



Thanks to the extraordinary commitment and expertise of AHLA leaders, the American Health Lawyers Association continues to thrive and serve as the essential health law resource in the nation. The Association's strong foundation reflects a history that is vibrant, meaningful and worth sharing. Finding a way to preserve AHLA's history was especially relevant in light of the Association's 50<sup>th</sup> Anniversary, which was celebrated throughout 2017.

This transcript reflects a conversation between AHLA leaders that was conducted via audio interview as part of the Association's History Project. More than 60 of AHLA's Fellows and Past Presidents were interviewed. A video documentary was also prepared and debuted on June 26 during AHLA's 2017 Annual Meeting in San Francisco, CA.

## **October 10, 2017**

### **Tom Hyatt interviewing Connie Baker:**

Tom: Hello Connie. It's Tom Hyatt at Denton's calling. How are you?

Connie: Good. How are you Tom?

Tom: Wonderful thank you. Thanks for joining us. We've got you recorded for the American Health Lawyers Association Oral History Project. Again, it's Tom Hyatt from Denton's here in Washington, and happy to have Connie Baker with us this afternoon. Connie, I would love to hear about your early work at a health lawyer. You're of course a long time partner at Venable and one of the early lawyers in our field in this area, but what was it like for you when you were first getting started in looking into health law as a practice of law?

Connie: Well, it was a field that was not developed very well at that point and it was not widely known, and when I said I did healthcare law people looked at me with a blank look.

Tom: They probably asked you if you were a medical malpractice lawyer like the rest of us, right?

Connie: Yeah. Exactly. Exactly. Yes. It was forging our way in a new area.

Tom: What appealed to you about health law? What made you think that's something I'd like to look into?

Connie: What appealed to me is the fact that I felt it was relevant. I've always had a patient orientation. I thought it was the way to help people who were patients and their caregivers, and that's really what drove me into the field.

Tom: Interesting. What sorts of things did you work on as a young lawyer in the healthcare field?

Connie: As a young lawyer I worked on real estate related issues pertaining to certificate of need, patient care issues, medical staff issues, regulatory issues, investigations and so forth. I spent several years as an assistant attorney general of Maryland and was assigned as prosecutor at the Physician Licensing Board. So when I returned to Venable

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after that tenure as an assistant AG, medical staff, legal issues and physician investigations seemed to come my way, so I continued with a sub-specialty area in medical staff, legal issues, credentialing, peer review and physician disciplinary proceedings.

Tom: Terrific. What was the experience for you at Venable at that time? Even for large firms it was a new area of practice. It was unlike others. It was in a lot of ways unregulated, even though the clients were very regulated, but the practice was just getting going. What was your recollection of that time at Venable?

Connie: It was a wonderful time to practice law. It was a new practice area and it was a privilege to be able to help develop it. Venable is a great firm and I spent most of my career there. I left three and a half years ago to go out on my own and continue to do many of the same types of things that I was doing at Venable.

Tom: Terrific. As you were getting started in health law obviously you came to the American Health Lawyers Association or one of its predecessors. How did you first come into the Association Connie?

Connie: I first became aware of the predecessor to American Health Lawyers Association and attended an annual conference and met David Greenberg. Much to my surprise, when it was time for the next annual conference David Greenberg called me and said, "Why don't you speak on something?" I said, "I couldn't possibly speak on something because I don't really know anything." He said, "That's ridiculous. You have to get over that. Just pick a topic that you're working on and send in a proposal."

So I did exactly what David told me and I sent in a proposal to talk on what was then a burgeoning area, which was hospitals setting up self-insurance trusts and captive insurance companies because of their rapidly escalating medical malpractice professional liability premiums. So I spoke on that, and David helped me get over my fear of not knowing anything and started me really on a three decade long very, very rewarding association with AHLA and its predecessor organization.

David gave me some confidence. He encouraged me to contribute, and in the process I gained competence and friendships and learned so much from other colleagues attending conferences, so I'm very grateful to AHLA for telling me to get over my fear of not knowing anything and having something to contribute.

Tom: David was remarkable that way, wasn't he?

Connie: He was.

Tom: Many of us, myself included, had a very similar conversation with David that launched us out of the nest so that we could become contributors to the Association and its work, so I think that's great.

Connie: Yes. Yes.

- Tom: Connie, you mentioned making connections with other health lawyers. Who are some of the other lawyers that you met over your time through the Association and that have made a big impression on you?
- Connie: Oh, you're going to ask me to recall names. That's a challenge-
- Tom: Even experiences. That's fine.
- Connie: There have been many, many people over the years who I've greatly enjoyed getting to know, people who I would enjoy seeing at the annual meetings or the specialty conferences. Sometimes I gave talks with people. Sometimes they were other lawyers. Sometimes they were regulators even from CMS and elsewhere. It was just great fun to connect, to learn from them, and to be challenged to communicate what we had learned to everybody else sitting in that conference room.
- Tom: Absolutely. As you think back about your time, Connie, you mentioned some of the areas in which you've been active in your practice. What are some of the key milestones in health law for you? What are some of the developments in the law or regulation or guidance that you found particularly noteworthy in your practice?
- Connie: The EMTALA laws and regulations were quite important I think in terms of establishing a standard of care for emergency room cases and behaviors of physicians. I think that that's contributed a great deal to doctors actually showing up when they're on call in an emergency room and an emergency room improved standards of care. I think that's very important.
- National Practitioner Data Bank and State Physician Licensing Board reporting requirements are also significant, and as they tighten up they decrease our ability to find creative ways to resolve hearings, because we used to be able to dance around the reporting requirements, but it's becoming increasingly challenging to do that, so that's another significant development.
- Of course the fraud and abuse and Stark regulations have informed so much of what one can and cannot do in healthcare, even when it's counterintuitive, as so much of healthcare law is. In the professional liability world of course we'd seen an explosion of all kinds of bases of liability and that continues to expand as well.
- Tom: You bet. It's funny when we talk with young lawyers sometimes and we have to remember and remind them that when you and I started practicing law there were no HIPAA experts or EMTALA experts. Those things didn't exist at the time and we all started from an even spot, learning as fast as we could.
- Connie: Right. Of course I didn't mention HIPAA, but you did, and that's also a significant driver of privacy and confidentiality and protection of records even if the laws do drive health lawyers crazy.
- Tom: You bet. You bet. Well, Connie, we are unfortunately almost out of time. We just unfortunately have such a short window here to talk, but one thing I wanted to leave you with is if you could talk a little bit about how would encourage young attorneys to be active in the Association and make contributions.

If I'm a young lawyer coming to you and saying how do I get involved in AHLA or what do you think I should do to contribute to the sector and to the bar in that area, what would you say?

Connie: I would encourage you to get involved, to participate on a listserv in an area that you have an interest in. Not necessarily an area that you know anything about, something you have an interest in. I would encourage you to go to meetings. I would encourage you to send in proposals for talks either on your own or with somebody else, and to enjoy the entire professional experience of contributing your knowledge, crystallizing your expertise into a 30 minute PowerPoint, of having the fun of meeting other people, of developing friendships and humanizing the practice of law, and AHLA is a great way to do it.

Tom: Isn't that important? Absolutely. I'm sure you would agree, Connie, that you and I and others have learned so much about the law from teaching it. You can't learn more than when you have to explain it to others, that it's a great way to improve your expertise as well.

Connie: Absolutely. Yes, it is.

Tom: Terrific. Connie Baker, thank you for contributing to our Oral History Project, and see you at the next AHLA meeting.

Connie: My pleasure. Thanks so much Tom.

Tom: You bet. Bye now.

Connie: Bye.