

## 2 | 2021 Corporate Counsel Workshop

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[mplassociation-events.org/corporate-counsel/agenda-2](https://mplassociation-events.org/corporate-counsel/agenda-2)

**Thursday, October 28, 2021**

(All times Eastern Daylight Time)

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**8:00-8:45 a.m.**      **Breakfast and Registration Open**

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**8:45-9:00 a.m.**      **Welcome and Introductory Remarks**  
*Sherie Edwards, JD, Chair, MPL Association Corporate Counsel Section*

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**9:00-10:00 a.m.**      **Sex, Drugs, and Violence: Dealing with Claims Involving Serious Misconduct**  
*Mary E. Borja, Esq., Partner, Wiley Rein, LLP*

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Allegations of intentional misconduct such as sexual abuse, drug use, or other intentional wrongful conduct, i.e. serial unnecessary procedures, raise a host of challenging issues for medical professional liability insurers. The speaker will assist attendees in identifying strategies to move these claims towards the best possible resolution and help minimize company exposure. Attendees will learn that carriers often have options to address these claims but that doing so requires an informed proactive approach.

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**10:00-10:15 a.m.**      **Refreshment Break**

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**10:15-11:15 a.m.**      **How to Survive Your Next Market Conduct Exam**  
*Lou Penn, Owner, Lou Penn and Associates, Inc.*

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Market conduct exams are inevitable but solid documentation will position you and your company to emerge from the exam process unscathed. This program will focus on file documentation and what will and won't draw the attention of and/or upset an examiner. Our speaker is a nationally known figure who has made a career of helping insurance companies stay on the right side of compliance issues.

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**11:15 a.m.-12:15 p.m.**      **Recent Privacy and Cybersecurity Developments—Considerations for Medical Professional Liability Insurers**  
*Edward G. Zacharias, JD, CIPP/US, Partner, McDermott Will & Emery LLP*

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This session will focus on the changing privacy and cybersecurity landscape and its impact on the MPL industry. With the proliferation of state privacy laws, the increasing threat of ransomware and other cybercrime, proposed changes to HIPAA and ongoing discussions about a federal privacy regime require, the United States is involved in a data privacy and cybersecurity revolution. The speaker will discuss these changes, what's on the horizon for privacy and cybersecurity compliance, and how MPL insurers can best position themselves for success in this quickly evolving world.

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**12:15-1:30**   **Networking Luncheon**  
**p.m.**

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**1:30 –**        **ESG: Yes It's Here and Yes It Matters**  
**2:45 p.m.**     *Matt Kelly, Editor & CEO, Radical Compliance*

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The latest trend in corporate governance is more attention paid to ESG—environmental, social, and governance issues. Investors want it; employees want it; and now, regulators expect it. In this session, we'll explore what falls under the ESG umbrella, and how firms can understand their responsibilities and challenges here.

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**2:45-3:45**    **Government Activity in the MPL Arena**  
**p.m.**            *Simit Pandya, Manager of Government Relations & Public Policy, MPL Association*  
*Michael C. Stinson, Vice President of Government Relations & Public Policy, MPL Association*

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While states have, for years, been the leading edge of government oversight into MPL insurance matters, the federal presence in this area cannot be ignored. From privacy requirements to patient safety initiatives, MPL insurers must be aware of legislative and bureaucratic activity at all levels of government to position themselves for the future. This session will present the latest government actions, and planned actions, for which MPL insurers need to be prepared in the coming months and years.

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**3:45-4:00**    **Refreshment Break**  
**p.m.**

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**4:00-5:30**    **Topical Group Discussion**  
**p.m.**            *Moderator: Sherie Edwards, JD, Vice President, Corporate & Legal, SVMIC*

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This session will focus on a wide range of possible issues—selected by the meeting attendees themselves. Attendees will be invited to submit topics for discussion in advance but will also be able to raise additional issues during this roundtable event. Potential topics include updates on critical court cases facing MPL insurers, efforts to address corporate responses to the ongoing pandemic, the legal department’s role in governance matters, or other issues of special interest to attendees because of their potential impact. This session format will serve a perfect springboard for some compelling discussion and debate.

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**6:30-9:00**     **Dinner**  
p.m.            *(Paid guests welcome)*

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## **Friday, October 29, 2021**

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**7:30-8:15**     **Breakfast**  
a.m.

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**8:15-9:30**     **Telemedicine: Regulatory Framework and Trends**  
a.m.            *Jason Engelhart, Partner, Stinson, LLP*  
                    *Laura J. Nelson, Partner, Stinson, LLP*

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Market forces, changes in law, and the practical realities of the pandemic have resulted in a massive expansion in telemedicine. The patchwork of state and federal regulation raises a number of questions for medical liability carriers and their counsel, including: which provider types can practice via telemedicine; where must a telemedicine practitioner be licensed; or what kinds of services can be offered via telemedicine? In this session, attorneys Laura Nelson and Jason Engelhart will explore these questions and their ever-shifting answers.

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**9:30-10:45**   **Diversity, Equity, and Inclusion: Business Case and Best Practices**  
a.m.            *Elmer Dixon, President, Executive Diversity Services, Inc.*

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This session will introduce core principles of a formal corporate diversity, equity, and inclusion (DEI) program, including the business case for DEI and approaches to incorporating DEI into corporate culture. The material will include a look at best practices across industries and an example of an insurance-specific DEI plan. Discussion will include common challenges associated with efforts to increase equity and inclusion as well as the five characteristics of culturally competent leaders.

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**10:45-  
11:00 a.m.**      **Refreshment Break**

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**11:00  
a.m.-12:00  
p.m.**      **COVID 2021—What Employers Need to Know**  
*Kimberly Seten, Esq., Partner, Constangy, Brooks, Smith & Prophete LLP*  
*Mary Dohner Smith, Esq., Partner, Constangy, Brooks, Smith & Prophete  
LLP*

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COVID-19 spurred many concerns for employers, including safety concerns, potential liability, and the logistics of reopening offices. As new variants arise, these issues will continue and new issues may develop. The speakers will answer questions that are pre-submitted by attendees, plus provide a legal update.

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**12:00-  
12:15 p.m.**      **Wrap-Up**  
*Sherie Edwards, JD, Chair, MPL Association Corporate Counsel Section*