

28TH ANNUAL
HEALTH LAW CONFERENCE



April 20*, 21–22, 2016

*Pre-Conference Concurrent Sessions: Fundamentals and In-House Counsel Issues

Royal Sonesta Hotel ■ Houston, Texas

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WEDNESDAY EVENING, APR. 20, 2016

***Pre-Conference Concurrent Sessions**

Please select on registration form. Each session includes a 15-minute break.

6:00 p.m. Registration Opens

HEALTH LAW FUNDAMENTALS

7:00 p.m. 2.00 hr

Health Law Fundamentals

An introduction to basic health law with an emphasis on fraud and abuse, managed healthcare and Medicare coverage and reimbursement issues.

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

9:15 p.m. Adjourn

IN-HOUSE COUNSEL ISSUES

7:00 p.m. 2.00 hrs

In-House Counsel Issues

Limited to in-house counsel only to involve active discussion and sharing among the panelists and participants. Topics include implementation of the Affordable Care Act, health information privacy and security post-Omnibus Rule, physician contracting and compliance concerns, risk management and litigation, and the nature of relationships with outside counsel, including billing.

Moderator:

Robert F. Corrigan Jr., Baylor College of Medicine, Houston, TX

Panelists:

Deborah Gordon, Memorial Hermann Health System, Houston, TX
D. David Hearne Jr., CHI St. Luke's Health, Houston, TX
Alexandria Hien McCombs, Concentra Health Services, Inc., Addison, TX
Andy G. Navarro, CHRISTUS Health, Irving, TX

9:15 p.m. Adjourn

THURSDAY MORNING, APR. 21, 2016

Presiding Officer:

Yvonne K. Puig, Norton Rose Fulbright, Austin, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. 1.25 hrs

Healthcare Year-in-Review

Hear an entertaining and informative overview of important healthcare developments in the past year, including court decisions, regulatory changes, politics and policy initiatives.

Jack S. Schroder Jr., Retired, Alston & Bird LLP, Big Canoe, GA

9:45 a.m. .75 hr

Managed Care: Trends in Medicaid and Commercial Partnerships and Reimbursement

On a daily basis, healthcare providers and plans work on ways to improve the cost, quality and accountability of healthcare in Texas. Consider the recent developments and trends in value-based purchasing and reimbursement, collaborative partnerships between payers and providers, and recent regulatory developments and pressure points on plans and providers.

Janet Walker Farrer, Ascension Health, Austin, TX
Leah Stewart, Beatty Bangle Strama, P.C., Austin, TX

10:30 a.m. Break

10:45 a.m. 1.00 hr

All in the Family: Trends in Hospital, Physician and Payer Consolidation and Alignment Activities

Explore the current landscape of consolidation among hospitals with other hospitals and hospital systems, physicians and physician groups and payer organizations, and the market and regulatory forces impacting such arrangements.

Lisa Atlas Genecov, Norton Rose Fulbright, Dallas, TX
Deborah Gordon, Memorial Hermann Health System, Houston, TX
Joseph Sowell, HCA Holdings, Inc., Nashville, TN

11:45 a.m. .75 hr

Practical Advice on Physician Compensation: Achieving Compliance and Fair Market Value

Physician compensation issues such as pay for performance, shared savings and commercial reasonableness all continue to be at the forefront of the changing healthcare landscape. Explore these current issues and gain practical tips on internal compliance and assuring fair market value.

Jan Johnson, VMG Health, Dallas, TX
Kevin A. Reed, Reed, Claymon, Meeker & Hargett, PLLC, Austin, TX
Gary Kay Ruff, Tenet Healthcare Corporation, Dallas, TX

12:30 p.m. Break

THURSDAY AFTERNOON

Presiding Officer:

David W. Hilgers, Husch Blackwell LLP, Austin, TX

Optional Table Topics Luncheon

Join a discussion group with conference faculty and fellow registrants. See registration form to select a Table Topic and purchase your ticket for lunch.

12:50 p.m.

TOPICS

- A:** Stark and Anti-Kickback Issues
- B:** HIPAA Challenges
- C:** Telemedicine
- D:** Physician/Hospital Relationships

1:35 p.m. Break

**M
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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 13.50 hours, of which 2.00 credit hours 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).

1:50 p.m. 1.00 hr | .50 hr ethics

Cybersecurity

It seems barely a day goes by without a “cyber breach” headline in the news. Such an event should be of particular concern for health care organizations, with highly complex requirements and sensitive information. Examine the legal, regulatory, and corporate governance issues every health care organization should consider, and how best to prepare for, and remediate, a cybersecurity breach.

Roger C. Geer, U.S. Department of Health and Human Services, Dallas, TX (Invited)
John P. Tomaszewski, Seyfarth Shaw LLP, Houston, TX

2:50 p.m. .75 hr

Healthcare Delivery and Innovation Waivers in Texas

In the wake of healthcare delivery and payment reform, quality and efficiency are prioritized by government and commercial payers. Texas has led the way with delivery reform through the 1115 Medicaid Delivery and Transformation Demonstration Waiver. Hear an overview of the pending continuation of 1115 Waiver application, future possibilities for providers with a state 1332 Innovation Waiver, the status of new provider delivery models and an update on ACA enrollment in Texas.

Michelle Apodaca, Haynes and Boone, LLP, Austin, TX
Gary Jessee, Texas Health and Human Services Commission, Austin, TX

3:35 p.m. Break

3:45 p.m. .75 hr

CMS Update: What is an SIA and How to Keep Your Hospital from Needing One

Medicare-participating hospitals must comply with the program’s Conditions of Participation. The CMS Dallas Regional Office enforces these Conditions within Texas and surrounding states through on-site surveys and regulatory actions, which can result in terminating a hospital from the Medicare and Medicaid programs. Hear a discussion of the current regulatory environment, government expectations and systemic approach to compliance, including CMS’ recent increased use of Systems Improvement Agreements (SIAs) for hospitals struggling with compliance, and tips for hospitals to avoid needing an SIA.

Hilary H. Young, Joy & Young LLP, Austin, TX
Dodjie Guioa, Centers for Medicare and Medicaid Services, Dallas, TX

4:30 p.m. 1.00 hr | .50 hr ethics

False Claims Act Enforcement and Investigations

In 2015, the government reported a significant number of new False Claims Act (FCA) actions and approximately \$3.5 billion in FCA judgments and settlements. It was also a record-breaking year for whistleblower recoveries in non-intervened FCA cases. These high stakes, coupled with the erosion of traditional FCA defenses, the DOJ’s aggressive policies on FCA investigations, more streamlined government intervention decisions, and courts’ acceptance of novel theories of FCA liability, continue to change the landscape for FCA enforcement. Take a closer look at this new age of FCA enforcement and investigations and what that means for the healthcare industry.

B. Scott McBride, Baker & Hostetler LLP, Houston, TX
Adam Robison, King & Spalding, Houston, TX

5:30 p.m. Adjourn

NETWORKING RECEPTION
THANK YOU TO OUR SPONSORS
5:30 p.m. – 6:30 p.m.
Join us for drinks and hors d’oeuvres with program faculty and attendees.

FRIDAY MORNING, APR. 22, 2016

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

7:30 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. 1.00 hr

Operational Impact of Significant Cases

An in-depth look at key legal developments and significant cases affecting healthcare operations, including credentialing and liability issues that impact hospitals and providers. A comprehensive review of recent decisions affecting the liabilities and duties of healthcare providers is also provided in the written materials.

Yvonne K. Puig, Norton Rose Fulbright, Austin, TX

9:30 a.m. 1.00 hr

Regulatory and Operational Hot Button Issues

Examine recent key developments in the regulatory and operational area for hospitals and other healthcare providers. Hear practical suggestions for dealing with these changes, including NPDB reporting, CMS Conditions of Participation, credentialing and sharing peer review information within healthcare systems, and telemedicine agreements.

Joanne P. Hopkins, Law Office of Joanne P. Hopkins, Austin, TX
Susan F. Monaco, Tenet Healthcare Corporation, Dallas, TX
Allison D. Shelton, Brown & Fortunato, P.C., Amarillo, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Stark Update

A focus on recent regulatory and administrative developments relating to the Stark Law, as well as enforcement actions.

Donna Schmerlin Clark, Baker & Hostetler LLP, Houston, TX

11:15 a.m. .75 hr

Key Labor and Employment Issues in the Healthcare Sector

A discussion of evolving employment law issues facing healthcare employers, including new guidance and initiatives by the Department of Labor, social media use and related privacy concerns and National Labor Relations Board enforcement initiatives, the interaction of ADA accommodations and FMLA-driven leave programs, contractor classification complications, and Texas new open carry statute.

Jason Boulette, Boulette Golden & Marin L.L.P., Austin, TX
Kimberly S. King, CHRISTUS Health, Irving, TX

12:00 p.m. 1.00 hr ethics

Ethical Behavior, Legal Ethics, and Professionalism in Negotiations

The structuring of many deals involves the creation of multiple entities, which in turn raises potential conflicts of interest and litigation issues. Consider the ethical questions arising in multiple entity deals, particularly who is the client, and who owns the privileges.

Thomas H. Watkins, Husch Blackwell LLP, Austin, TX

Commentator:
Brenda T. Strama, Beatty Bangle Strama, P.C., Austin, TX

1:00 p.m. Adjourn

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School of Law
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Austin, TX 78713-7759

Fax:
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*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

REGISTRATION BENEFITS

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After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

eConference: Complimentary 180-day access to the eConference—with papers, slides, and audio—for CLE credit (TX, CA and OK) you may have missed at the live conference. Available in *Your Briefcase* 6–8 weeks after the conference.

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HL16

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REGISTRATION—Includes Course Materials and Thursday Evening Reception

Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

- Individual registration by Wednesday, April 13. \$595
 Individual registration after Wednesday, April 13. \$645

2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY
 Printed Course Binder ONLY (available through April 13)

3. Add Pre-Conference Session—Select One \$60

- Health Law Fundamentals
 In-House Counsel Issues (Limited to In-House Counsel Only)

4. Add Thursday Table Topics Luncheon—Select One \$30

- A: Stark and Anti-Kickback Issues
 B: HIPAA Challenges
 C: Telemedicine
 D: Physician/Hospital Relationships

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ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after conference date. Shipping included.

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 _____ Additional participant(s) for \$275 each \$ _____

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- eBinder Download (PDF). \$225
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HOUSTON

April 20*, 21–22, 2016

CONFERENCE LOCATION



Royal Sonesta Hotel

2222 West Loop South
 Houston, TX
 713.627.7600

Special Room Rate: \$199

good through March 29
 reference "UT Law Health Law"
 (subject to availability)

Parking:

Self-parking \$10 daily; \$16 overnight
 Valet \$16 daily; \$27 overnight
 (subject to change)

KEY DATES

April 13, 2016

last day for early registration
 add \$50 for registrations
 received after this time

April 15, 2016

last day for cancellation (full refund)

April 18, 2016

last day for cancellation (partial refund)
 \$50 processing fee applied

April 20, 2016, 7:00 p.m.

**Pre-Conference Concurrent Sessions begin*

April 21, 2016, 8:20 a.m.

Conference begins

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