

2005 Health Law Conference

April 7-8, 2005 • Four Seasons Hotel • Houston, TX

Thursday Morning, Apr. 7, 2005

Presiding Officer:

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

9:00 am 0.75 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 LLP - Austin, TX
9:00 am 1.00 hr	Topic A: Health Law Primer
9:00 am 1.00 hr	Topic B: Investigations by the AG, TDSHS, OIG, et al
9:00 am 1.00 hr	Topic B: In-House Counsel Issues (In-House Counsel only, please)
9:00 am 1.00 hr	Topic C: Peer Review Developments
9:00 am 1.00 hr	Optional Thursday Round Table Luncheon (Select One)
9:00 am 1.00 hr	Topic D: Compliance Issues
9:00 am 1.00 hr	Optional Wednesday Evening Session (Select One)
9:00 am 1.00 hr	Topic A: Hospital-Physician Deals
9:45 am 0.50 hr	Fraud and Abuse - Stark Update Update of federal Anti-Kickback Statute and Stark Law developments, including new review of statutory and regulatory changes (if applicable), case law, advisory opinions and enforcement actions. Developments in the Texas legislature relating to referral laws will also be discussed. Donna S. Clark, Baker Hostetler - Houston, TX

10:30 am
1.25 hrs

Legal Issues Faced by Hospitals Serving the Uninsured and Providing Charity Care

Hospitals are currently under scrutiny for their billing and collection practices. Some of the complaints reflect an extension of the charity care legislation targeted at nonprofit hospitals during the 1990s, but recently the specter of the “\$5 aspirin” has shadowed the for profit industry as well. This panel’s focus will be on how hospitals can comply with societal and legal expectations as it explores the legal bases for the complaints against both for profit and nonprofit hospitals and the consequences of various billing and collection policies.

Lawrence L. Foust, San Francisco, CA
Susan K. Staricka, Office Of The Atty General - Austin, TX
E. Peter Urbanowicz Jr., Tenet Healthcare Corporation - Dallas, TX
John L. Zipprich II, Christus Health - Houston, TX

Thursday Afternoon, Apr. 7, 2005

Presiding Officer:

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

1:00 pm
0.00 hr
1.00 hr ethics

Legal Ethics and Professional Responsibility Handling Health Care Transactions

How do you represent health care clients with serious regulatory issues while maintaining your professional integrity? What is your duty to investigate your clients? What special concerns arise for publicly traded companies and not-for profits? This session explores these issues, with particular emphasis on the health care sector.

Philip L. Pomerance, Kamensky, Rubinstein, Hochman & Delott - Lincolnwood, IL

2:00 pm
0.75 hr

Tiptoeing through the Land Mines of Credentialing and Peer Review

Charla Aldous, one of the trial attorneys representing the plaintiff in the Poliner case, will provide an overview of the litigation and the factors that may have resulted in the substantial jury verdict against the hospital and physicians. Mary Bearden will provide an overview of the recent legal developments in credentialing and peer review. Both speakers will address ways in which providers may attempt to minimize their liability for participation in credentialing and peer review activities.

Charla G. Aldous, Baron & Budd PC - Dallas, TX
Mary M. Bearden, Brown & Fortunato PC - Amarillo, TX

3:00 pm
0.75 hr

Managed Care 2005: Products, Politics and Privatization

Managed care continues to breed competition and controversy. This session describes emerging managed care products, and the political landscape surrounding these product and policy initiatives. The session closes with a discussion of Texas and federal efforts to control health care costs through the use of private plans with the implementation of new managed Texas Medicaid and CHIP plans and the new federal Medicare Advantage program.

Elizabeth N. Rogers, Vinson & Elkins, L.L.P. - Austin, TX

3:00 pm 0.75 hr	<p>Don't Fence Me In: A Survey of Health Care Entity Choices</p> <p>This presentation will cover some of the novel forms of legal entities that are being used for health care organizations and how they are affected by the new Texas Business Organization Statutes and health care regulations.</p> <p>George W. Coleman, Jenkins & Gilchrist - Dallas, TX Sheryl T. Dacso, Brown McCarroll - Houston, TX</p>
3:45 pm 0.75 hr	<p>Update on TSBME</p> <p>As part of tort reform, the legislature granted TSBME increased funding and greater enforcement powers in regulating physician practices. In this presentation, Michele Shackelford will discuss S.B.104 along with other recent agency developments.</p> <p>Michele L. Shackelford, Texas Medical Board - Austin, TX</p>
3:45 pm 0.75 hr	<p>Legal Issues During Public Health Emergencies: Will You Be Ready When Your Client Calls?</p> <p>This program will focus on the legal issues associated with public health emergencies and the challenges faced by attorneys on behalf of their clients when individual civil rights and business viability come into conflict with the communities' interests in health care damage control and containment. With the growing threat of bioterrorism (anthrax) and mass epidemics (SARS), the panelists will address the means by which public health authorities impose limits on mobility and operation of health care entities in the interest of the public's health.</p> <p>David A. Kahne, Law Offices Of David A Kahne - Houston, TX Monty M. Waters, Texas Dept Of State Health Services - Austin, TX</p>
4:40 pm 0.75 hr	<p>Avoiding Painful Labor Disputes</p> <p>There is a general rule that before undergoing any serious procedure, you should understand and evaluate the available options and the associated risks. Dealing with your employees is no exception to this rule. Learn the epidural equivalent for avoiding unnecessarily painful labor disputes.</p> <p>Connie Cornell, Cornell Smith & Mierl, LLP - Austin, TX</p>

Friday Morning, Apr. 8, 2005

Presiding Officer:

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

8:15 am 0.50 hr	<p>Legislative Issues Update</p> <p>Tim Schauer, legislative advocate for Memorial Hermann Healthcare System in Houston, will give his insights into the progress, politics and probable outcomes of the Texas Legislature 2005. From the budget to health care to tax policy to school finance, the connections are making for an interesting interplay of state priorities and power struggles.</p> <p>Timothy Schauer, Memorial Hermann Healthcare System - Houston, TX</p>
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8:45 am 1.50 hrs	<p>National Enforcement Initiatives and Update on Alvarado Hospital Medical Center Prosecution</p> <p>A leading Federal prosecutor highlights the direction and focus of national enforcement efforts. And a discussion of key issues litigated in Alvarado Hospital, by attorneys involved in this closely-followed case.</p> <p>Gary W. Eiland, Vinson & Elkins LLP - Houston, TX James G. Sheehan, Assistant U.S. Attorney's Office - Philadelphia, PA</p>
9:30 am 0.75 hr	<p>Lessons Learned from the Alvarado Hospital Medical Center</p> <p>A discussion of key issues litigated in Alvarado Hospital, by attorneys involved in this closely-followed case.</p>
10:30 am 0.82 hr	<p>Physician Owned Facilities</p> <p>The presentation will include a discussion of partnership structures, conflict between partnership duties and medical staff issues, waiver of co-pays, medical staff/economic credentialing and anti-kickback and Stark concerns.</p> <p>Fletcher H. Brown, Davis & Wilkerson, P.C. - Austin, TX Bruce F. Howell, Hughes & Luce - Dallas, TX</p>
11:20 am 1.17 hrs	<p>Retail Medicine: New Challenges for the Health Care Attorney</p> <p>The session will discuss the rise of retail medicine and the new, complex legal issues that are necessary to represent clients in this changed environment. A substantial portion of medical care is not being transformed to a retail market. This requires the health care lawyer to become familiar with a new set of skills, including structural restrictions on health care delivery, marketing restrictions, advertising restrictions, differing licensing requirements, differing state regulations and the interrelationship between all of the above.</p> <p>David W. Hilgers, Brown McCarroll LLP - Austin, TX Joyce Wein Iliya, Dallas, TX</p>