

23rd Annual Health Law Conference
April 13*, 14-15, 2011 • Four Seasons Hotel • Houston, TX

Wednesday Evening, Apr. 13, 2011

6:00 pm	Registration Opens
	*Optional Concurrent Sessions Please select on registration form (additional fee applies). Each session includes a 15-minute break.
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Health Law Primer	
7:00 pm 2.00 hrs	Health Law Primer An introduction to basic health law, with emphasis on fraud and abuse, managed health care and Medicare reimbursement issues. Kenneth J. Kramer, Texas Health Resources - Arlington, TX Edgar C. Morrison Jr., Jackson Walker, LLP - San Antonio, TX
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In-House Counsel Issues	
7:00 pm 2.00 hrs 0.50 hr ethics	In-House Counsel Issues This session is limited to in-house counsel and is intended to include active discussion and sharing among the panelists and participants. Topics covered include the status of Federal health care reform, including value-based purchasing and the Medicare shared savings program, and other issues of current concern to health care provider organizations, including medical staff credentialing issues, contracting and compliance issues, and risk management and medical liability issues. Moderator: Michael J. Regier, VHA Inc. - Irving, TX Panelists: Cynthia K. Duggins, St. David's Medical Center - Austin, TX Panelists: Lance Lightfoot, Texas Children's Hospital - Houston, TX
9:15 pm	Adjourn

Thursday Morning, Apr. 14, 2011

Presiding Officer:

Yvonne K. Puig, Fulbright & Jaworski L.L.P. - Austin, TX

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 1.00 hr	Health Care Year-in-Review An overview of important health care developments in the past year, including regulatory changes, politics and policy initiatives. Jack S. Schroder Jr., Alston + Bird LLP (Retired) - Big Canoe, GA
9:30 am 0.75 hr	Healthcare Reform: Shifting Political Winds and the Impact One Year Later A discussion of the current state of the Affordable Care Act and the political fallout and response; and an evaluation of the provisions and the relevant regulations and their likely impact upon providers. Susan Feigin Harris, Baker & Hostetler LLP - Houston, TX William (Billy) R. Vigdor, Vinson & Elkins LLP - Washington, DC
10:15 am	Break
10:30 am 1.00 hr	Accountable Care Organizations and Alternatives This session reviews the emerging regulation of accountable care organizations (ACOs) as Medicare shared savings program contractors, salient legal issues relative to their operation, and the issues arising when they act in commercial insurance markets. Mark E. Lutes, Epstein Becker Green - Washington, DC
11:30 am 0.75 hr	What's Happening in the Industry? A General Overview of Hospital and Physician Relationships A general overview of hospital and physician relationships. Joseph A. Sowell III, HCA Holdings, Inc. - Nashville, TN

Thursday Afternoon, Apr. 14, 2011

Presiding Officer:

Yvonne K. Puig, Fulbright & Jaworski L.L.P. - Austin, TX

12:15 pm	Break (Join Optional Table Topics) Discussion groups with conference faculty and registrants. See registration form to select a Table Topic and purchase a ticket for lunch.
Lunch Topic A: Accountable Care Organizations	
12:30 pm 0.00 hr ethics	Lunch Topic A: Accountable Care Organizations

Lunch Topic B: Current Physician Practice Concerns

12:30 pm
0.00 hr ethics

Lunch Topic B: Current Physician Practice Concerns

Lunch Topic C: Stark/Anti-Kickback Issues

12:30 pm
0.00 hr ethics

Lunch Topic C: Stark/Anti-Kickback Issues

Lunch Topic D: Exclusive Contracts

12:30 pm
0.00 hr ethics

Lunch Topic D: Exclusive Contracts

1:15 pm

Break

Track 1:**Presiding Officer:**

Mary M. Bearden, Brown & Fortunato, P.C. - Amarillo, TX

1:30 pm
0.75 hr

Health Care Operations: A Toolkit for Current Dilemmas

A panel of in-house and private practitioners provides practical advice on options for dealing with aging physicians, economic credentialing, evaluating quality of care, physician practice consolidation, provider-based status and compliance education. Also provided is a toolkit of draft forms, documents and contractual provisions that can be adapted for everyday use in the world of health care operations.

Moderator:

Mary M. Bearden, Brown & Fortunato, P.C. - Amarillo, TX

Panelists:

Teresa Burroff, Seton Family of Hospitals - Austin, TX

Panelists:

Rosemaria Levinsky, Hendrick Medical Center - Abilene, TX

Panelists:

Kathy L. Poppitt, Cox Smith Mathews Incorporated - Austin, TX

2:15 pm
0.50 hr

Lawsuits involving Managed Care Contracts

This panel discusses recent trends in provider payments by managed care companies including the strategies for securing adequate payment and the legal defenses raised in such litigation.

Bryan O. Blevins Jr., Provost Umphrey Law Firm L.L.P. - Beaumont, TX

Gregory P. Milligan, Alianza Solutions, L.P. - Wimberley, TX

Track 2:**Presiding Officer:**

Gregory Nolan Etzel, King & Spalding LLP - Houston, TX

1:30 pm 0.75 hr	<p>Compensation Models for Physicians</p> <p>Structuring an appropriate physician compensation model is essential to a hospital's or health system's successful integration effort. Along with the related legal issues, this presentation covers the spectrum of physician compensation models available and the advantages and disadvantages of each.</p> <p>Bernard A. Duco Jr., Memorial Hermann Healthcare System - Houston, TX W. Kevin Moentmann, CBIZ Valuation Group, LLC - Saint Louis, MO</p>
2:15 pm 0.50 hr	<p>Audits</p> <p>This presentation addresses the increasing efforts of CMS and its various audit contractors to pursue Medicare over-payments and strategies for responding to such efforts. The presentation also includes an overview of the appeals process and tactics designed to increase the likelihood of reversing unfavorable overpayment determinations.</p> <p>Tobin Richard Boenig, UTMB - Galveston, TX Gregory Nolan Etzel, King & Spalding LLP - Houston, TX</p>
2:45 pm	<p>Break / Return to General Sessions</p>
	<p>HOSPITAL/PHYSICIAN INTEGRATION</p>
3:00 pm 1.00 hr	<p>Practice Acquisitions and Employment of Physicians by Hospitals</p> <p>A focus on the practical challenges of structuring the acquisition of physician practices and the post-acquisition employment of physicians. The session considers the role of fair market valuations in such transactions, a topic of particular importance.</p> <p>David W. Hilgers, Brown McCarroll, L.L.P. - Austin, TX Matthew D. Jenkins, Hunton & Williams LLP - Richmond, VA</p>
4:00 pm 0.75 hr	<p>Valuation and Setting Fair Market Value</p> <p>Few transactions occur today in health care without a discussion of "fair market value." This presentation describes the legal and practical considerations in a fair market value analysis and the role of the consultant and the lawyer. Learn when a fair market value analysis is required and what questions to ask. Also, hear about the most recent cases in this area and what they mean to providers.</p> <p>Jen Johnson, VMG Health - Dallas, TX Kevin A. Reed, Davis & Wilkerson - Austin, TX</p>
4:45 pm 0.75 hr ethics	<p>Apologies, Ethics and Disclosures in a Health Care Setting</p> <p>A discussion of the role of apology in the disclosure of sentinel events and other serious unanticipated outcomes in a health care setting, including the often conflicting perspectives of physicians/health care providers, patients, attorneys, risk managers and administrators.</p> <p>Lee McCreary Taft, Taft Solutions: Connecting With Integrity - Dallas, TX Karen Annette Wardell, Cook Children's Health Care System - Fort Worth, TX</p>

5:30 pm	Adjourn to Sponsored Reception Thank you to our sponsors: Baker & Hostetler LLP Brown & Fortunato, P.C. Brown McCarroll, L.L.P. Cox Smith Matthews Incorporated Fulbright & Jaworski L.L.P. Jackson Walker L.L.P. King & Spalding LLP Seyfarth Shaw, LLP Vinson & Elkins LLP
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Friday Morning, Apr. 15, 2011

Presiding Officer:

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

8:00 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.75 hr	Texas Liability Review A discussion of key legal developments and significant cases affecting health care operations. The session also covers credentialing and issues impacting hospitals and health care providers. Written materials include a comprehensive review of recent decisions affecting the liabilities and duties of health care providers. Yvonne K. Puig, Fulbright & Jaworski L.L.P. - Austin, TX
9:15 am 0.75 hr ethics	Professional Practice: Effective Interaction with Courts, Clients, Counsel and Colleagues Being a lawyer requires multi-faceted dealings with different constituencies, each with its own needs. This session describes how best to ethically and professionally interact with each. Michael P. Maslanka, Constangy, Brooks & Smith, LLP - Dallas, TX
10:00 am 0.50 hr	Texas Legislative Update: Reform Reaction and Budget Realities A discussion about the progress of key health care legislation, that highlights budget decisions impacting the health care industry, and also provides an update on state implementation of federal reform requirements. Jessica Ann Olson, Texas Health & Human Services Commission - Austin, TX Elizabeth N. Rogers, Vinson & Elkins LLP - Austin, TX
10:30 am	Break

10:45 am 1.00 hr 0.25 hr ethics	<p>Stark Law Self-Disclosure Protocol and Recent Developments</p> <p>This session reviews the CMS Stark Law Self-Disclosure Protocol, discusses experiences with Stark Law self-disclosures from the trenches, and provides an update on other recent Stark Law developments.</p> <p>Moderator: Gary W. Eiland, King & Spalding LLP - Houston, TX</p> <p>Panelists: Donna Schmerin Clark, Baker & Hostetler LLP - Houston, TX</p> <p>Panelists: Debbi M. Johnstone, Fulbright & Jaworski L.L.P. - Houston, TX</p>
11:45 am 1.25 hrs 0.25 hr ethics	<p>Government Enforcement Panel</p> <p>A panel of Texas-based enforcement agency representatives addresses recent trends in Medicare and Medicaid enforcement in Texas. Issues addressed include the continuing proliferation of FCA and Texas Medicaid Fraud Prevention Act qui tam actions; discussion of the types of cases filed or otherwise targeted, procedures utilized to investigate such cases; their offices' participation in national enforcement initiatives; the local U.S. Attorney's office and Texas Civil Medicaid Fraud Division's roles in self-disclosure matters; and the impact of the new investigative authorities contained in the recent FERA and PPACA legislation or pending in the current Texas legislative session.</p> <p>Moderator: Gary W. Eiland, King & Spalding LLP - Houston, TX</p> <p>Panelists: Andrew A. Bobb, U.S. Attorney's Office, Southern District of Texas - Houston, TX</p> <p>Panelists: Sean R. McKenna, U.S. Attorney's Office, Northern District of Texas - Dallas, TX</p> <p>Panelists: Susan J. Miller, Office of The Attorney General - Austin, TX</p>
1:00 pm	<p>Adjourn</p>