The Health Law Institute: New Initiatives Focusing on the Legal Side of Public Health

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NEW INITIATIVES FOCUSING ON THE LEGAL SIDE OF PUBLIC HEALTH

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Important collaborations, discussions of critical issues, and a wide spectrum of academic pursuits help to ensure the Institute’s national reputation.

For almost 20 years, the nationally recognized Health Law Institute at Widener University School of Law has been a leader in the advancement of health law practice and study. With a full slate of graduate programs and a special concentration for the JD student interested in a health law-related career, the Institute continues to anticipate coming challenges and opportunities.

With that forward-looking approach in mind, the Institute has recently unleashed several new initiatives that promise to usher in the most exciting and productive era in our almost-20-year history. First, the School of Law and Thomas Jefferson University recently announced the founding of two joint programs: the Juris Doctor/Master of Public Health and the Master of Jurisprudence/Master of Public Health. These programs, which grew out of an idea by Law School Overseer Peter Mattoon (who also sits on Jefferson’s Board of Trustees), were more than two years in the planning. Their goal is to link two highly regarded institutions in a collaborative effort to exploit the interconnectedness of law and the emerging field of public health. The launch of these programs has spurred great interest in both the legal and health fields, and students have already stated their intentions of pursuing one of these joint programs, which will position them well to assume leadership positions in public health policy.

The Institute’s emerging focus on public health is also being realized by an ambitious project spearheaded by Michele Forzley, a global public health lawyer who will be a Visiting Distinguished Professor at the law school beginning fall 2007. Ms. Forzley is currently starting up the International Public Health Law Information Project (IPHLIP), whose goal is to collect and organize no less than the health law-related information of every nation on the planet. She chose Widener because of both our national reputation in health law and our collaboration with the National Library of Medicine and the Delaware Academy of Medicine on the domestic version of this project, known as the Public Health Legal Information Project, or “PHLIP.” PHLIP has been in process since 2005, and is using Delaware as the pilot state to test-run the collection and organization of public health law-related information from every state in the United States. The pilot is expected to finish by summer 2008.

Public health law will also be the topic of an important symposium the Institute is hosting on October 19. Entitled “Public Health Perspectives on Charged Legal Issues,” the symposium will feature prominent academics who will bring a public health perspective to bear on a wide range of controversial political and legal topics, including domestic violence, racism, the fight over marriage equality, abortion, euthanasia, and the role of civil law (namely, torts) and punitive damages in achieving good public health outcomes. Plans are underway to convert the presentations into a book, with a chapter dedicated to each of the symposium’s timely topics.

Additionally, public health concerns have been a central theme of a two-part conference that the Institute has sponsored on the topic of long-term care. The first part of this timely symposium took place last spring, and the second will be in the fall. Co-sponsored by the Health Law Section of the Delaware State Bar Association and the Philadelphia law firm of White and Williams, this well-attended symposium features attorneys from the public and private sector as well as Widener faculty members in discussions of topics ranging from litigation to regulation to criminal and civil enforcement and penalty issues.

In addition to symposia such as the above, the health law faculty continue to actively engage in a wide spectrum of scholarly, teaching and service-related pursuits. To cite just a few from among a large number of examples:

- Professor Jean Eggen has added a new course, Science and the Law, to her health law-related courses that already include Toxic Torts and Tobacco and the Law. She continues to produce scholarly works at a daunting rate, with her most recent edition of the

A formal announcement of the new joint-degree programs between Widener Law and Thomas Jefferson University was attended by, from left, Widener Health Law Institute Director and Professor of Law John G. Culhane, Widener Law Dean Linda L. Ammons and, from Jefferson Medical College of Thomas Jefferson University, James Keen, PhD, Dean, College of Graduate Studies; David Nash, MD, MBA, Co-Director, Master of Public Health Program; and Richard Wender, MD, Co-Director, Master of Public Health Program.
Corporate Health

As general counsel at a major healthcare firm, Eileen M. Coggins ’92 has worked hard to satisfy shareholders, regulators and patients.

As a legal practitioner and corporate executive for nursing home provider Genesis HealthCare, Eileen M. Coggins specializes in reconciling the seemingly irreconcilable—navigating increasingly complex and enforcement-based federal and state regulatory regimes, producing results for investors, and, most importantly, assuring the delivery of high quality health care. These efforts have resulted in a remarkably broad range of experience, including a lead role in the company’s health care law, SEC and Sarbanes-Oxley law compliance.

Following her graduation from Widener Law in 1992, Ms. Coggins’s career developed in tandem with the implementation of several key laws governing the administration of nursing home care. This meant significant interaction with the U.S. Attorney’s Office in Philadelphia, which during the 1990s aggressively advanced theories of liability under the Federal False Claims Act against nursing home providers. These actions, combined with cuts to Medicare and subsequent payment reductions to nursing homes, proved too much for many in the industry to bear. Many larger chains faced bankruptcy, including Genesis, which filed in June 2000 and emerged in October 2001. It was a hectic period. Coggins notes, “Most of my efforts during this time period were focused on resolving claims brought by the government that had to be resolved as a condition of our emergence from bankruptcy.”

Now chief compliance officer, Ms. Coggins helped lead the reformed company back to viability, formulating a proactive approach to quality assurance and regulatory compliance. She says, “I believe that all organizations must have a sound governance structure with meaningful transparency to advance the direction of the company.”

This new approach had significant consequences. Genesis undertook efforts to minimize liability and unleash the respective values in its two operations—institutional pharmacy and nursing homes—by spinning off the latter. In 2003, Genesis Health Ventures spun off Genesis HealthCare Corporation, which began a new chapter as a free-standing, publicly traded company. Ms. Coggins was appointed general counsel and corporate secretary, focusing not only on health care compliance, but also on the Sarbanes-Oxley Act, SEC and NASDAQ reporting obligations.

In January 2007, Genesis’s board announced that the company would pursue a transaction with a private equity group, opening yet another front in her legal experience: unique provisions of incorporation under Pennsylvania law.

“These provisions, in my opinion, emphasize the social responsibility of corporations, especially in our business, where patients and caregivers may be affected by a change of control transaction,” Ms. Coggins says.

As of this writing, the company is in the process of concluding its chapter as a publicly traded company. Ms. Coggins will remain at Genesis, where, no doubt, new challenges await.

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COMING NEXT ISSUE:
Professor Tom Reed, Director of the Veterans’ Law Clinic, testifies on Capitol Hill.