16th Annual

Health Law Conference

Earn up to 12.25 Hours of Credit Including 2.00 Hours of Ethics Credit

Specialization credit expected for: Health Law

April 14*, 15–16, 2004
*optional Wednesday evening session

The Four Seasons Hotel
Houston, Texas
WEDNESDAY EVENING, APRIL 14

*Optional Session-Additional Fee Required

7:00 p.m.  CONCURRENT SESSIONS (2.00 hour)

A. Health Law Primer
This optional evening session provides an introduction to basic health law, with emphasis on fraud and abuse, managed care, and Medicare reimbursement issues.

Kenneth J. Kramer, Arlington
Marie C. Berliner, Austin

- OR -

B. In-House Counsel Issues
This program will focus on current topics of practical interest to in-house health care counsel. These may include the impact of medical liability reform (including availability and cost of insurance), legislative developments of interest to health care counsel (including requirement for reporting of quality outcomes, errors and other events), current developments in managed care, the continuing crises in on-call coverage and the increasingly polarized relationships between health care provider institutions and their medical staffs, benchmarking law department performance, and strategies for increasing the efficiency and effectiveness of your in-house department.

Note: Attendance at this session is limited to persons who are in-house counsel.

Teresa Jordan, Houston
Rosemaria Levinsky, Abilene
Michael J. Regier, Austin

9:00 p.m.  Adjourn

THURSDAY MORNING, APRIL 15

Presiding Officer:
Hon. Jimmy Carroll, Temple

8:00 a.m.  Registration Opens
Includes continental breakfast.

8:50 a.m.  Welcoming Remarks

9:00 a.m.  (1.00 hour)

Liability Update and Impact of Tort Reform
Recent case law developments, annual survey of significant cases, and impact of tort reform.

Yvonne K. Puig, Austin

10:00 a.m.  (0.75 hour)

EMTALA
An update of recent regulatory changes to EMTALA and tips for both staying in compliance and avoiding an investigation.

David Wright, Dallas

10:45 a.m.  Break

11:00 a.m.  (1.00 hour)

Stark II - Fraud and Abuse Update
An overview of recent case law and regulatory developments, as well as administrative pronouncements and settlements relating to the federal referral laws.

Donna Schmerin Clark, Houston

12:00 p.m.  (0.50 hour)

Optional Table Topics Luncheon
Discussion groups with conference faculty and registrants. Tickets should be purchased in advance - see registration form.

Topic B: Economic Credentialing, et al.
Topic C: Physician Deals
Topic D: Fraud and Abuse Developments

THURSDAY AFTERNOON

1:15 p.m.  (1.00 hour ethics/PR credit)

Ethics of Negotiations
The ethical dilemmas lawyers confront when deciding how to effectively advocate a position on behalf of a client.

Lawrence L. Foust, Houston

2:15 p.m.  (0.75 hour)

Joint Ventures
This program will highlight and update current issues in hospital-physician joint ventures relating to organization, structure, control and governance; key trends and deal points; use of restrictive covenants; the private offering process; and discussion of specialty hospitals, hospital physician relationships and ASC-physician ventures.

Daryl L. Lansdale, Jr., San Antonio
Ivan Wood, Jr., Houston

3:00 p.m.  Break

3:15 p.m.  CONCURRENT SESSIONS (0.75 hour)

A. Hot Topics in Physician Regulatory Exposure
The State Board of Medical Examiners (SBME), Medicare and Medicaid investigations, and enforcement actions.

Robert S. (Bob) Bennett, Houston
Mark D. Chouteau, Austin

- OR -

B. Hot Topics in Medical Staff Issues
Hospitals and medical staffs are under increased regulatory scrutiny and economic pressure. This presentation will examine several pressing medical staff issues and offer practical advice, including sample bylaw provisions.

Ann P. Thielke, Houston

4:00 p.m.  CONCURRENT SESSIONS (0.75 hour)

A. Hospital and Physician Relationships: “We Need Each Other, But Does It Really Have To Be This Way?”
The speakers will examine some of the conflicts between hospitals and physicians, such as economic credentialing and physician entrepreneurship; credentialing, peer review and corrective action (including due process and Data Bank reporting obligations); and EMTALA on-call obligations, obtaining payment and liability concerns.

Joanne P. Hopkins, Austin
Gregg C. Waddill, III, Austin

- OR -

B. Physician Recruitment in the Post-Alvarado Environment
The recent indictment of Alvarado Hospital Medical Center and its CEO and parent company, has renewed hospital and physician interest in physician recruitment arrangements. We will discuss the Alvarado case, other recent developments, and a checklist of issues to consider when entering into a recruitment arrangement. This program will focus on practical approaches to recruitment arrangements.

Ann E. DesRuisseaux, Plano
R. Kenneth Gordon, Dallas

4:45 p.m.  Adjourn
FRIDAY MORNING, APRIL 16

Presiding Officer:
Jerry A. Bell, Jr., Houston

8:30 a.m. (1.00 hour)

Managed Care Issues
Managed care is not what it used to be. What health care lawyers of the 1990s understood to be managed care has morphed into something with quite different implications for providers, patients, and employers. This topic will discuss the direction of managed care and the legal implications for all parties dealing with health care insurers and their ancillary reinsurance. The speaker will discuss tiered networks, fee-for-service negotiations, hospital contracting, and other new topics in managed care, as well as the status of managed care liability.

David W. Hilgers, Austin
Douglas S. Clarkson, Dallas

9:30 a.m. (1.00 hour ethics/PR credit)

Corporate Governance and Ethics Issues in the Health Care Sector, Including NonProfits
This session covers the evolving role and responsibilities of corporate counsel including the implications of the amendments to ABA’s Model Rules of Professional Responsibility 1.6 and 1.13; and the reaction of states, i.e. Texas, to the amendments as well as Section 307 of Sarbanes-Oxley, including a “decision tree” summary of the “reporting up” and “reporting out” rules for use in daily practice. The session concludes with a discussion of the application of the ABA’s Model Corporate Governance “Best Practices,” as they relate to the role of the general counsel within the context of a (for-profit or nonprofit) health care system.

Michael W. Peregrine, Chicago, IL

10:30 a.m. Break

Government Enforcement Efforts
Gary W. Eiland, Houston, Moderator

10:45 a.m. (0.75 hour)

A. The First Criminal Prosecution of a Hospital: Lessons Learned from the United Memorial Hospital Case
Two leading attorneys discuss the prosecution of a major case involving peer review and credentialing issues, and address how best to respond to a federal criminal investigation.

Glenn M. Martin, Lansing, MI
Barbara Colby Tanase, Lansing, MI

11:30 a.m. (1.00 hour)

B. National Efforts
In a return engagement, this highly regarded federal prosecutor will offer his insights into the government’s enforcement actions, with emphasis on how health care providers can protect themselves by instituting and following effective compliance measures.

James G. Sheehan, Philadelphia, PA

12:30 p.m. Adjourn

Mail this registration form or fax a copy to: (512) 475-6876

The University of Texas School of Law • Office of Continuing Legal Education
Attn: HL04 • Post Office Box 7759 • Austin TX 78713-7759

PLEASE PRINT CLEARLY

Bar Card: ___________________________ ☐ TX ☐ Other State: ____________ ☐ N/A

Name [ Mr. / Ms. ] ___________________________ ___________________________

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City ___________________________ State ____________ Zip ___________________________

E-mail Address ___________________________

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REGISTRATION - Includes printed materials in course binder.

☐ Early Registration Fee due by Wed., April 7, 2004 $425.00
Add E-materials on CD (PDF files of printed materials) for $50. See below.*

☐ Registration Fee after Wed., April 7, 2004 $475.00
Add E-materials on CD (PDF files of printed materials) for $50. See below.*

☐ Optional Wednesday Evening Session $75.00

Select One: [ ] Health Law Primer
[ ] In-House Counsel Issues (restricted to in-house counsel only)
[ ] Topic C: Physician Deals
[ ] Topic B: Economic Credentialing, et al.
[ ] Topic D: Fraud and Abuse Developments

Thursday Optional Table Topics Luncheon $25.00

Select One: [ ]

ALSO AVAILABLE - Allow 2-3 weeks from conference date for delivery.

☐ Printed materials in course binder * ___________________________ $150.00
Printed materials are automatically included with Registration.

☐ Audio CD Set * ___________________________ $160.00

☐ In-House CLE for 2 - Includes audio CD + printed materials * ___________________________ $750.00
Add participants with printed materials at $200 each _________ $ ________
Add participants without printed materials at $150 each _________ $ ________

☐ *Add E-materials CD (PDF files of printed materials) to any purchase _________ $50.00

METHOD OF PAYMENT

TOTAL ENCLOSED _________ $ ___________________________

☐ Check (make checks payable to: The University of Texas at Austin)

☐ VISA ☐ Mastercard (sorry, no AMEX or Discover)

Card # ___________________________ ___________________________ ___________________________ ___________________________

Authorized Signature ___________________________

Exp. Date (mm/yy) ___________________________ ___________________________
The Four Seasons Hotel
1300 Lamar Street
Houston, TX 77010
(713) 650-1300
$175 single or double special group rate good through March 23, 2004
Parking: All parking is valet at $10/day, $23 overnight.

Key dates:
Cancellations & last-minute registrations
April 7, 2004, 5 p.m.
• last day for early registration
• add $50 for registrations received after this time
April 9, 2004, 5 p.m.
• last day for full refund
April 12, 2004, 5 p.m.
(Monday before conference)
• last day for partial refunds
($50 processing fee applied)
April 14, 2004, 7 p.m.
• optional session begins
April 15, 2004, 9 a.m.
• conference begins

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.25 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit.

E-mail us at utcle@mail.law.utexas.edu
or call us at
512-475-6700
for more information