

2004 Health Law Conference
April 15-16, 2004 • Four Seasons Hotel • Austin, TX

Thursday Morning, Apr. 15, 2004

Presiding Officer:

Hon. Jimmy Carroll, Scott & White Clinic - Temple, TX

9:00 am 1.00 hr	Topic B: Economic Credentialing
9:00 am 1.00 hr	Topic C: Physician Deals
9:00 am 1.00 hr	Topic D: Fraud and Abuse Developments
9:00 am 1.00 hr	Topic A: The Impact of New Laws
9:00 am 1.00 hr	Liability Update and Impact of Tort Reform Recent case law developments, annual survey of significant cases, and impact of tort reform. Yvonne K. Puig, Fulbright & Jaworski L.L.P - Austin, TX
10:00 am 0.75 hr	EMTALA An update of recent regulatory changes to EMTALA and tips for both staying in compliance and avoiding an investigation. David Wright, Centers for Medicare and Medicaid Servis - Dallas, TX
11:00 am 1.00 hr	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 S. Clark, Baker Hostetler - Houston, TX

Thursday Afternoon, Apr. 15, 2004

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12:00 pm 0.50 hr	<p>Optional Table Topics Luncheon</p> <p>Discussion groups with conference faculty and registrants. 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</p>
1:15 pm 0.00 hr 1.00 hr ethics	<p>Ethics of Negotiation</p> <p>The ethical dilemmas lawyers confront when deciding how to effectively advocate a position on behalf of a client.</p> <p>Lawrence L. Foust, Kaiser Foundation Health Plan - Oakland, CA</p>
2:15 pm 0.75 hr	<p>Joint Ventures</p> <p>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.</p> <p>Daryl Louis Lansdale Jr., San Antonio, TX Ivan Wood Jr., Strasburger & Price LLP - Houston, TX</p>
3:15 pm 0.75 hr	<p>Hot Topics in Physician Regulatory Exposure</p> <p>The State Board of Medical Examiners (SBME), Medicare and Medicaid investigations, and enforcement actions.</p> <p>Robert S. Bennett, The Bennett Law Firm P.C. - Houston, TX Mark D. Chouteau, Brown McCarroll, L.L.P. - Austin, TX</p>
3:15 pm 0.75 hr	<p>Hot Topics in Medical Staff Issues</p> <p>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.</p> <p>Ann Thielke, St. Luke's Episcopal Health Systems - Houston, TX</p>
4:00 pm 0.75 hr	<p>Physician Recruitment in the Post-Alvarado Environment</p> <p>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.</p> <p>Ann Elise Desruisseaux, Triad Hospitals Inc - Plano, TX R. Kenneth Gordon, Baker & McKenzie, L.L.P. - Dallas, TX</p>
4:00 pm 0.75 hr	<p>Hospital and Physician Relationships: We Need Each Other, but Does It Really Have to Be This Way?</p> <p>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.</p> <p>Joanne Prescott Hopkins, Austin, TX Gregg Cooper Waddill III, Austin, TX</p>

Thursday Evening, Apr. 15, 2004

7:00 pm 2.00 hrs	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. Rosemaria Levinsky, Hendrick Health System - Abilene, TX Michael J. Regier, Seton Healthcare Network - Austin, TX
7:00 pm 2.00 hrs	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. Marie Christine Berliner, Lambeth & Berliner PLLC - Austin, TX Kenneth J. Kramer, Texas Health Resources - Arlington, TX

Friday Morning, Apr. 16, 2004

Presiding Officer:

Jerry A. Bell Jr., Fulbright & Jaworski L.L.P. - Houston, TX

8:30 am 1.00 hr	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. Douglas Scott Clarkson, Dallas, TX David W. Hilgers, Brown McCarroll LLP - Austin, TX
9:30 am 0.00 hr 1.00 hr ethics	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, McDermott Will & Emery - Chicago, IL

10:45 am
0.75 hr

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, U.S. Attorney's Office - Lansing, MI
Barbara Colby Tanase, U.S. Attorney's Office - Lansing, MI

11:30 am
1.00 hr

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, Assistant U.S. Attorney's Office - Philadelphia, PA