

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

16th Annual  
**HEALTH LAW CONFERENCE**

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**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 A: The Impact of New Laws:  
Tort Reform, HIPAA, et al.  
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 retinue. 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**

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

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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)

☐ Thursday Optional Table Topics Luncheon ..... \$25.00

Select One: [ ] Topic A: The Impact of New Laws: Tort Reform, HIPAA, et al.  
[ ] Topic B: Economic Credentialing, et al.  
[ ] Topic C: Physician Deals  
[ ] Topic D: Fraud and Abuse Developments

**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 ... \$ \_\_\_\_\_

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**METHOD OF PAYMENT**

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

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

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## About the Hotel



### 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

## Stuck at the office? Short MCLE credit?

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*This program is not printed or mailed at state expense.*

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