

PERSPECTIVES FROM WINSTON'S 2021 HEALTH CARE SUMMIT

Looking Back and Planning Ahead From the Pandemic's Front Lines

With the end of the pandemic in sight, the leaders of health care systems are reflecting on what the experience revealed regarding resiliency, access, and the role of collaboration in finding solutions to tough problems. Health care system leaders and their advisors gathered to exchange perspectives on these issues—as well as on the new Administration—during a panel discussion at Winston & Strawn's 2021 Health Care and Life Sciences Summit. The panel was moderated by Winston & Strawn Partner David Dahlquist and included J.P. Gallagher, President and Chief Executive Officer, NorthShore University Health System; Peter Leibold, Executive Vice President and Chief Advocacy Officer, Ascension; and Alex Walker, Jr., President and Chief Executive Officer, Catholic Medical Center, GraniteOne Health. Highlights of the conversation included the following:

HIGH PRESSURE ON LOW-PROFILE FUNCTIONS

The pandemic forced every institution to confront its own weaknesses. In so doing, it highlighted the importance of functions such as supply chain, employee health, and incident command. Ensuring the strength of these functions will be central to fixing the systemic cracks exposed by the pandemic.

THE MIND IS REFOCUSED

Health care systems, like all large, complex organizations, are vulnerable to inertia and turf battles. The need to respond quickly and with

imperfect information to the pandemic's upheaval swept away these impediments. Health care systems were reminded that they can be agile and innovative under pressure, that cross-functional teams can work together, and that competing organizations can lay down their arms in a time of crisis. The pandemic also reminded everyone of the higher purpose that led them to the health care profession.

ACCESS MOVES TO THE TOP OF THE AGENDA

The pandemic combined with events underscoring the pernicious effects of racial injustice to give a newfound urgency to equitable health care access. For many organizations, this process began with self-examination and internal listening sessions to help ensure that their efforts start from a foundation of authentic inclusivity. Health systems are tackling the issue by using data to pinpoint where access is lacking and establishing access-related performance indicators to hold themselves accountable.

BIG PROBLEMS DEMAND MULTIPLE PROBLEM SOLVERS

While there is much that health systems can do to improve access—starting with educating both administrators and those on the front lines—the health care of underserved communities is also a factor of housing, transportation, employment and other components beyond a health provider's domain. Health systems thus need to partner with community service organizations, policy groups,

and other players in the search for solutions. More broadly, the pandemic reemphasized the role of public-private partnerships in tackling both societal problems and underlying technical challenges, such as interoperability of health care records.

FOR ACCESS, TECHNOLOGY IS DOUBLE-EDGED

For the end user, the pandemic's acceleration of telehealth transforms the question of health care access into one of internet access and comfort with technology. It is therefore important to make telehealth mobile-friendly and to ensure that regulations and payment mechanisms do not revert to their location-based pre-pandemic status quo.

IN WASHINGTON, A MIX OF COLLABORATION AND PARTISANSHIP

The Democrats' tenuous control of Congress gives them the ability to move unilaterally, but success is not guaranteed. As a result, many initiatives will require bipartisan agreement. There is momentum on both sides of the aisle regarding transparency, HIPAA reform, and strengthening public health infrastructure.

MOVE FORWARD, BUT TAKE TIME TO RECOVER

Even before vaccine distribution moved into high gear, health systems were using the lessons of the pandemic to reevaluate partnerships, revise strategies, and pursue transactions. While there is much to be done, organizations are also aware that they need to accommodate workforces exhausted by a year of both personal and professional challenges.

Winston & Strawn's Health Care and Life Sciences Group provides general, litigation, and special counsel to a wide variety of health care organizations. Our work covers the entire range of legal issues faced by health care and life sciences companies, including M&A, capital market offerings and antitrust, as well as regulatory and compliance matters at the federal, state, and local levels.

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