



UP TO 11  
CPD/CLE  
HOURS  
AVAILABLE\*

# Barriers to Healthcare:

## Does Law have a Role to Play in Solving the Problems?

19–20 May 2014

The Edinburgh Zoo, Edinburgh, Scotland

A conference co-presented by the IBA Healthcare and Life Sciences Law Committee, the IBA Family Law Committee, the IBA Public Law Committee and the IBA Space Law Committee, supported by the IBA African and European Regional Fora and sponsored by the Law Society of Scotland and New York City Bar Association

### Topics include:

- Ingress, egress, process and largess: what is meant by 'access to healthcare'?
- 'Oh doctor, can you help me?': the regulation of health professionals and providers
- A long hard look in a mirror: HIV and the law – an examination of barriers to facilitating access to HIV treatment
- One for you, one for me: a comparison of different models of paying for healthcare and their role in overcoming or creating obstacles to universal access
- Barriers, frontiers and pioneers: the effect of new healthcare technologies
- 'You must be joking – you want what?' Is healthcare a right or a privilege, or simply a right of the privileged?

### Who should attend?

Lawyers, solicitors, general counsel, legal advisors, regulators, non-governmental organisations, policy makers and other professionals involved in advising on the provision of or providing healthcare services.



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the legal profession

\*As per the Solicitors Regulation Authority of England and Wales. The number of CPD points/hours available may vary for other bar associations and law societies depending on their criteria.

# Programme

Monday 19 May

## Conference Co-Chairs

**Beth D Jacob** *Chair, IBA Healthcare and Life Sciences Law Committee, Kelley Drye & Warren, New York, USA*

**Patricia Barclay** *Vice-Chair, IBA Healthcare and Life Sciences Law Committee, Bonaccord Ecosse Limited, Edinburgh, Scotland*

**Stephan Rau** *Communications Officer, IBA Healthcare and Life Sciences Law Committee, McDermott Will & Emery, Munich, Germany*

**Neil Kirby** *Co-Vice-Chair, IBA Corporate Social Responsibility Committee, Werksmans Attorneys, Johannesburg, South Africa*

**Gillian Rivers** *Chair, IBA Family Law Committee, Penningtons Manches, London, England*

0830 – 0900 **Coffee/tea and pastries**

0900 – 1000 **Keynote address**

## **Ingress, egress, process and largess: what is meant by 'access to healthcare'?**

*Introduction*

**Beth D Jacob** *Chair, IBA Healthcare and Life Sciences Law Committee, Kelley Drye & Warren, New York*

*Keynote speaker*

**Franz Knieps** *Chairman of the Umbrella Association of Company Health Insurance Funds in Germany (BKK Dachverband), former Director General for Public Health Care in the Department of Health of three German governments, Health Insurance and Long-Term Care Insurance at the Federal Ministry of Health of Germany*

1000 – 1030 **Coffee/tea break**

1030 – 1230

## **One for you, one for me: A comparison of different models of paying for healthcare and their role in overcoming or creating obstacles to universal access for healthcare**

Paying for healthcare is a contentious issue as many millions simply cannot afford to do so. Are there innovative payment models and systems that allow for healthcare to be both affordable and accessible? If so, what do such models look like and are they effective? This session explores the variations in payment systems for healthcare delivery models around the world.

*Moderator*

**Stephan Rau** *Communications Officer, IBA Healthcare and Life Sciences Law Committee, McDermott Will & Emery, Munich*

*Speakers*

**Jeffrey S Crowley** *Program Director, National HIV/AIDS Initiative, O'Neill Institute for National and Global Health Law at Georgetown Law Center, Washington, DC*

**Björn Englund** *President Europe & Middle East, DaVita Inc, Denver*

**Jordi Faus** *Faus & Moliner, Barcelona*

**Sarah Keech** *Executive Director, Global Health Advisers, New York*

**Niels Krüger** *Legal Counsel, Synevo Division of Medicover Group, Berlin*

**Matthew Godfrey-Faussett** *Pinsent Masons, Edinburgh*

**Svitlana Malynovska** *Arzinger, Kiev*

## Sunday 18 May

1400 – 1700 **Afternoon tour of Edinburgh**

*(Separate charge.)*

1600 – 1900 **Registration**

1830 – 2000 **Opening reception**

*Hosted by the Law Society of Scotland*

Opening reception host



Conference luncheon sponsor

**McDermott  
Will & Emery**  
Rechtsanwälte Steuerberater LLP

1245 – 1345 **Lunch in the Mansion House**

1400 – 1730

## **A long hard look in a mirror: HIV and the law**

An examination of barriers to facilitating access to HIV treatment.

This session examines the role of law and its failings and successes in concrete examples of healthcare delivery in respect of HIV and AIDS. It will also look at the role of the law in healthcare delivery and will serve as a template for understanding the practical implications of the relationship between the law and healthcare delivery priorities.

*Moderator*

**Bernard Bekink** *Professor of Public Law, University of Pretoria, Pretoria*

*Speakers*

**Christo Botha** *Vice-Chair, IBA Public Law Committee, Professor of Public Law, University of Pretoria, Pretoria*

**Agustín Mayer West** *Ferrere Abogados, Montevideo*

**Murali Neelakantan** *Global General Counsel, Cipla Ltd, Mumbai*

**Jacinta Nyachae** *Executive Director, AIDS Law Project, Nairobi*

**Helena Nygren-Krug** *Senior Adviser, Human Rights and Law, UNAIDS, Geneva*

**Sylwia Paszek** *Wardynski Partners, Warsaw*

1530 – 1600 **Coffee/tea break**

1830 **Tour of the Zoo and Buffet Dinner**

0830 – 0900 **Coffee/tea and pastries**

0900 – 1000

## **‘Oh doctor, can you help me?’: the regulation of health professionals and providers**

The role of regulation imposed upon healthcare providers is, at times, described as an unnecessary bureaucracy. Does regulating healthcare providers promote or hinder healthcare services? This session explores the role of regulation on the healthcare provider and its effects on healthcare delivery.

*Moderator*

**Chief G A Adetola-Kaseem SAN** *Membership Officer, IBA Healthcare and Life Sciences Law Committee, Lagos*

*Speakers*

**Michele D Forzley** *Sr Scholar, O’Neill Institute for National and Global Health Law at Georgetown Law Center, Washington, DC*

**Professor John Oladapo Obafunwa** *Vice-Chancellor, Lagos State University, Lagos*

**Aneel Sagar** *Senior Manager Legal Affairs and Risk Management, Shaukat Khanum Memorial Cancer Hospital and Research Centre, Lahore*

1000 – 1030 **Coffee/tea break**

1030 – 1200

## **Barriers, frontiers and pioneers: The effects of new healthcare technologies**

The discovery of new molecules, treatment regimens, treatment technologies and medicines is an on-going process. Is the law accommodating the acceleration in healthcare innovation or does the law operate as a retardant to that dynamism? The session explores the impact – if any – of law on innovation in healthcare technologies and whether it is a promoter or a spoiler of technological advancements in healthcare.

*Moderator*

**Stephen M Weiner** *Mintz Levin Cohn Ferris Glovsky and Popeo PC, Boston*

*Speakers*

**David Brown** *Owner and Managing Director, Alchemy Biomedical Consulting, Cambridge*

**Dale Van Demark** *McDermott Will & Emery, Washington, DC*

**Sharon Gazit** *Goldfarb Seligman & Co, Law Offices, Tel Aviv*

**Carina Healy** *Dundas & Wilson CS LLP, Glasgow*



Edinburgh Zoo Tour sponsor

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# Tuesday continued

1215 – 1315 **Lunch in the Mansion House**

1330 – 1430

## **Speak no evil, hear no evil: The principles of informed consent as barriers to healthcare**

This session explores the role that the principles applicable to providing proper and lawful informed consent play in hindering access to healthcare services and whether those principles should be revisited to take into account vulnerable persons or those with specific healthcare needs.

*Moderator*

**Gillian Rivers** *Chair, IBA Family Law Committee, Penningtons Manches, London*

*Speakers*

**Barbara Connolly QC** *London*

**Dr Roland Krause** *Rechtsanwälte und Notare, Berlin*

**Lewis Spitz** *Emeritus Nuffield Professor, University College London, London*

1430 – 1600

## **'You must be joking – You want what?' Is healthcare a right or a privilege or simply a right of the privileged?**

This session reflects on the previous sessions and provides a holistic view of the discussions that have taken place during the conference – providing an assessment of the status of healthcare in a legal context with reference to the development or not, as the case may be, of healthcare as a right in law.

*Moderator*

**Patricia Barclay** *Vice-Chair, IBA Healthcare and Life Sciences Law Committee, Bonaccord Ecosse Limited, Edinburgh*

*Speakers*

**Akudo Amanamba** *A C Chioma & Co, Umuahia*

**Claudia Garcia Serpa Osorio de Castro** *Centre for Pharmaceutical Policies, Sergio Arouca National School of Public Health, Oswaldo Cruz Foundation, Rio de Janeiro*

**Dr Lorenzo Savioli** *Director, Department of Control of Neglected Tropical Diseases, World Health Organization, Geneva*

### **Continuing Professional Development/Continuing Legal Education**

For delegates from countries where CPD/CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD/CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction.

This conference has been accredited for CPD/CLE by the Solicitors Regulation Authority of England and Wales. New York and California attorneys may submit their certificates of attendance issued, and apply this credit earned to their New York and California CLE requirement. Delegates should ask staff at the registration desk for information as to how to obtain the hours.

# Information

## **Venue**

Budungo Lecture Theatre  
The Royal Zoological Society of Scotland  
Edinburgh Zoo  
134 Corstorphine Road  
Edinburgh  
EH12 6TS

## **Fees**

Prices for the conference include coffees, lunches and all session as well as entrance to the zoo and parking.

IBA members prior to 17 April	£250 + VAT = £300
IBA members after 17 April	£275 + VAT = £330
Non-members	£275 + VAT = £330
Students in full time education	£175 + VAT = £210

## **Accommodation**

A bed and breakfast rate of £95 has been agreed with the Holiday Inn next door to the zoo.

132 Corstorphine Road, Edinburgh EH12 6UA  
0871 942 9026  
Website: [www.hiedinburghhotel.co.uk](http://www.hiedinburghhotel.co.uk)

For full and further information on registration and accommodation, please visit:

[www.ibanet.org/conferences/conf564.aspx](http://www.ibanet.org/conferences/conf564.aspx).

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).