

24<sup>TH</sup> ANNUAL  
**HEALTH LAW CONFERENCE**



April 11\*, 12–13, 2012

\*Optional Wednesday Evening Sessions

Four Seasons Hotel ▪ Houston, Texas

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Earn up to 13.25 Hours of Credit including 2.75 Hours of Ethics Credit  
Specialization Credit Approved for Health Law

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## WEDNESDAY EVENING, APRIL 11, 2012

### \*Optional Concurrent Sessions

Please select on registration form (additional fee applies). Each session includes a 15-minute break.

**5:30 p.m. Registration Opens**

## HEALTH LAW PRIMER

**6:30 p.m. 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, including the impact of the 2010 health reform legislation.

Kenneth J. Kramer, Texas Health Resources,  
Arlington, TX  
Edgar C. Morrison Jr., Jackson Walker L.L.P.,  
San Antonio, TX

## IN-HOUSE COUNSEL ISSUES

**6:30 p.m. 2.00 hrs including .50 hr ethics**

### In-House Counsel Issues

This session is limited to in-house counsel and is intended to involve active discussion and sharing among the panelists and participants. Topics covered include an update on the continued implementation of the Affordable Care Act—including hospital value-based purchasing, the Medicare Shared Savings Program, bundled payment pilots, and creation of state and/or federal health insurance exchanges—as well as other issues of current concern to health care provider organizations, such as medical staff credentialing issues, contracting and compliance concerns, risk management and medical liability issues, and health information privacy and security requirements.

**Moderator:**  
Michael J. Regier, VHA Inc., Irving, TX

**Panelists:**  
Lisa Frenkel, HCA Inc., Houston, TX  
Rosemaria Levinsky, Hendrick Medical Center,  
Abilene, TX

**8:45 p.m. Adjourn**

## THURSDAY MORNING, APRIL 12, 2012

### Presiding Officer:

Elizabeth N. Rogers, Vinson & Elkins LLP,  
Austin, TX

**7:30 a.m. Registration Opens**

Includes continental breakfast.

**8:20 a.m. Welcoming Remarks**

**8:30 a.m. 1.25 hrs**

### Health Care Year-in-Review

An overview of important health care developments in the past year, including leading cases, regulatory changes and policy initiatives.

Jack S. Schroder Jr., Alston + Bird LLP (Retired),  
Big Canoe, GA

**9:45 a.m. .83 hr**

### New Payment Arrangements, CMS Initiatives, What's Happening in the Marketplace and What Do You Need to Know?

This session explores the various payment initiatives and delivery reform initiatives established under PPACA and created by the Centers for Medicare and Medicaid Innovations (CMMI). The presenters identify the status of various structural and payment initiatives at a state and federal level, as well as provide an overview of market initiatives that are being implemented to address the quality and cost challenges. Join us for an interactive panel discussion relating to the responses by employers, commercial payors and the provider community.

Susan Feigin Harris, Baker & Hostetler LLP,  
Houston, TX  
David W. Toomey, ACAP Health, Dallas, TX

**10:35 a.m. Break**

**10:50 a.m. .75 hr**

### Current Developments and Key Transactional Issues Involving Fair Market Value

"Is it fair market value?" Few transactions occur in health care today without this question being asked. This presentation describes the legal and practical considerations in a fair market value analysis and the role of the fair market value analyst and the lawyer. Learn when a fair market value analysis is required and the lawyer's role in the analysis. Also, hear about the most recent case law in this area and what the findings in those cases mean to the providers.

Kevin A. Reed, Davis & Wilkerson, P.C., Austin, TX  
Jen Johnson, VMG Health, Dallas, TX

**11:35 a.m. .83 hr**

### Rethinking Physician Affiliations: Employing Physicians in a Corporate Practice State

An overview of physician contracting at an integrated health system from the perspective that efficient and consistent physician employment contracting processes and tools are essential for legally compliant and manageable physician contracting.

Lisa A. Genecov, Locke Lord LLP, Dallas, TX  
Timothy A. Hartin, Shannon Medical Center,  
San Angelo, TX

**12:25 p.m. Break**

## THURSDAY AFTERNOON

### Presiding Officer:

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

### Optional Luncheon Table Topics

Discussion groups with conference faculty and registrants. See registration form to select a Table Topic and purchase a ticket for lunch.

**12:40 p.m. Luncheon and Table Topics**

#### TOPIC A:

HIPAA: Social Media, Breaches and Other  
Tribulations

#### TOPIC B:

ACOs: Where Do We Go?

#### TOPIC C:

Stark and Anti-Kickback Issues

#### TOPIC D:

Employing Physicians: The Solution or the Problem?

**1:25 p.m. Break**

**1:40 p.m. .75 hr**

### New Organizational Models and Choice of Entity for Health Care Related Organizations

The recently published final rules on the Medicare Shared Savings Program (MSSP), together with market pressures from commercial payors, are forcing health care systems to consider establishing new entities to coordinate the delivery of "accountable care." This session focuses on the organizational requirements for entities choosing to participate in the MSSP and consider models for reordering the care delivery platform. The presenters discuss a practical approach to choosing the right entity and thinking through the pros and cons of various organizational options.

W. Darrell Armer, Looper Reed & McGraw, P.C.,  
Dallas, TX  
Matthew D. Jenkins, Hunton & Williams LLP,  
Richmond, VA

2:25 p.m. .83 hr

### Hospital and Physician Co-Management Agreements

Co-management arrangements are designed to recognize and appropriately reward participating medical groups and physicians for their efforts in developing, managing and improving quality and efficiency of a particular hospital service line. This session provides an overview of the legal issues involved in co-management arrangements and practical advice from a hospital CEO who deals with a co-management arrangement on a daily basis.

Sally I. Nelson, CEO, Huntsville Memorial Hospital,  
Huntsville, TX  
Sidney S. Welch, Arnall Golden Gregory LLP,  
Atlanta, GA

3:15 p.m. Break

3:30 p.m. .83 hr

### Dealing Effectively with End of Employment and Business Arrangements

Careful planning and contract drafting can minimize disruption and costs when medical groups and physicians terminate their relationships. This session walks through issues that can arise under employment and shareholder agreements, and other corporate documents, when ending these relationships. Topics involve key provisions to include in agreements, strategies for termination, common mistakes, and the role of the separation agreement.

Hal S. Katz, Brown McCarroll, L.L.P., Austin, TX  
Jennifer L. Rangel, Locke Lord LLP, Austin, TX

4:20 p.m. 1.00 hr ethics

### 10-Plus Rules of Ethical Decision-Making

Michael P. Maslanka, Constangy, Brooks & Smith, LLP,  
Dallas, TX

5:20 p.m. Adjourn to Sponsored Reception

FRIDAY MORNING, APRIL 13, 2012

### Presiding Officer:

Sheryl T. Dacso, Seyfarth Shaw LLP,  
Houston, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.00 hr

### Operational Impact of Significant Cases

A discussion of key legal developments and significant cases affecting health care operations. Topics include credentialing, and liability issues impacting hospitals and 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

9:30 a.m. .75 hr

### Health Care Lawyers' Guide to Data Privacy/Breaches: Best Practices, Risk Management and Responses

Health care privacy and data security issues have impacted health care organizations for some time; however, with HITECH in place, new data breaches involving medical information are reported every day. These breaches can affect health care's already strained budgets and cause significant reputational harm. The speakers explore the exposures and risks that leave the health care industry vulnerable and the tools to help mitigate those risks. The speakers also discuss the interplay of other federal and state laws that affect health care providers and investigations by the Office of Civil Rights, state attorneys general, the Federal Trade Commission and other regulatory agencies.

Bart W. Huffman, Locke Lord LLP, Austin, TX  
Lynn Sessions, Baker & Hostetler LLP, Houston, TX

10:15 a.m. .75 hr ethics

### Ethics of Negotiation: Are There Any?

What are the boundaries, borders and gray areas for lawyers involved in negotiations? A fast-paced presentation with points to ponder, hypotheticals to consider and something to smile about.

Michael J. Golden, Boulette & Golden L.L.P.,  
Austin, TX

11:00 a.m. Break

11:15 a.m. .75 hr

### The Stories Behind the Headlines on Hospital Enforcement and Compliance

Newspapers around the state have recently carried headlines about "unprecedented" enforcement actions taken against some of the state's largest hospitals. The panelists provide firsthand information regarding the true state of hospital enforcement and compliance in Texas. This session includes discussion from both the provider and regulator perspectives on the current hot regulatory focus areas, tips on communication before, during and after a compliance investigation, CMS Systems Improvement Agreements, and trends, data and feedback on findings of Immediate Jeopardy over the past two years.

**Moderator:**  
Kathy L. Poppitt, Cox Smith, Austin, TX

**Panelists:**  
Paul S. Leslie, Parkland Health & Hospital System,  
Dallas, TX  
David Wright, Centers for Medicare and Medicaid  
Services, Dallas, TX

12:00 p.m. 1.00 hr including .50 hr ethics

### Self-Disclosure and Enforcement Update

A discussion of self-disclosure options and alternatives including the latest legal and regulatory developments relating to voluntary self-disclosures; emerging issues from the OIG and CMS self-disclosure protocols; answering the tough questions regarding privilege and related issues; and recommended approaches for achieving favorable outcomes. The enforcement update piece of this presentation covers enhanced compliance and enforcement authority from FERA and health care reform legislation, and recent government investigations, enforcement actions, and False Claims Act settlements of interest to practitioners of health care law.

Gary W. Eiland, King & Spalding LLP, Houston, TX

1:00 p.m. Adjourn

### ABOUT THE COVER



Whimsey, 36" x 36", oil on canvas, is by  
Sydney Yeager. Courtesy of dberman gallery,  
[www.dbermangallery.com](http://www.dbermangallery.com).

Excellent program.

Speakers were knowledgeable,  
interesting and from various backgrounds,  
experience and working environments.

All of the information was extremely  
relevant and helpful.

Great topics and speakers.

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**Register online:**  
www.utcle.org

**Or mail your registration to:**

The University of Texas  
School of Law  
Attn. CLE—HL12  
P.O. Box 7759  
Austin, TX 78713-7759

**Or fax to:**  
512-475-6876

**Questions? Call us at 512-475-6700**

## MATERIALS, AUDIO AND IN-HOUSE CLE

### Printed Materials in Course Binder

Leading practitioners and academics provide the definitive set of materials.

### eBinder on CD

Add an eBinder on CD to your course registration or publications and media purchase for only \$50. This electronic file includes searchable, indexed PDF versions of all printed materials. Allow 3-5 weeks from the conference date for fulfillment.

### Audio MP3 Speeches on CD or Audio CD Set

Listen to the Health Law Conference on the go. Informative, topical and entertaining presentations recorded from UT Law's other live CLE programs are also available.

### In-House CLE

CLE for two or more participants—as many as you want. Receive full MCLE credit. We'll accredit the course for you\* and provide one Audio CD Set plus a Course Binder for each participant.

\*Texas MCLE credit only.

## REGISTRATION FOR HL12

Mail this registration form to:

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### GREEN REGISTRATION—Includes Electronic Materials on USB Key (only)

- ☐ Early Registration Fee due by Wednesday, April 4, 2012 .....\$575  
☐ Registration Fee after Wednesday, April 4, 2012.....\$625

### STANDARD REGISTRATION—Includes Printed Course Binder (only)

- ☐ Early Registration Fee due by Wednesday, April 4, 2012 .....\$620  
☐ Registration Fee after Wednesday, April 4, 2012.....\$670

### OPTIONAL WEDNESDAY EVENING SESSIONS—Select One .....\$80

- ☐ A: Health Law Primer  
☐ B: In-House Counsel Issues

### OPTIONAL THURSDAY TABLE TOPICS LUNCHEON—Select One .....\$15

- ☐ A: HIPAA: Social Media, Breaches and Other Tribulations  
☐ B: ACOs: Where Do We Go?  
☐ C: Stark and Anti-Kickback Issues  
☐ D: Employing Physicians: The Solution or the Problem?

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 3–5 weeks from the conference date for delivery.*

- ☐ Course Binder WITHOUT Conference Registration.....\$250  
Note: Conference Registration includes Course Binder.  
☐ Audio MP3 Speeches on CD.....\$130  
☐ Audio CD Set.....\$210  
☐ eBinder on CD (PDF format).....\$250/\$50  
(\$250 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

### IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

*Allow 3–5 weeks from the conference date for delivery. Approved for Texas MCLE credit.*

- ☐ In-House CLE for 2—Includes Audio CD Set and Course Binders .....\$850  
\_\_\_\_\_ Add participants (includes Course Binder) for \$250 each .....\$ \_\_\_\_\_

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

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## 24<sup>TH</sup> ANNUAL HEALTH LAW CONFERENCE

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for more information

### HOUSTON

April 11\*, 12–13, 2012

#### CONFERENCE LOCATION



##### Four Seasons Hotel

1300 Lamar Street  
Houston, TX 77010  
713-650-1300

##### Special Room Rate: \$225

good through March 21, 2012  
(subject to availability)

##### Parking:

Valet \$15 per day, \$30 overnight;  
Self-parking is available at nearby garages

#### KEY DATES

**April 4, 2012, 5 p.m.**

*last day for early registration*

Add \$50 for registrations received after this time

**April 6, 2012, 5 p.m.**

*last day for full refund*

**April 9, 2012, 5 p.m.**

*last day for partial refunds*

\$50 processing fee applied

**April 11, 2012, 6:30 p.m.**

*\*Optional Wednesday evening sessions begin*

**April 12, 2012, 8:30 a.m.**

*Conference begins*

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.25 hours, of which 2.75 credit hour will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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