errors Alumni CME Program*

During the 2012 Florida State University College of Medicine Alumni Reunion, the Center will conduct a program on medical errors. This free program is open to all physicians, and other interested persons. For more information, contact the Center at (850) 645-9473, or email julie.jordan@med.fsu.edu.



April 16, 2012: *National Healthcare Decisions Day*

The student College of Medicine Health and Law Organization (HALO) and College of Law Health Law Society will be hosting an event in the Atrium of the College of Medicine at Noon that day. Attendees will be informed about how to fill out Advanced Directives to ensure their healthcare decisions are honored during end-of-life care. For more information, please contact HALO's President, Brian Blumenauer, at bjb10@med.fsu.edu. For general information about National Healthcare Decisions Day, visit www.ncdd.org.

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CENTER RECEIVES POLST GRANT

The Center has been awarded a grant under the Retirement Research Foundation POLST Innovative States Award initiative, with Department of Geriatrics Chair Ken Brummel-Smith, M.D., and Center Director Marshall Kapp, J.D., M.P.H., as the Co-Principal Investigators. This financial support, plus the national recognition of our

efforts, will assist in moving POLST forward in Florida.

For more information about the Center's involvement in Physicians Orders for Life Sustaining Treatment, please visit our website, and click on the "POLST" tab. You may also contact Julie Jordan at julie.jordan@med.fsu.edu to be

placed on the mailing list to receive regular updates on POLST in Florida.

2011 STUDENT SUMMER PROJECT



Brittany Lamb

Is the POLST Model Desirable for Florida?

Florida State University College of Medicine student Brittany Lamb and College of Law student Sarah Catherine Spillers conducted this summer research project under the mentorship of Professor Kapp and with the financial support of the Department of Geriatrics Matthews Research Fund. Ms. Lamb presented the findings during the FSU College of Medicine's Grand Rounds on September 1, 2011. Their work was also published in the

Florida Public Health Law Review, 2011; 8: 80-90. To view

the publication, please visit: <http://health.usf.edu/publichealth/fphr/current.htm>.

Students interested in engaging in Center supervised research for Summer 2012 should contact Professor Kapp at marshall.kapp@med.fsu.edu.



Brittany Lamb presents findings during Grand Rounds



Sarah Catherine Spillers

FEATURED PUBLICATIONS & PRESENTATIONS

Professor Kapp presented "Assessing Decision Making Capacity in Older Individuals: Does the Law Give a Clue?" at the Florida Bioethics Nineteenth Annual University of Miami Conference in Miami, FL on April 1, 2011.

Professor Kapp presented "Humanizing the Legal Risk Management Education of Medical Students" on June 10 at the 2011 ASLME (American Society of Law, Medicine & Ethics) Health Law Professors Conference in Chicago, IL.

Professor Kapp presented at an *Elder Law Workshop* on July 24 at the 2011 Annual Meeting of the Southeastern Association of Law Schools (SEALS) in Hilton Head, S.C.

Professor Kapp presented with Ken Brummel-Smith, M.D. (Chair, and Professor, Department of Geriatrics, College of Medicine), Stuart Bagatell, M.D. (Affiliated Assistant Professor of Clinical Medicine, University of Miami at Florida Atlantic University, and Internal Medicine Residency, JFK Medical Center,

Atlantis), and Tracy Christner, B.S. (Executive Director, Project GRACE, Clearwater) at a workshop, "Beyond Advance Directives: Implementing the POLST (Physician



Professor Kapp speaks to COL students

Orders for Life-Sustaining Treatment) Paradigm in Florida", on August 24 at the 2011 Florida Conference on Aging in St. Pete Beach, FL.

Professor Kapp presented "A Legal Approach to the use of Human Biological Materials for Research Purposes" at Creighton University in Omaha, NE on September 19, 2011. The PowerPoint presentation may be found at http://issuu.com/medlawfsu/docs/creighton_kapp_slides.

Professor Kapp presented "The Future of CV Medicine: A Sociological Perspective" on October 15, 2011 in Dayton, OH. This event was sponsored by The Heart Institute of Dayton, GoodSamaritan Hospital.

Professor Kapp presented "Beyond Advance Directives: Physician Orders for Life-Sustaining Treatment" as part of a Symposium entitled "Aging and Advance Care Planning" at the 64th Annual Scientific Meeting of the Gerontological Society of America on November 20, 2011 in Boston, Massachusetts.

ASSOCIATE & AFFILIATE ACTIVITIES

Wendi Adelson, J.D., M. Phil.

During the Fall 2011 semester, College of Law Visiting Clinical Professor Wendi Adelson began directing the Medical Legal Partnership (MLP), a collaboration between the Colleges of Law Public Interest Law Center and College of Medicine faculty and students at Neighborhood Health Services in Tallahassee in which students work inter-professionally to ascertain the best methods to resolve the health and related legal problems of impoverished patients. For further information about the MLP, see <http://www.floridabar.org/divcom/jn/jnews01.nsf/8c9f13012b96736985256aa900624829/3d2c978480aeae778525791700479061!OpenDocument>.



Professor Adelson addresses COM students

In addition, Professor Adelson published a novel, *This is Our Story*, chronicling the lives of clients who are victims of human trafficking. More information about this novel and the MLP program may be obtained by contacting Professor Adelson at wadelson@law.fsu.edu.

Jerry Williamson, M.D., M.J.

Dr. Williamson is currently participating in the American Health Lawyers Association (AHLA) as a member of the Enterprise Risk Management (ERM) Task Force Committee for the *Apology Project*, the initial phase of which is complete. The research included mandatory reporting requirements and apology laws in the states studied. In the initial phase, several states were identified in this project, including Florida. Dr. Williamson researched and drafted the disclosure and apology laws for the state of Florida. The goal of the project is to complete research for all 50 states and gain a better understanding of the current laws in each state, and their impact on disclosure, apology, and the practice of medicine.

Michael Nair-Collins, Ph.D.

Dr. Nair-Collins has a chapter included in the forthcoming (2012 Oxford University Press) *Medicine and Social Justice: Essays on the Distribution of Health Care*, 2nd edition, edited by Rosamond Rhodes, Margaret Battin, and Anita Silvers, titled "Justice, Profound Neurological Injury, and Brain Death", co-authored with James Hitt, Ph.D. He also presented "Brain Death and Organ Donation: Why Words Matter," at the American Society for Bioethics and Humanities Annual Meeting in October 2011.

STUDENT ACTIVITIES

Health Law Society

The Health Law Society at Florida State University College of Law is progressing as it expands its membership and collaborates on various activities. In the Spring of 2011, the organization had a Florida doctor speak on Death Certificates and the use of Autopsy as a quality control mechanism between medicine and law. The organization also had Professor Sally Gertz of the College of Law and representatives from the Florida Agency for Health Care Administration and the Florida Department of Health as guest speakers on externship opportunities available to students. In the Fall of 2011, Professor Marshall Kapp was invited to a roundtable discussion with students.

In Spring 2012, the Health Law Society will have many events going on. In January, a Professional Panel of local Tallahassee attorneys in Health Care and Elder law practices will speak on their practices and experience in the field. We will have representatives attending the Continuing Education session in February, along with a Disability Panel being put on by Professor Wendi Adelson of FSU College of Law. February will also feature an informal roundtable discussion with local medical and law professors on brain death and patients rights. In March, we will have representatives from

the Florida Bar Sections for Health and Elder Law, as well as the Committees for Board Certification in both fields. The Health Law Society is working on collaborating with interest groups on other activities in the Tallahassee community, and is looking to expand our network for events and activities throughout the state of Florida. Please contact Erin McCarthy at e_mccarthy@ymail.com for further details about the Health Law Society at the Florida State University College of Law.

Health and Law Organization (HALO)

The Health and Law Organization aims to encourage interdisciplinary engagement for students interested in both medicine and law at FSU College of Medicine. Furthermore, HALO seeks to establish strong ties with our colleagues at the College of Law. This past fall, HALO invited a local attorney to discuss a case he worked on involving an obstetrician who tried to physically confine a patient in the hospital for the latter part of the pregnancy because the doctor believed the patient's conduct was endangering the fetus. In addition, HALO in conjunction with FSU's American Medical Student Association chapter, held an Affordable Care Act debate. Professors from the College of Medicine and College of Law in conjunction with a practicing attorney were asked

to discuss the merits and legality of the Act. Attendance at both events consisted of faculty and students from the College of Medicine and College of Law. Entering the spring semester, HALO looks to continue our interdisciplinary involvement by inviting more speakers to discuss legal cases with strong medical emphasis. On April 16th at the College of Medicine with the assistance from the Health Law Society, HALO will be honoring National Health Care Decisions Day by providing educational materials on advance directives to members of the local community. Strong student involvement has been paramount to the success of HALO. With an enthusiastic executive board, as president of HALO, I am excited for the New Year.

Sincerely,
Brian Blumenauer, bjb10@med.fsu.edu
HALO President
FSU College of Medicine M2

HALO's
first meeting
of the Fall
semester



**CONTACT
INFORMATION:**

CENTER FOR INNOVATIVE
COLLABORATION IN
MEDICINE & LAW

Suite 4235
1115 West Call Street
Tallahassee, FL 32306-4300

Tel: 850-645-9473

Fax: 850-645-8441

E-mail: julie.jordan@med.fsu.edu

Website:

[http://med.fsu.edu/index.cfm?
page=innovativeCollaboration.home](http://med.fsu.edu/index.cfm?page=innovativeCollaboration.home)

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**TO SUPPORT THE
WORK OF THE CENTER,
PLEASE CONTACT:**

Wayne Munson, Assistant
Dean for Development, College
of Medicine (850) 644-4389
wayne.munson@med.fsu.edu

Mark Pankey, Associate Dean
for Development, College of
Law (850) 644-5160
mpankey@law.fsu.edu

ARNOLD P. GOLD FOUNDATION PROJECT

Humanizing the Legal Risk Management Education of Medical Students by **Marshall B. Kapp, J.D., M.P.H., Dennis Baker, Ph.D., and Gregory Turner Ed.D., M.B.A., M.P.H.**

This project funded by a grant from the Arnold P. Gold Foundation aimed to develop, demonstrate, and measure strategies to influence the legal risk management education of medical students in a more humanistic direction. These strategies involved the teaching of students to reasonably protect themselves against foreseeable and preventable legal risks when they are in medical practice, but to do so in a manner that simultaneously promotes optimal humanistic, therapeutic patient-centered care.

This project consisted of three components. First, a focus group of 20 first and second year medical students was held in November 2011 to gauge their perceptions of the legal environment and their expectations about medical-legal education. Results were published in *What do Medical Students Think About the Law? Report for a Focus Group*, Vol. 21, No.3, pp. 62-65, *LEGAL MEDICINE PERSPECTIVES* (July/August 2011).

Second, faculty development workshops were conducted, at each of the six regional campuses of the

College of Medicine. Total attendance of clinical faculty at the six workshops was 88. A description of these workshops was published in *Teaching Medical Students How to Reconcile Law and Ethics in Practice: A Faculty Development Model*, *ANNALS OF HEALTH LAW* (Special Supplement 2011).

In the research component, survey responses were obtained from 285 clinical faculty members and 55 third and fourth year medical students. The responses to the instrument were used to determine what messages faculty believe they are teaching medical students about the relationship of risk management and good ethical patient care, and to compare those faculty perceptions with the perceptions of medical students about what they are being taught in this sphere. Statistically significant differences between faculty teaching perceptions and student learning perceptions were found for four out of the six questions on the survey instrument.

The aims of follow-up projects will be, first, to improve the ability of clinical faculty to teach medical students that risk management can be effectively reconciled with good ethical patient care and, second, to reduce the disparity between faculty and student perceptions of teaching and learning regarding this topic.

CENTER MEDIA MENTIONS

Professor Kapp's November 20, 2011 presentation at the Annual Meeting of the Gerontological Society of America was covered by the **Sarasota Herald Tribune**, [http://
health.heraldtribune.com/2011/11/21/taking-the-time-to-get-it-right-
on-end-of-life-care-wishes](http://health.heraldtribune.com/2011/11/21/taking-the-time-to-get-it-right-on-end-of-life-care-wishes).

Professor Kapp was quoted in an **ABC News** story: "Health Issue a Crutch for White Collar Crook?", [http://abcnews.go.com/blogs/
health/2011/10/13/health-issue-a-crutch-for-white-collar-crook](http://abcnews.go.com/blogs/health/2011/10/13/health-issue-a-crutch-for-white-collar-crook), on October 13, 2011 about clients' health problems and sentencing.

Professor Kapp was quoted in **ABC News** story: "Doctors Face High Risk of Malpractice Claims", [abcnews.go.com/health/risk-malpractice-
claims-high-physicians/story?id=14327391](http://abcnews.go.com/health/risk-malpractice-claims-high-physicians/story?id=14327391).

Professor Kapp was quoted in **ABC News** story: "Elderly Couple Refuse Food, Water to Die; Get Evicted from Facility", [abcnews.go.com/
Health/couple-stops-eating-drinking-end-life-son-launches/story](http://abcnews.go.com/Health/couple-stops-eating-drinking-end-life-son-launches/story), and in the **International Business Times**, [ibtimes.com/
articles/200219/20110818/elderly-couple-evicted-after-refusing-food-
drink.htm](http://ibtimes.com/articles/200219/20110818/elderly-couple-evicted-after-refusing-food-drink.htm).

Professor Kapp was quoted on February 15, 2011 in a **Baltimore Sun** article about medicine-law centers, [http://
articles.baltimoresun.com/2011-02-15/health/bs-hs-hopkins-ubalt-
20110215_1_health-care-phillip-j-closius-medical-law](http://articles.baltimoresun.com/2011-02-15/health/bs-hs-hopkins-ubalt-20110215_1_health-care-phillip-j-closius-medical-law).



Professor Marshall B. Kapp, J.D., M.P.H.