

# Smart Regulation: Can New Types of Governance Improve Health?

## *An Interdisciplinary Symposium*

The symposium will examine how new forms of regulation and governance affect prospects for health systems change and improvement. New governance includes a wide variety of processes but all differ from top-down, command and control style regulation. Recent examples of new governance in action include public-private partnerships in electronic record adoption, public disclosure of hospital infection rates in Europe, standardized metrics for cancer treatment, and private rulemaking in organ transplantation. These innovations feature a participatory model of regulation in which multiple stakeholders collaborate to achieve a common purpose.

Scholars from the United States and the European Union in the fields of health services research, clinical medicine, political science, public affairs, law and social work will present and comment on papers addressing the prospects for new forms of governance in many areas of the health system.

**Friday, Oct. 9, 2009**  
**8 a.m – 4:30 p.m.**  
**University of Wisconsin-Madison**  
**Health Sciences Learning Center**  
**Room 1345**

The symposium is open to UW faculty, staff, students, and the public. No registration is required. Its aim is to promote dialogue among researchers focused on clinical and translational research and researchers focused on the system-level structures and policies that facilitate or inhibit health system improvement and population health. **This event is approved for nine Continuing Legal Education Credits.**

### **Sponsors**

UW School of Medicine and Public Health, including the Wisconsin Partnership Program and Population Health Institute; UW-Madison European Union Center for Excellence; UW-Madison Wisconsin Center for World Affairs and the Global Economy; and the Health Law Section of the State Bar of Wisconsin.

Also assisting from UW-Madison are the La Follette School of Public Affairs; Law School Global Legal Studies Center; Institute for Clinical and Translational Research; Health Innovation Program; and Carbone Comprehensive Cancer Center.

For further information contact Terry Shelton at 608.262.3038, [shelton@lafollette.wisc.edu](mailto:shelton@lafollette.wisc.edu) or see [www.lafollette.wisc.edu/healthgovernance](http://www.lafollette.wisc.edu/healthgovernance) for abstracts, agenda, speakers, maps and other information.

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**8:00 -- Registration and Coffee**

**8:30 -- Introduction and Welcome**

Professor Carolyn Heinrich, Director, UW La Follette School of Public Affairs

**8:40 -- New Institutions for Governance: Can They Integrate Systematic Evidence, Tacit Knowledge of Clinicians, and Trust of Patients?**

Is traditional regulation a muddle of confusing rules that prevent innovation, provide no useful guidance, and impede reform? The panelists discuss the limits of the prevailing policy tools in the US and EU.

Moderator: Secy. Karen Timberlake, Wisconsin Department of Health Services (invited)  
Professor Peter Jacobson, University of Michigan School of Public Health  
Professor Scott Greer, University of Michigan School of Public Health  
Commentator: Professor Susan Yackee, La Follette School of Public Affairs

**9:45 -- New Institutions for Governance**

Emerging institutions may provide alternatives to improve health care outcomes. The panelists discuss this through **informatics**, **quality improvement**, and **private/public rulemaking**. How do health care professionals, government officials and the public interact in these new governance institutions? And how do various modes of interaction enhance or diminish trust among health care professionals and their commitment to improvement?

**Informatics**

Moderator: Rebecca Hutton, Legal Counsel, UW-Madison, Adjunct Law School  
Professor Nicolas Terry, Saint Louis University School of Law  
Dr. Maya Das, National Opinion Research Center, University of Chicago  
Discussant: Professor Patricia Brennan, UW School of Engineering, School of Nursing

**10:45 -- Break**

**11:00 -- Quality Improvement Institutions from Both Sides of the Atlantic: The National Quality Forum and the National Institute for Clinical Excellence**

Moderator: Rebecca Hutton, Legal Counsel, UW-Madison  
Professor Bryce Hoflund, University of Nebraska-Omaha School of Public Administration  
Professor Stirling Bryan, University of British Columbia and University of Birmingham  
Discussants: Chris Queram, Wisconsin Collaborative for Healthcare Quality, and Dr. Sally Kraft, University of Wisconsin Medical Foundation

**12:00 -- Private Rulemaking: An Alternative to Bureaucratic Rulemaking**

Moderator: Rebecca Hutton, UW-Madison Legal Counsel, Adjunct Law School  
Professor David Weimer, La Follette School, "Governance of Organ Transplantation"  
Discussant: Professor Nilo Edwards, UW School of Medicine and Public Health

**12:45 -- Lunch**

**1:30 -- Smarter Governance in Practice: Disease-Based Case Studies**

How, in theory and in practice, do alternative forms of regulation work in the health system? These alternatives, including private rulemaking, management-based regulation (incentives), and traditional rules and enforcement, will be examined in the areas of prevention and control of **hospital-based infections** and the **fight against cancer**. What is the influence of new forms of participation—including patient networks, patient self-management, and consumer access to medical information—on health system change with particular attention to the fight against cancer?

**Combating Hospital-Based Infections**

Moderator: Gordon Ridley, UW School of Medicine and Public Health  
Professor Cary Coglianese, University of Pennsylvania Law School  
Commentator: Professor Nasia Safdar, UW School of Medicine and Public Health

**2:15 -- The New Campaign Against Cancer from Both Sides of the Atlantic: Entrepreneurs, Networks, and Public Data**

Moderator: Gordon Ridley, UW School of Medicine and Public Health  
Professor Louise Trubek, UW Law School  
Professor Thomas Oliver UW School of Medicine and Public Health  
Professor Toby Campbell, UW School of Medicine and Public Health  
Researchers Chih-Ming Liang and Matt Mokrohisky  
Commentator: Professor Tracy Schroepfer, UW School of Social Work

**3:30-- Break**

**3:45 -- Smarter Governance in Practice in the US and EU: Can It Work?**

How are health system innovations introduced and promoted in different settings? What external and internal conditions are critical determinants of successful entrepreneurship in the health system? Is there optimism that the range of policy instruments now available in both the US and EU can enhance health care outcomes?

Moderator: Barbara Zabawa, Attorney, Whyte Hirschboeck Dudek, and Adjunct UW Law School

Commentators: Professor Donald Moynihan, La Follette School, and Rita Baeton, Researcher, Observatoire Social Européen

**4:30-- Adjourn**

**Symposium Organizers and Editors**

Professor Thomas Oliver, Population Health Sciences, UW School of Medicine and Public Health;  
Professor Louise Trubek, UW School of Medicine and Public Health and Clinical Professor Emerita, UW Law School; Professor David Weimer, Department of Political Science and La Follette School of Public Affairs