

32<sup>ND</sup> ANNUAL  
**HEALTH LAW CONFERENCE**



PRE-CONFERENCE

April 15, 2020

CONFERENCE

April 16–17, 2020

Royal Sonesta Hotel  
Houston, Texas

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**SPONSORS**

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Pre-Conference – MCLE Credit: 2.00 Hours

Conference – MCLE Credit: 12.25 Hours | 1.50 Hours Ethics

Approved in TX, CA, OK, and PA; Expected in LA (Hours Vary By State)

TX Board of Legal Specialization Credit Approved for Administrative Law and Health Law

Professional Accreditation Available for TX Accounting CPE

2020

# HEALTH LAW PRE-CONFERENCE

April 15, 2020 ■ Royal Sonesta Hotel ■ Houston, Texas

## WEDNESDAY EVENING, APR. 15, 2020

### \*Pre-Conference Concurrent Sessions

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

**6:00 p.m. Registration Opens**  
Includes light refreshments.

## HEALTH LAW FUNDAMENTALS

**7:00 p.m. 2.00 hrs**

### Health Law Fundamentals

Explore the basics of health law, with an emphasis on fraud and abuse (including Stark and the federal anti-kickback statute), managed healthcare, HIPAA, and Medicare coverage and reimbursement issues.

Violet M. Anderson, CHRISTUS Health, Irving, TX  
Kenneth J. Kramer, Texas Health Resources, Arlington, TX  
Kristin M. Roshelli, King & Spalding, Houston, TX

**9:15 p.m. 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 *Advanced Issues in Health Law* presentations. In addition, the eConference—including papers, slides, audio and CLE credit for these presentations—will be available in "Your Briefcase" within 4–6 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.*

## PRE-CONFERENCE ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 2.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and Oklahoma Bar Association MCLE presumptively approved provider (#169).

## ADVANCED ISSUES IN HEALTH LAW

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

**7:00 p.m. 1.00 hr**

### Navigating the Deal and Overcoming Roadblocks: Getting to Yes on Both Sides

Explore the processes and approaches employed in provider acquisitions when compliance "road bumps" threaten to destroy the deal. Hear about effective diligence methods, representation and warranty insurance, protective contractual provisions and other strategies to get to closing.

**Moderator:**  
Lisa Atlas Genecov, Katten Muchin Rosenman LLP, Dallas, TX

**Panelists:**  
Robert F. McStay Jr., Memorial Hermann Health System, Houston, TX  
Sidney S. Welch, Akerman LLP, Atlanta, GA

**8:00 p.m. Break**

**8:15 p.m. .50 hr**

### Antitrust

Examine evolving trends in antitrust law, including recent developments and key issues with respect to the healthcare industry.

Speaker TBD

**8:45 p.m. .50 hr**

### Artificial Intelligence

Explore the increasing use and possible applications of AI in healthcare, as well as the legal implications and possible challenges for such rapid and complex changes.

Speaker TBD

**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.** Participate in an active discussion and sharing among panelists and participants. Hear about hot topics for in-house counsel, including updates on state and federal legislation, healthcare transactions, payment and reimbursement issues, and privacy regulation and enforcement.

**Moderator:**  
Lance Lightfoot, Texas Children's Hospital, Houston, TX

**Panelists:**  
Lisa M. Frenkel, Children's Health, Dallas, TX  
Lisa L. Hill, Visionworks, Inc., San Antonio, TX  
W. Christopher Shea, Memorial Hermann Health System, Houston, TX  
Stephen G. (Steve) Wohleb, Texas Hospital Association, Austin, TX

**9:15 p.m. Adjourn**

## ECONFERENCE AVAILABLE

Can't attend in person this year? While nothing can replace the experience and networking opportunities of the live event, you can still catch up on all the latest developments with the on-demand eConference, available 4-6 weeks after the program concludes. Pre-order yours today!

## THANK YOU TO OUR SPONSORS

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32<sup>ND</sup> ANNUAL  
**HEALTH LAW CONFERENCE**

April 16–17, 2020 ■ Royal Sonesta Hotel ■ Houston, Texas

**THURSDAY MORNING, APR. 16, 2020**

**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. .75 hr**

**Top Health Industry Issues of 2020: Will Digital Start to Pay Off?**

In 2020, U.S. healthcare, and especially how it is delivered and how much we pay for it, will be top of mind. The question for 2020 will be whether this the digital transformation will benefit the consumer—marking a new dawn for the U.S. health industry and for the people whose lives depend on it.

Benjamin Isgur, PricewaterhouseCoopers LLP,  
Dallas, TX  
Crystal Yednak, PricewaterhouseCoopers LLP,  
Chicago, IL

**9:15 a.m. 1.25 hrs**

**Healthcare Year in Review**

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

Darby C. Allen, Davis Wright Tremaine LLP,  
Seattle, WA  
Robert G. Homchick, Davis Wright Tremaine LLP,  
Seattle, WA

**10:30 a.m. Break**

**10:45 a.m. .75 hr**

**Federal and State Legislative Update**

A discussion on the 2020 election cycle and anticipated issues for the 2021 Texas Legislature and pending federal regulatory and legislative activity.

**Moderator:**  
Stephen G. (Steve) Wohleb, Texas Hospital  
Association, Austin, TX

**Panelists:**  
Patricia McCandless, Health Care Service  
Corporation (BCBSTX), Austin, TX  
Freddy Warner, Memorial Hermann Health System,  
Houston, TX

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**11:30 a.m. .75 hr**

**Trends in Managed Care, Value-Based Payments, and a Shift to Up- and Down-Side Risk**

Examine the reimbursement continuum and requirements of state and federal law regulating the shifting of risk from payers to providers. In this environment, providers are more willing to have "skin in the game." Learn of newer forms and structures of risk sharing, as well as the tools necessary to succeed in risk sharing arrangements.

**Moderator:**  
Leah Stewart, The University of Texas at Austin Dell  
Medical School, Austin, TX

**Panelists:**  
David Ellenbogen, Baylor Scott & White Health,  
Austin, TX  
Rachael Kelly Padgett, Mitchell, Williams, Selig,  
Gates & Woodyard, P.L.L.C., Austin, TX

**12:15 p.m. Break**

**THURSDAY AFTERNOON**

**Presiding Officer:**

**Beth Anne Jackson, Brown & Fortunato,  
P.C., Amarillo, 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 (\$50 additional charge).

**12:35 p.m.**

**TOPICS:**

- A:** Stark and Anti-Kickback
- B:** Physician Reimbursement
- C:** Fair Market Value
- D:** CBD/Marijuana

**1:20 p.m. Break**

**1:30 p.m. .75 hr**

**Out-of-Network Billing: Not Just About Surprises**

State laws limit when and how providers may bill for certain emergency and non-emergency services provided at in-network facilities. Hear both the payor and provider perspectives on new legal requirements for out-of-network billing, the viability of an out-of-network business model, and best practices when billing for out-of-network services.

**Moderator:**  
Hal Katz, Husch Blackwell LLP, Austin, TX

**Panelists:**  
Lori Garcia, Blue Cross Blue Shield, Houston, TX  
Scott Palecki, Neuterra Capital, Leawood, KS

**2:15 p.m. .75 hr**

**Corporate Practice of Medicine Issues in Private Equity Investments**

A discussion of structural, financial, and operational issues faced by parties seeking to include private equity investment in the financing of physician services entities. Explore the structures and solutions for issues related to ownership, control, lending/collateral, litigation/investigations, advertising, the utilization of non-profit health organizations, and HIPAA.

Darius A. Dills, National Partners in Healthcare,  
Dallas, TX  
Kenya S. Woodruff, Katten Muchin Rosenman LLP,  
Dallas, TX

**3:00 p.m. Break**

**3:15 p.m. .75 hr**

**Stark and Anti-Kickback Statute Update**

Hear an update on enforcement trends and highlights from the proposed changes to update regulatory exceptions and safe harbors to the Stark law and federal anti-kickback statute, respectively. Review examples of arrangements attracting scrutiny by the enforcement agencies.

Phillip L. Kim, Haynes and Boone, LLP, Dallas, TX  
Jennifer Kreick, Haynes and Boone, LLP, Dallas, TX

**4:00 p.m. .75 hr**

**HIPAA and Cybersecurity**

A discussion of current issues in HIPAA and cybersecurity, including recent breaches, the current status of the ransomware threat, data de-identification and sharing strategies, vendor management, and the impact of non-HIPAA privacy laws on HIPAA covered entities.

Jeffery P. Drummond, Jackson Walker LLP, Dallas, TX  
Judy Kuczynski, Houston Methodist, Houston, TX

**4:45 p.m. .75 hr | .25 hr ethics**

**Digital Health: Managing the Beast from Strategy to Contract to Compliance**

Digital health has become so pervasive in healthcare that business practices, regulations and operational work flow have been clogged with solutions both effective and ineffective. Learn practical approaches to managing the beast that is digital health and current best legal practices.

**Moderator:**  
Julian L. Rivera, Husch Blackwell LLP, Austin, TX

**Panelist:**  
Nora Belcher, Texas eHealth Alliance, Austin, TX  
Alexandria H. McCombs, Signify Health, Dallas, TX

**5:30 p.m. Adjourn to Reception**

## 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. 17, 2020

### Presiding Officer:

Kathy L. Poppitt, King & Spalding,  
Austin, TX

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

**8:00 a.m. .50 hr**

### DOJ's Recent Prosecutions Under the Travel Act: Practical Implications for the Healthcare Industry

Explore how the Department of Justice has utilized the Travel Act and other statutes to address bribery beyond government program money, what legal challenges have been brought to this theory, the impact of the cases on compliance programs, and new developments on the horizon.

Kelly Vickers, Locke Lord LLP, Dallas, TX  
Andrew Wirmani, U.S. Attorney's Office, Northern District of Texas, Dallas, TX

**8:30 a.m. 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 a.m. 1.00 hr**

### Operational Hot Topics

An update on current key operational issues that hospitals are facing, including security and guns on campus, medical staff and peer review concerns, delegation issues and Texas Medical Board rules, provider-based issues and reimbursement, surprise billing, EMTALA, and Medicare certification and survey practices.

#### Moderator:

Kathy L. Poppitt, King & Spalding, Austin, TX

#### Panelists:

Jennifer B. Claymon, Reed Claymon Meeker & Hargett, PLLC, Austin, TX  
Hilary H. Young, Joy & Young LLP, Austin, TX

**10:30 a.m. Break**

**10:45 a.m. .75 hr | .25 hr ethics**

### Enforcement Trends Across the Healthcare Industry

Criminal and administrative cases are still making creative use of new theories and trends, and the investigation and litigation of healthcare fraud cases continue across all sectors of the industry. Hear an overview of the latest trends in enforcement, and analyze what the new theories and trends mean for 2020 and beyond.

#### Moderator:

B. Scott McBride, Morgan, Lewis & Bockius LLP,  
Houston, TX

#### Panelists:

Andrew A. Bobb, U.S. Attorney's Office, Southern District of Texas, Houston, TX  
James D. Day II, HHSC – Office of Inspector General, Austin, TX

## A FULL THREE HOURS OF ETHICS<sup>†</sup>

UT Law CLE knows how important your ethics hours are, and it knows how challenging it can be to find interesting, engaging programming. So this year's Health Law Conference attendees will receive an eSupplement containing on-demand programming with 1.5 hours of our best ethics sessions, bringing their total to 3.00 ethics hours for the year. Get your Texas MCLE ethics requirement met with the best programs around – register today!

<sup>†</sup>Only Health Law Conference attendees are eligible for the ethics eSupplement.

## PLANNING COMMITTEE

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STEPHEN G. (STEVE) WOHLER  
Texas Hospital Association  
Austin, TX

KENYA S. WOODRUFF  
Katten Muchin  
Dallas, TX

**11:30 a.m. .75 hr**

### Hot Topics in Labor and Employment for the Healthcare Industry

Data privacy, smart devices, the False Claims Act, and covenants not to compete. What a time to be an employment lawyer for a healthcare provider! Get in on the fun by joining this energetic session covering some of the hottest employment law topics in the healthcare industry.

Jason Boulette, Boulette Golden & Marin L.L.P.,  
Austin, TX

**12:15 p.m. 1.00 hr ethics**

### A Hospital Lawyer's Perspective of a Mass Shooting Incident

A discussion of various issues related to the treatment of the victims and the aftereffects of the tragedy, including patient privacy, the Texas Public Information Act, and attorney wellness.

Omar Villa, El Paso County Hospital District, El Paso, TX

**1:15 p.m. Adjourn**

## CONFERENCE ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.25 hours, of which 1.50 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 Oklahoma Bar Association MCLE presumptively approved provider (#169).

# REGISTRATION FORM

HLP20/HL20

**Register:**  
www.utcle.org/conferences/HLP20/signup  
www.utcle.org/conferences/HL20/signup

**Mail:**  
The University of Texas School of Law  
ATTN: Registration  
PO Box 7759  
Austin, TX 78713-7759

**Fax:**  
512.475.6876

**Questions?**  
512.475.6700

*If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.*

## PLEASE PRINT CLEARLY

Bar Card # \_\_\_\_\_  TX  Other State: \_\_\_\_\_  N/A

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*Invoices, confirmations and receipts are emailed to these addresses.*

## CONFERENCE REGISTRATION

### LIVE EVENT REGISTRATION

*Special group registration rates available. Call 512.475.6700*

#### Pre-Conference Registration

*Includes Electronic Course Materials.*

- Individual registration by Wednesday, April 8 . . . . . \$75
- Individual registration after Wednesday, April 8 . . . . . \$125

#### Select One

- Health Law Fundamentals
- Advanced Issues in Health Law
- In-House Counsel Issues (Limited to In-House Counsel ONLY)

#### Pre-Conference Printed Binder – Available Through Wednesday, April 8

*Registration includes Electronic Course Binder Download (PDF) in "Your Briefcase".*

- Printed Course Binder . . . . . \$16.24 (\$15\*)

#### Conference Registration

*Includes Electronic Course Materials.*

- Individual registration by Wednesday, April 8 . . . . . \$625
- Individual registration after Wednesday, April 8 . . . . . \$675

#### Add Optional Thursday Table Topics Luncheon—Select One . . . . . \$50

- TOPIC A: Stark and Anti-Kickback
- TOPIC B: Physician Reimbursement
- TOPIC C: Fair Market Value
- TOPIC D: CBD/Marijuana

#### Conference Printed Binder – Available Through Wednesday, April 8

*Registration includes Electronic Course Binder Download (PDF) in "Your Briefcase".*

- Printed Course Binder . . . . . \$37.89 (\$35\*)

**REGISTRATION TOTAL** \$ \_\_\_\_\_

## POST-CONFERENCE PRODUCTS

#### Pre-Conference eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.*

- Health Law Pre-Conference eConference . . . . . \$100

#### Pre-Conference Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

- Electronic Post-Course Download (PDF) . . . . . \$70.36 (\$65\*)
- Printed Post-Course Binder . . . . . \$124.49 (\$115\*)

#### Annual eLibrary Subscription – For Research and Self-Study

*Extensive resources including audio, video, papers, and slides from UT Law CLE programs.*

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#### Health Law eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.*

- Health Law eConference . . . . . \$575

#### Health Law Conference Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

- Electronic Post-Course Download (PDF) . . . . . \$243.56 (\$225\*)
- Printed Post-Course Binder . . . . . \$297.69 (\$275\*)

**POST-CONFERENCE PRODUCTS TOTAL** \$ \_\_\_\_\_

**ORDER GRAND TOTAL** \$ \_\_\_\_\_

### METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)  VISA  MasterCard  American Express  P.O.

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\* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.

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**HOUSTON**

**April 15, 16–17, 2020**

**CONFERENCE LOCATION**



**Royal Sonesta Hotel**

2222 West Loop South  
 Houston, TX 77027-3502  
 713.627.7600  
 855.463.3091 (reservations)

**Special Room Rate: \$172**

Good through March 24, 2020  
 (Subject To Availability)

**Parking:**

Self-parking: \$10 daily; \$16 overnight  
 Valet: \$16 daily; \$25 overnight

**KEY DATES**

**April 8, 2020**

*Last day to order a printed binder*

**April 8, 2020**

*Last day for early registration*

Add \$50 for registrations  
 received after this time

**April 10, 2020**

*Last day for full refund cancellation*

**April 13, 2020**

*Last day for partial refund cancellation*

\$50 processing fee applied

**April 15, 2020, at 7:00 p.m.**

*Pre-Conference begins*

**April 16, 2020, at 8:20 a.m.**

*Conference begins*

**CONFERENCE FACULTY**

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