UT LAW CLE Continuing Legal Education

30th Annual Health Law Conference
April 4*, 5-6, 2018 • Royal Sonesta Hotel Houston • Houston, TX

Wednesday Evening, Apr. 4, 2018

6:00 pm	**Registration Opens** Includes light refreshments.
	PRE-CONFERENCE CONCURRENT SESSIONS Please select on registration form. Each session includes a 15-minute break.

Health Law Fundamentals

7:00 pm 2.00 hrs	**Health Law Fundamentals** Hear an introduction to basic health law with an emphasis on fraud and abuse (including the Stark law and the federal anti-kickback statute), managed healthcare, HIPAA, and Medicare coverage and reimbursement issues. Kenneth J. Kramer, Texas Health Resources - Arlington, TX Edgar C. Morrison Jr., Jackson Walker LLP - San Antonio, TX Kristin M. Roshelli, King & Spalding, LLP - Houston, TX
9:15 pm	**Adjourn**

"Deeper Dives": Health Law and Compliance Essentials

Presiding Officer:
Yvonne K. Puig, Norton Rose Fulbright - Austin, TX

7:00 pm 1.00 hr	**Stark Law and Anti-Kickback: Update and Examples** Listen to an update of the regulatory, administrative, case law, and enforcement actions related to the Stark and anti-kickback laws. Review examples of arrangements attracting scrutiny by the enforcement agencies. Donna S. Clark, Morgan, Lewis & Bockius LLP - Houston, TX
8:00 pm	**Break**
8:15 pm 1.00 hr	**Lessons from Breach Street: What Recent Breach Incidents Tell Us About Current HIPAA Problems** OCR’s recent slew of HIPAA breach settlements show just how costly a data breach can be, and just how important good HIPAA hygiene can be. Hear a discussion on the lessons these settlements provide to healthcare providers and other HIPAA covered entities interested in effectively shaping their compliance efforts to address those issues most likely to result in a big fine.

	Jeffery P. Drummond, Jackson Walker LLP - Dallas, TX
9:15 pm	**Adjourn**

In-House Counsel Issues (Limited to In-House Counsel ONLY)

7:00 pm 2.00 hrs	**In-House Counsel Issues** ***Limited to in-house counsel only.*** Participate in active discussion and sharing among panelists and participants. Hear about issues of specific interest to in-house counsel, including outside counsel management and evaluation tools, on-boarding new outside counsel, and legal department management. Plus, engage in fun and interactive discussion of hot topics affecting in-house counsel, including updates on state and federal legislation, litigation and enforcement actions, and issues between payors and providers. Moderator: Lance Lightfoot, Texas Children's Hospital - Houston, TX Panelists: David Ellenbogen, Baylor Scott and White - Austin, TX Lisa L. Hill, Shannon Medical Center - San Angelo, TX W. Christopher Shea, Memorial Hermann Health System - Houston, TX Tracie Smith Bedeaux, Tenet Healthcare Corporation - Dallas, TX Stephen G. Wohleb, Texas Hospital Association - Austin, TX
9:15 pm	**Adjourn**

Want to attend more than one Pre-Conference Session on Wednesday Evening? No Problem!

Conference registration includes all of the course materials for the *Health Law Fundamentals* and "*Deeper Dives*": *Health Law and Compliance Essentials* presentations. In addition, the eConference—including papers, slides, audio and CLE credit for these presentations—will be available in "Your Briefcase" within 6-8 weeks after the conference.

PLEASE NOTE: Course materials and audio recordings for the *In-House Counsel Issues* panel are not included. Registration is limited to in-house counsel only who attend the live presentation.

Thursday Morning, Apr. 5, 2018

Presiding Officer:
Yvonne K. Puig, Norton Rose Fulbright - Austin, TX

7:30 am	**Registration Opens** Includes continental breakfast.
8:20 am	**Welcoming Remarks**
8:30 am 0.75 hr	**Emerging Trends in Healthcare** In year two of the Trump administration, healthcare leaders will be adjusting their strategies to focus on investments, collaborations, and efficiencies that build enterprise resilience on a baseline of continued uncertainty. Beyond health reform, additional risks and uncertainties are moving to center stage, as is the consumer, and the health industry is being forced to act. This presentation highlights the forces that are expected to have the most impact on the healthcare industry in the coming year.

	Benjamin Isgur, PricewaterhouseCoopers LLP - Dallas, TX
9:15 am 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, and policy initiatives. Jack S. Schroder Jr., Retired, Alston & Bird LLP - Big Canoe, GA
10:30 am	**Break**
10:45 am 0.75 hr	**2018 State and Federal Healthcare Legislative Landscape** Amid the uncertainty of cuts to Medicaid, the future of the Affordable Care Act and its impact on the insurance marketplace and the forthcoming arrival (or not) of healthcare reform, healthcare providers face the reality of having to develop strategies to quickly adjust to recent policy changes while also preparing for future challenges. Explore real-time analyses and an insider's vision into legislative issues at both the state and federal levels of government. Topics include an update on the implementation of the new 1115 waiver, Medicaid funding and potential program changes, and the implementation by the Texas Health and Human Services of value-based purchasing and other policy initiatives important to providers. Michelle Apodaca, Haynes and Boone, LLP - Austin, TX Freddy Warner, Memorial Hermann Health System - Houston, TX
11:30 am 0.75 hr	**Survival Strategies for Physician-Owned Entities** Changes in physician reimbursement imposed by MACRA and the uncertainty of the impact of health reform on physician compensation have compelled physicians to form their own entities, but also to use those entities to exert more influence on the care delivery model. Discuss the challenges faced by physician-owned entities from the legal and market perspectives, as well as address the opportunities for physician-led entities in the emerging era of well care and cost control. Kenya S. Woodruff, Haynes and Boone, LLP - Dallas, TX Dr. Nick Zenarosa, Integrative Emergency Services - Dallas, TX
12:15 pm	**Break**

Thursday Afternoon, Apr. 5, 2018

Presiding Officer:
Stuart F. Miller, Baker Donelson - Houston, TX

	Optional Table Topics Luncheon Join a discussion group with conference faculty and fellow registrants. Please select a Table Topic on the registration form to attend ($40 additional charge).

TOPIC A: HIPAA

12:35 pm	**TOPIC A: HIPAA**

TOPIC B: Stark and Anti-Kickback

12:35 pm	**TOPIC B: Stark and Anti-Kickback**

TOPIC C: Physician and Hospital Relationships

12:35 pm	**TOPIC C: Physician and Hospital Relationships**

TOPIC D: Payor Issues and Payor Hot Topics

12:35 pm	**TOPIC D: Payor Issues and Payor Hot Topics**
1:20 pm	**Break**
1:30 pm 0.75 hr	**Health Plans, Providers, and Payment Challenges** Consider common payment issues and challenges in the managed care space, including out-of-network reimbursement trends and problems, Medicare Advantage payment matters, and payment disputes that result from contract term disputes or recovery processes. Gain practical strategies for avoiding and, when necessary, resolving or mitigating these payment issues with both litigation and in-house perspectives and expertise. Moderator: Leah Stewart, The University of Texas at Austin Dell Medical School - Austin, TX Panelists: James W. Boswell III, King & Spalding - Atlanta, GA Don P. Walker, Texas Children's Hospital - Houston, TX
2:15 pm 0.75 hr	**Nuts and Bolts of Value-Based Purchasing and Bundled Services/Payments: Reconciling Interests of Participating Providers** Address the practical and legal issues associated with developing and implementing alternative pricing arrangements involving professional and institutional providers, with attention paid to the importance of data and the ability to apply it in developing the pricing and payment structure. With the implementation of MACRA and the need to measure quality and outcomes, examine how this fits into a value-based strategy. Moderator: Janet Walker, Ascension - Austin, TX Panelists: Sheryl T. Dacso, Seyfarth Shaw LLP - Houston, TX Robert F. McStay Jr., Memorial Hermann Health System - Houston, TX
3:00 pm	**Break**
3:15 pm 1.00 hr 0.50 hr ethics	**Healthcare Transactions: How to Get to Closing** Multiple issues can arise prior to closing. Understand the transactional, regulatory, and tax considerations for nonprofit entities involved in healthcare transactions. Moderator: Allison D. Shelton, Brown & Fortunato, P.C. - Amarillo, TX Panelists: Violet M. Anderson, CHRISTUS Health - Irving, TX Brian P. Teaff, Bracewell - Houston, TX
4:15 pm 0.75 hr	**Private Equity Transactions with Healthcare Providers** Learn about the unique issues that arise for providers and physician groups backed by or affiliated with private equity firms. Explore the motivations and pressures that drive these acquisitions and how they vary from those of nonprofit health systems and large publicly held systems.

	Moderator: Lisa Atlas Genecov, Norton Rose Fulbright - Dallas, TX Panelists: Colin M. McDermott, VMG Health - Dallas, TX Howard T. Wall III, RCCH Healthcare Partners - Brentwood, TN
5:00 pm 0.75 hr 0.25 hr ethics	**Telehealth and Innovations in Technology** Explore how digital tools and innovations in technology are changing the traditional ways of delivering healthcare services. Hear a discussion on the innovations and uses of digital and mobile apps, the benefits and risks of their use, cybersecurity and other operational issues including approaches for evaluation, selection, and testing of new technologies. Moderator: G. Mitchell Dean, Baylor Scott & White Health - Dallas, TX Panelists: Thomas Bowen Wright, Baylor Scott & White Health - Dallas, TX Julie Hall-Barrow, Children's Health System of Texas - Dallas, TX
	Networking Reception (5:45 p.m. - 6:45 p.m.) THANK YOU TO OUR SPONSORS Join us for drinks and hors d'oeuvres with program faculty and attendees.

Friday Morning, Apr. 6, 2018

Presiding Officer:
Kathy L. Poppitt, King & Spalding - Austin, TX

7:30 am	**Conference Room Opens** Includes continental breakfast.
8:30 am 1.00 hr	**Operational Impact of Significant Cases** Take an in-depth look at key legal developments and significant cases affecting healthcare operations, including credentialing and liability issues that impact hospitals and providers. Receive a comprehensive review of recent decisions affecting the liabilities and duties of healthcare providers in the written materials. Yvonne K. Puig, Norton Rose Fulbright - Austin, TX
9:30 am 0.75 hr	**Operational Hot Button Issues** Explore key (and sometimes controversial) health law operational issues currently facing attorneys for hospitals and other healthcare entities, including practical tips and guidance. Hear an interactive discussion on the implementation of legislation from the past session (DNRs and telemedicine), guns/ security and immigration issues, providing transportation (Lyft/Uber) for patients, and other topics. Moderator: Kathy L. Poppitt, King & Spalding - Austin, TX Panelists: Joanne P. Hopkins, Law Office of Joanne P. Hopkins - Austin, TX Susan F. Monaco, Tenet Healthcare Corporation - Dallas, TX Kevin A. Reed, Reed Claymon Meeker & Hargett, PLLC - Austin, TX
10:15 am	

	Break
10:30 am 0.75 hr 0.25 hr ethics	**From Hollywood to Healthcare: Sexual Harassment Revisited** Take a hard look at the realities of sexual harassment in the workplace, including the differences between corporate policy and on the ground practice. Examine the common characteristics of company cultures that genuinely do not tolerate sexual harassment and explore suggestions for implementing real change in the workplace. Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX Kimberly King Webb, CHRISTUS Health - Irving, TX
11:15 am 0.75 hr 0.25 hr ethics	**Enforcement Trends** The federal government and various states continue to investigate and litigate healthcare fraud cases across all sectors of the industry. While 2017 was a significant year, 2018 should be the same with the False Claims Act remaining a focus of government and whistleblower activity, especially since the Supreme Court's decision in *Escobar*. Courts have spent significant time analyzing and addressing the FCA in light of that opinion and others. No less important has been the criminal and administrative cases and trends, notably the use of creative theories to investigate and prosecute alleged illegal kickback and Stark law violations. Hear an overview of 2017 and 2018 trends. B. Scott McBride, Morgan, Lewis & Bockius LLP - Houston, TX Sean R. McKenna, Greenberg Traurig, LLP - Dallas, TX
12:00 pm 1.00 hr ethics	**Ethics in Contracting Issues** Using hypotheticals, this presentation focuses on a number of ethics issues that might arise in contracting situations. Can lawyers take advantage of privileged communications the adversary inadvertently sends them? Can lawyers receiving electronic documents look for hidden metadata the other side has not scrubbed? What duties do lawyers have in representing contracting parties, with regards to disclosing client confidences to prevent the adversary from being deceived about the clients' intent, or to correct the adversary's misunderstanding about the law, the contract's terms, or the adversary's scriveners error? Tom Spahn, McGuireWoods LLP - Tysons, VA
1:00 pm	**Adjourn**