

The Top Issues Corporate Counsel Should Understand About the Coronavirus Pandemic Heading into 2021

Panelists:

Peter Carter, Executive Vice President, Chief Legal Officer and Corporate Secretary, Delta Air Lines, Inc.

John L. Hick, Faculty Emergency Physician Hennepin County Medical Center (HCMC); Professor of Emergency Medicine, University of Minnesota Medical School

Elizabeth Truesdell Smith, Senior Vice President, General Counsel and Secretary to the Board, Allina Health

Theresa Bevilacqua, Partner, Dorsey & Whitney LLP (Moderator)

Materials

PowerPoint Presentation

Resources

Dorsey Health Law Blog: *2020's a Bust, but HIPAA Enforcement Is on a Roll!*, Elizabeth Greiter and Alissa Smith (October 15, 2020)

<https://dorseyhealthlaw.com/2020s-a-bust-but-hipaa-enforcement-is-on-a-roll/>

Dorsey Health Law Blog: *CMS Issues Interim Final Rule to Enforce COVID-19 Reporting Requirements*, Jamie McCarty and Ross C. D'emanuele (September 11, 2020)

<https://dorseyhealthlaw.com/cms-issues-interim-final-rule-to-enforce-covid-19-reporting-requirements/>

Dorsey & Whitney LLP eUpdate: *Contact Tracing: Privacy Implications and Practical Considerations*, Robert Cattanach and Nur Ibrahim (August 3, 2020)

<https://www.dorsey.com/newsresources/publications/client-alerts/2020/08/contact-tracing>

Materials are Available on www.dorsey.com at

<https://www.dorsey.com/newsresources/events/event/2020/11/corporate-counsel-symposium-2020-materials>

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The Legal Department's Role in Navigating Scientific and Health Concerns

- **Testing, Tracing, and PPE**
 - Processes and Protocols
 - Legal team leadership and involvement
- **Enterprise Risk Management Role**
 - Risk tolerance
 - Information and decision-making changes

The Legal Department's Role in Navigating Scientific and Health Concerns

- **Vaccine Acceptance and Distribution**
 - Acceptance rate and challenges in achieving it
 - Logistics and supply chain issues
 - Corporate and legal role in vaccine acceptance and distribution

Moving Forward with Continued, Significant Impacts to Existing Business Models

- **Policies, Practices, and Procedures for Moving Forward**
 - Changing the mindset of your organization
 - Faster decision making
 - Shifting the business' focus and prioritization
 - Customer/employee health and safety
 - Embracing unlikely partnerships
 - Studying and borrowing from unrelated industries
 - Forging new alliances and partnerships

Top Concerns for Employees

- **Health and Safety are Paramount**
 - Tension point of getting back to work and surge in case numbers nationwide
 - General counsel perspective and role
 - Medical community perspective and role
 - The Corporate Lawyer as a Fiduciary During a Public Health Crisis
 - How is this role different and addressed within the legal team
 - At the executive team level
 - At the board of directors level

Top Concerns for Employees

- **Job Security, Privacy, and Personal Security**
 - How legal teams are helping to convey the business realities and successes
 - How legal teams are addressing privacy concerns of employees related to testing protocols, positivize COVID tests, and vaccination
 - How healthcare providers are addressing personal health and safety concerns related to both COVID and civil unrest

Staying Current in a Constantly Changing Legal and Regulatory Landscape

- **The Panel's Top 3 Tips**
 - CIDRAP News – current and comprehensive news source published by the Center for Infectious Disease Research and Policy
<https://www.cidrap.umn.edu/news-perspective>
 - Create an internal waiver group to monitor all the changes
 - Rely on your outside partners

CLE Code for Attendees in States that Require a Code

(Tip: The CLE code is different than the event code assigned by states)

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How to Best Support the Health and Wellbeing of Employees, Colleagues and Customers

- **Communication is key**
 - Technology deployment, adoption, and proficiency throughout your organization
 - Dealing with Zoom and COVID fatigue
 - Survey pros and cons
- **Increased focus on healthcare benefits**
 - Encouraging employees to utilize existing offerings
 - Adopting and adapting to the virtual system
- **Proactively advocating for your employees**
 - Counsel's role within the business
 - Counsel's role at the local, state and federal level

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Parting Thoughts and Thanks