

Counsel to Counsel

Addressing Challenges for the GC/CLO in 2023

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The Role of GC in Developing and Executing a Crisis Management Plan

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Today's Conversation



1. A Fractured, Nuanced Landscape
2. Crisis vs. Issue
3. Your Unique Role
4. Group Conversation
5. Q&A

A Fractured Healthcare Landscape

Labor Activity **COVID-19 Recovery**
Financial Headwinds Industry
Social Movements & Unrest Disrupters
Staffing Shortages
Political Upheavals Workforce Burnout
Regulatory & Rulemaking Burdens
Eroding Trust in Providers Emerging Care Models
Payer-Provider Tension

Today's Focus

Today's landscape is different from any in recent memory.

The challenges your organization face are complex, emotional and extend beyond healthcare.

You play an important role in helping your organization balance what we can and should say and when.

With these factors at play, planning ahead has never been more important.

Hearing from You

Name a crisis your organization has navigated in the past year.

Defining the Terms: Crisis vs. Issue

ISSUE:

A series of ongoing (and perhaps unrelated) forces, events or crises with the potential to negatively impact your reputation, culture and value

Hearing from You

What's the looming crisis that keeps you up at night?

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The Anatomy of a Crisis

Learning from Others

A nationally well-known health system was facing the convergence of two high-profile crisis situations:

1. Regulatory requirements related to charity care requirements
2. Accusations that a physician gave dozens of patients fatal overdoses of fentanyl



**Complex,
yet relevant**



**Prolonged
timeline**



**Various
leader voices**



**Undeniable
human element**

The Role of Organizational Leaders

Execs

Shared high-level messages with teams in non-involved markets, affirming commitment to excellent, high-quality care and promising a thorough investigation and accountability for all involved

Comms

- Provided communications strategy, tactics and messaging to most effectively position organization and protect brand with key stakeholders and public
- Proactively managed internal and external communications channels and reactively responded to media requests

Counsel

- Ensured compliance with regulatory and legal requirements
- Protected organization and its agents from legal action or regulatory sanctions as appropriate
- Partnered with execs and comms to ensure messaging and response did not expose organization to further legal or regulatory action

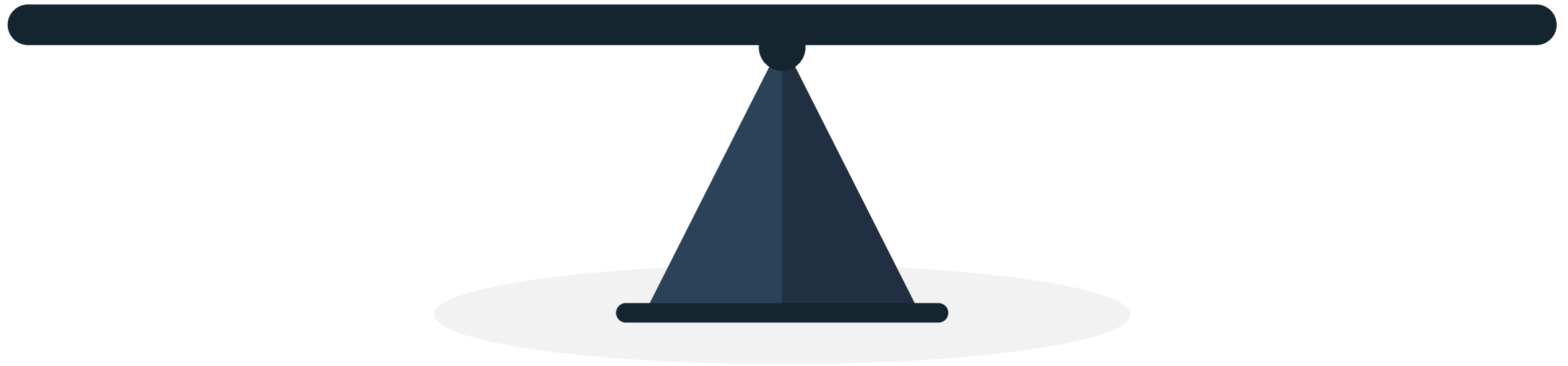
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Your Role in Responding

Finding the Balance

**Responsible transparency
that doesn't exacerbate
the situation**

**Controlling the environment
and stopping information flow
to minimize organizational risk**



Issue Navigation: When to Respond

The Impact to Your Organization

- Does it stand in line with your mission, vision, values and strategy?

Your Organization's Impact on the Situation

- Is this issue something that your organization can meaningfully influence?
- Does your organization have current programs or offerings that support the issue?
- What does support/opposition look like in practice?
- What will the reaction be from supporters and detractors?

Your Unique Lens

- Are there any policies/regulations in place or ongoing litigation that would preclude your organization from taking a stance?
- Are there others (external counsel, elected officials, governing bodies, etc.) who need to be alerted before you respond?
- If the organization may have been at fault, do you know where processes or procedures may have broken down?
- If employees were involved, are they still employed? Will you comment on their employment status?
- Is legal or regulatory action as a result possible or pending?
- Are there events/milestones occurring during the situation that we need to consider (i.e.: hearings, filings, etc.)?
- Is this something over which your organization has jurisdiction?

Crisis Navigation: How to Respond

Partner in the Response

- Communications Team
- Government Relations/Community Relations Team
- Physician Leaders
- Legal Counsel
- Subject Matter Experts
- Community Leaders

Plan Ahead

- Utilize your Crisis Playbook
- Invest in relationships before you need them
- Consider a crisis readiness assessment



Helpful Resources

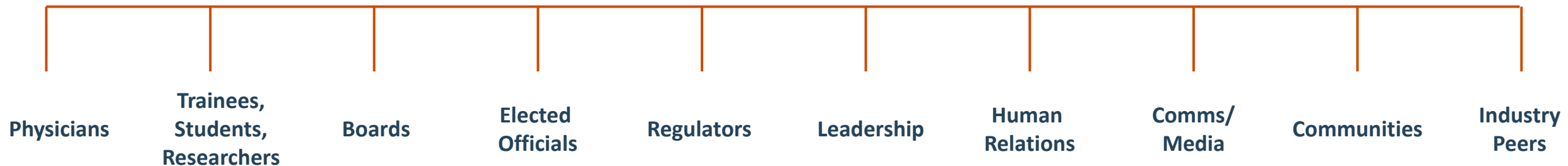
- Response Decision Guide
- First Hour Checklist
- Crisis Framework

The Currency of Relationships

Invest in Important Relationships **BEFORE** You Need to Call in Support



Where can the organization build these relationships?



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Diving In: Concepts in Action

Initial Preparation

The Power of Preparation to Protect Your Organization

Before your organization's leadership team dives into your Crisis Playbook or command center protocols, encourage them to reflect on this simple framework.

This strategy can equip you and team leadership with better planning when the initial, intense wave of a breaking crisis or issue hits.



Helpful Resource

- [Leader Toolkit](#)

Crisis Framework

Define Your Universe

Understand internal
and external dynamics

Articulate Roles

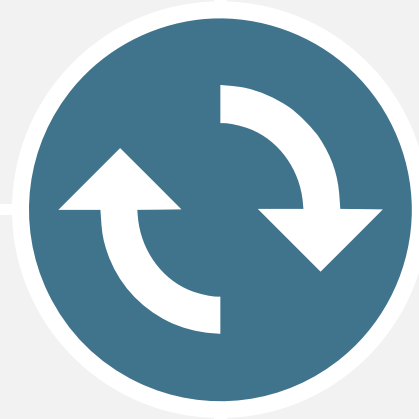
Clearly define the roles
leaders will play

Listen & Respond

Remain engaged and follow
up on what you hear

Outline Impacts

Determine the likelihood
and impact of scenarios



Crisis Framework: Define Your Universe

Particular to the issue at hand, identify.....

Your Audiences	Their Unique Dynamics & Concerns
Executive Leadership Team	Need to know the full landscape and ramifications
Local Leadership Teams	Need answers to questions and support understanding impact for teams
Physicians, Nurses & Staff	Want to know how to respond to patients and peers
Regulators/Elected Officials	Contentious election season under way
Community Partners	Concerns about community voice in decisions
Media	Local reporter very interested in healthcare
Patients/General Public	Potential reputational impact

Your Role:

What is your unique perspective relative to each group?

Crisis Framework: Articulate Roles

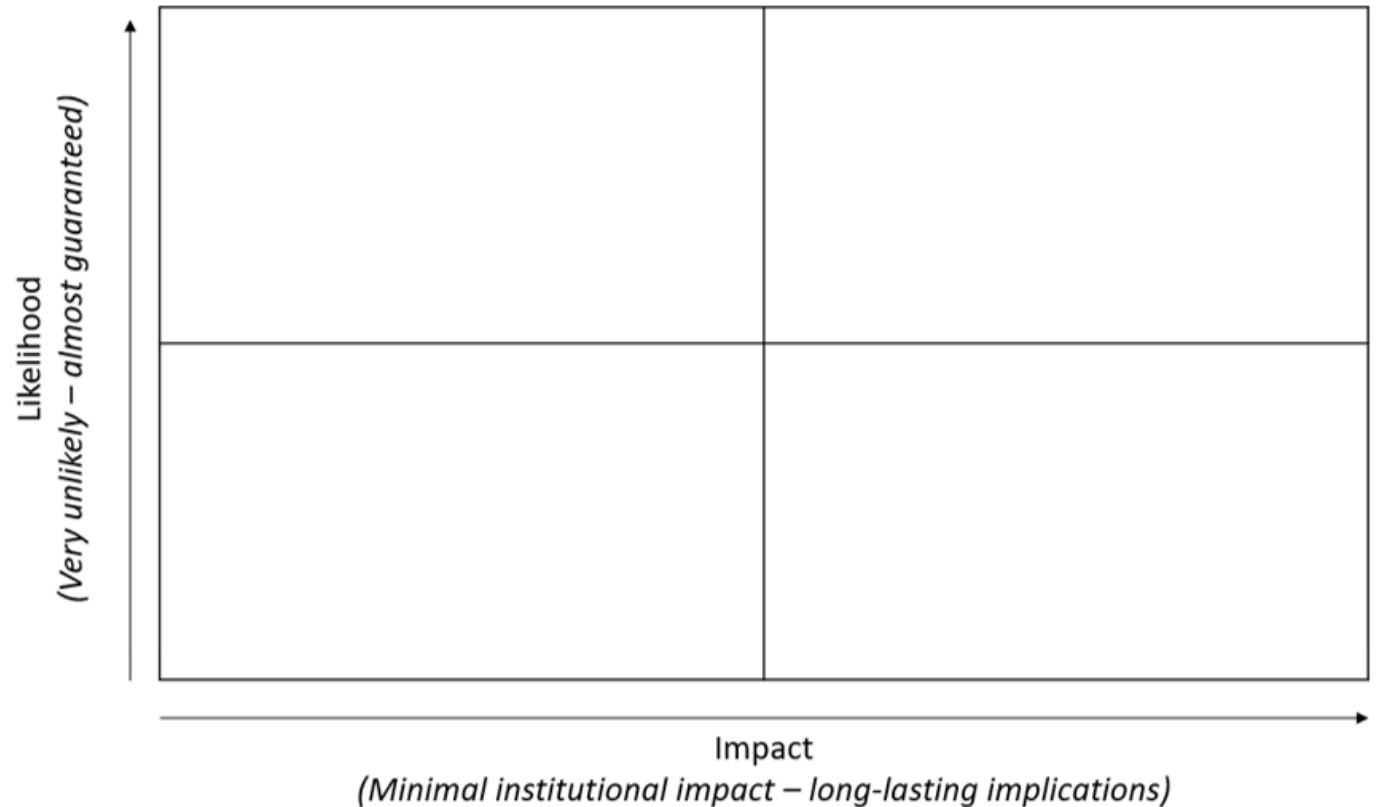
Particular to this issue, what do the messengers below need to say and who needs to hear from them?

Messenger	Audience	Their Message
Organization Leadership	Entire organization Community	
Other leaders	Local facilities Individual audience groups	
Others (Legal counsel, Physician expert, etc.)	Media	

Crisis Framework: Outline the Impacts

Thinking about the likely scenarios and outcome related to this particular issue....

- What is the likelihood of this scenario occurring?
- If it does occur, what is the anticipated impact?



Crisis Framework: Listen & Respond

Particular to the issue at hand.....



Who is the organization listening to?



What new voices are being added to the conversation?



What are leaders listening for?



What is being done with what is heard?



Reflecting on Your Role

Think of an issue or crisis your organization has faced in the past six months:

- At what point were you brought into the conversations?
- Was this at the right time, too early or too late?
- What role did you play in communications? (strategist, drafter, reviewer, informed)? What role should you have played?
- What do you wish your leader peers (execs, communications, others) knew about working with counsel during times of crisis or long-term issues?
- If needed, how can you affect change around your role in crisis communications?

Think about planning and responding to crises and issues:

- How do you see your role differently when responding to a crisis versus helping your leaders navigate a long-term issue?
- How can you help your leaders balance the desire to communicate with the need to mitigate risk to the organization?

Group Conversation

- **At your table, take the next 15 minutes to discuss your role in crisis communications, using these questions as a guide**
- **Use the worksheet provided to take notes on your own reflections and use it during follow-up conversations with your leadership and/or communications teams as necessary**

Potential Stumbling Blocks

- 1 The desire—organizational or personal—to just say something or nothing
- 2 Conflict among different segments of large, complex organizations
- 3 Navigating the nuance of local, state, national and global politics
- 4 Over- or under-estimating the nature and volume of internal/external noise
- 5 Allowing teams to blur the line between urgent and important

Key Takeaways



Ask the right questions to determine when/how to respond



Utilize planning frameworks to navigate complex situations



Challenge the team to appropriately contextualize the noise around an issue



Define your universe and clearly articulate roles



Have a point of view, listen and respond

Resources



Crisis Framework & Key Takeaways



Response Decision Guide – what to consider when responding during a crisis



First Hour Checklist – mapping the critical first hour for your crisis response team

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Q&A

Stay in Touch



The Quick Think

Actionable analysis of one key healthcare story from the week, delivered in a two-minute read. It's a take on the news that you won't get anywhere else.



High Stakes

High Stakes offers insights and counsel on the strategy and communications challenges of today's transformative healthcare environment.



1:1 Conversations

We are happy to meet with you 1:1 to dive deeper into any of the concepts or resources discussed today.