Exploring Legal Challenges to Fulfilling the Potential of mHealth in a Safe and Responsible Environment

Workshop III: Liability

Convened and Hosted by American Association for the Advancement of Science

May 14-15, 2015

Goal: The workshop will assist AAAS in addressing principles of fairness and responsibility that can constitute a framework for liability in a mobile health environment. Liability requirements should meet patient health goals while allowing innovators to advance mobile health technology and health care providers to achieve the promises of this technology to improve individual and public health.

Conference Agenda

Day I: May 14

8:00-8:30  Continental Breakfast

8:30-9:15  Welcome, Goal of Project, and Introductions

Mark S. Frankel, AAAS
Deborah Runkle, AAAS

9:15-10:00  Current and Expected Uses of Mobile Health Technology and Its Risks This session will be on an overview of the types of mHealth applications that are currently part of health care practice and the newer technologies that are expected to be realized in the near- to medium-future. The talk will also include risks associated with these technologies.

Moderator: Deborah Runkle, AAAS
Speaker: Wendy Nilsen, National Science Foundation

10:00-10:30  Break

10:30-11:30  Case Law, Part I: Systemic Liability This session will address the liability that results from a system-wide failure affecting many people, such as a data breach.

Moderator: Mark S. Frankel, AAAS
Speaker: Nicolas Terry, Indiana University Robert H. McKinney School of Law

11:30-12:30  Case Law, Part II: Professional Liability This session will focus on the liability that arises when one individual is adversely affected, such as a malpractice suit.

Moderator: Deven McGraw, Manatt Phelps
Speaker: Lindsay Wiley, American University Washington Law School

12:30-1:30  Lunch
1:30-2:45  **Allocating Liability**  This session will be on the challenges of assigning liability in a mobile health environment and potential solutions.

   Moderator:  Payal Shah, *C-Change*

   Speaker:  Tony Yang, *George Mason University*

2:45-3:15  **Break**

3:15-5:00  **Stakeholder Reactions**

   Moderator:  Eileen Ewing  *Smith Ewing*

   Plaintiff Lawyer  Daniel Scialpi, *Patrick Malone & Associates*

   Defense Lawyer  Chad Brouillard, *Foster & Eldridge*

   Liability Insurance Representative  Lisa Anthony, *CMIC*

   Health Care Provider  Joshua Cohen, *GWU*

   Patient

5:00  **Adjourn**

**Day II: May 15**

8:30-9:30  **Continental Breakfast (and recommendation drafting)**

9:30-11:00  **Stakeholder Reactions** (con’t)

   Moderator:  Robert Jarrin, *Qualcom*

   Risk Manager  Franchesca Charney, *Soc Risk Management*

   Health Care Organization Tech Manager  Carl Allen, *Intermountain Health*

   Software Developer  Tatiana Melnik, *Melnik Law*

11:00-11:30  **Break**

11:30-12:30  **Recommendations**

   Moderator: Joe Rosenbaum, *Reed Smith*

12:30-1:30  **Lunch**

1:30-3:00  **Recommendations** (con’t)

   Moderator: Mark S. Frankel, *AAAS*

3:00  **Wrap-up and Adjourn**  Deborah Runkle, *AAAS*

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