

23<sup>RD</sup> ANNUAL  
**HEALTH LAW CONFERENCE**



April 13\*, 14–15, 2011

*\*Optional Wednesday Evening Sessions*

Four Seasons Hotel ▪ Houston, Texas

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Earn up to 13.50 Hours of Credit including 2.50 Hours of Ethics Credit  
Specialization Credit Approved for Health Law

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April 13\*, 14–15, 2011 ▪ Four Seasons Hotel ▪ Houston, Texas

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## WEDNESDAY EVENING, APRIL 13, 2011

### \*Optional Concurrent Sessions

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

**6:00 p.m. Registration Opens**

### HEALTH LAW PRIMER

**7:00 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.

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

### IN-HOUSE COUNSEL ISSUES

**7:00 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 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  
Lance Lightfoot, Texas Children's Hospital,  
Houston, TX

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

## THURSDAY MORNING, APRIL 14, 2011

**Presiding Officer: Yvonne K. Puig,  
Fulbright & Jaworski L.L.P., Austin, TX**

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

Includes continental breakfast.

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

**8:30 a.m. 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),  
Atlanta, GA

**9:30 a.m. .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 a.m. Break**

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

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

## THURSDAY AFTERNOON

**Presiding Officer: Yvonne K. Puig,  
Fulbright & Jaworski L.L.P., Austin, TX**

### Optional Table Topics

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

**12:30 p.m. Luncheon and Table Topics**

#### TOPIC A:

Accountable Care Organizations

#### TOPIC B:

Current Physician Practice Concerns

#### TOPIC C:

Stark/Anti-Kickback Issues

#### TOPIC D:

Exclusive Contracts and Non-Compete Issues

**1:15 p.m. Break**

### Concurrent Break-Out Tracks

#### TRACK 1

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

**1:30 p.m. .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. A toolkit of draft forms, documents and contractual provisions that can be adapted for everyday use in the world of health care operations is provided.

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

**Panelists:**  
Teresa Burroff, Seton Family of Hospitals, Austin, TX  
Rosemaria Levinsky, Hendrick Medical Center,  
Abilene, TX  
Kathy L. Poppitt, Cox Smith Mathews Incorporated,  
Austin, TX

**2:15 p.m.** .50 hr

### **Lawsuits Involving Managed Care Contracts**

An examination of 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

**2:45 p.m. Break—Return to General Sessions**

## **TRACK 2**

**Presiding Officer: Gregory Nolan Etzel,  
King & Spalding LLP, Houston, TX**

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

### **Compensation Models for Physicians**

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.

Bernard A. Duco Jr., Memorial Hermann Healthcare  
System, Houston, TX  
W. Kevin Moentmann, CBIZ Valuation Group, LLC,  
St. Louis, MO

**2:15 p.m.** .50 hr

### **Audits**

This presentation addresses the increasing efforts of CMS and its various audit contractors to pursue Medicare overpayments, 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.

Tobin Richard Boenig, UTMB, Galveston, TX  
Gregory Nolan Etzel, King & Spalding LLP,  
Houston, TX

**2:45 p.m. Break—Return to General Sessions**

**Presiding Officer: Yvonne K. Puig,  
Fulbright & Jaworski L.L.P., Austin, TX**

## **Hospital/Physician Integration**

**3:00 p.m.** 1.00 hr

### **Practice Acquisitions and Employment of Physicians by Hospitals**

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.

Matthew D. Jenkins, Hunton & Williams LLP,  
Richmond, VA  
David W. Hilgers, Brown McCarroll, L.L.P., Austin, TX

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

### **Valuation and Setting Fair Market Value**

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.

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

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

### **Apologies, Ethics and Disclosures in a Health Care Setting**

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.

Lee Taft, Taft Solutions: Connecting With Integrity,  
Dallas, TX

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

## **FRIDAY MORNING, APRIL 15, 2011**

**Presiding Officer: Jerry A. Bell Jr.,  
Fulbright & Jaworski L.L.P., Austin, TX**

**8:00 a.m. Conference Room Opens**

Includes continental breakfast.

**8:30 a.m.** .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 a.m.** .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 a.m.** .50 hr

### **Select Legislative Issues**

An overview of key issues that impact health care being debated by the Texas Legislature, including the state budget.

Jessica Olson, Texas Health and Human Services  
Commission (HHSC), Austin, TX  
Elizabeth N. Rogers, Vinson & Elkins LLP, Austin, TX

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

**10:45 a.m. 1.00 hr including .25 hr ethics**

### **Stark Law Self-Disclosure Protocol and Recent Developments**

This session reviews the CMS Stark Law Self-Referral Disclosure Protocol, discusses experiences with Stark Law self-disclosures from the trenches, and provides an update on other recent Stark Law developments.

**Moderator:**  
Gary W. Eiland, King & Spalding LLP, Houston, TX

**Panelists:**  
Donna Schmerin Clark, Baker & Hostetler LLP,  
Houston, TX  
Debbi M. Johnstone, Fulbright & Jaworski L.L.P.,  
Houston, TX

**11:45 a.m. 1.25 hrs including .25 hr ethics**

### **Government Enforcement Panel**

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.

**Moderator:**  
Gary W. Eiland, King & Spalding LLP, Houston, TX

**Panelists:**  
Andrew A. Bobb, U.S. Attorney's Office, Southern  
District of Texas, Houston, TX  
Sean R. McKenna, U.S. Attorney's Office, Northern  
District of Texas, Dallas, TX  
Susan J. Miller, Office of the Attorney General,  
Austin, TX

**1:00 p.m. Adjourn**

Thanks for a great conference.

All of the information was extremely relevant and helpful.

The entire program was very well done.

## CONFERENCE FACULTY

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MARY M. BEARDEN  
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## ABOUT THE COVER



*Untitled, 72" x 60", oil on canvas, is by Sydney Yeager and on display at d berman gallery in Austin. For more information on this piece, visit the gallery web site at [www.dbermangallery.com](http://www.dbermangallery.com). Image acquisition is by Sandra Gregor, art consultant, 512-477-2827.*

## HOW TO REGISTER

### Mail your registration to:

The University of Texas  
School of Law  
Attn. CLE—HL11  
P.O. Box 7759  
Austin, TX 78713-7759

### Or fax to:

512-475-6876

### Or register online:

www.utcle.org

**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 the electronic version of the conference materials to your course registration or purchase of the Course Binder or Audio MP3 Speeches on CD or Audio CD Set for only \$50. eBinders are distributed 3–5 weeks after the conference and include searchable versions of printed materials in PDF format.

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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.

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In-House 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.

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Mail this registration form to:

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### REGISTRATION

Includes Course Binder and Thursday Afternoon Concurrent Break-Out Sessions

☐ Early Registration Fee due by Wednesday, April 6, 2011 .....\$550

☐ Registration Fee after Wednesday, April 6, 2011 .....\$600

Optional Wednesday Evening Sessions—Select One: .....\$75

☐ A. Health Law Primer

☐ B. In-House Counsel Issues

Optional Thursday Luncheon Table Topics—Select One.....\$15

☐ A. Accountable Care Organizations

☐ B. Current Physician Practice Concerns

☐ C. Stark/Anti-Kickback Issues

☐ D. Exclusive Contract and Non-Compete Issues

### 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.*

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\_\_\_\_\_ Add participants (includes Course Binder) for \$250 each .....\$ \_\_\_\_\_

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for more information

## HOUSTON

April 13\*, 14–15, 2011

### CONFERENCE LOCATION



**Four Seasons Hotel**  
1300 Lamar Street  
Houston, TX 77010  
713-650-1300

**Special Room Rate: \$215**  
good through March 23, 2011  
(subject to availability)

**Valet Parking Only:**  
**\$13 daily; \$30 overnight**  
(subject to change)

### KEY DATES

**April 6, 2011, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**April 8, 2011, 5 p.m.**  
*last day for full refund*

**April 11, 2011, 5 p.m.**  
*last day for partial refund*  
\$50 processing fee applied

**April 13, 2011, 7 p.m.**  
*\*optional Wednesday evening sessions begin*

**April 14, 2011, 8:30 a.m.**  
*Conference begins*

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