

24th Annual Health Law Conference
April 11*, 12-13, 2012 • Four Seasons Hotel • Houston, TX

Wednesday Evening, Apr. 11, 2012

5:30 pm	Registration Opens
	*Optional Concurrent Sessions Please select on registration form (additional fee applies). Each session includes a 15-minute break.
<hr/> Health Law Primer	
6:30 pm 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, LLP - San Antonio, TX
<hr/> In-House Counsel Issues	
6:30 pm 2.00 hrs 0.50 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 Panelists: Rosemaria Levinsky, Hendrick Medical Center - Abilene, TX
8:45 pm	Adjourn

Thursday Morning, Apr. 12, 2012

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 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 am 0.83 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 am	Break
10:50 am 0.75 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. Jen Johnson, VMG Health - Dallas, TX Kevin A. Reed, Davis & Wilkerson - Austin, TX
11:35 am 0.83 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 pm	Break

Thursday Afternoon, Apr. 12, 2012

Presiding Officer:

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

HIPAA: Social Media, Breaches and Other Tribulations

12:40 pm
0.00 hr ethics

TOPIC A: HIPAA: Social Media, Breaches and Other Tribulations

ACOs: Where Do We Go?

12:40 pm
0.00 hr ethics

TOPIC B: ACOs: Where Do We Go?

Stark and Anti-Kickback Issues

12:40 pm
0.00 hr ethics

TOPIC C: Stark and Anti-Kickback Issues

Employing Physicians: The Solution or the Problem?

12:40 pm
0.00 hr ethics

TOPIC D: Employing Physicians: The Solution or the Problem?

12:40 pm

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.

1:25 pm

Break

1:40 pm
0.75 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 pm
0.83 hr

Hospital and Physician Co-Management Arrangements

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, Huntsville Memorial Hospital - Huntsville, TX
Sidney S. Welch, Arnall Golden Gregory LLP - Atlanta, GA

3:15 pm

Break

3:30 pm 0.83 hr	<p>Dealing Effectively with End of Employment and Business Arrangements</p> <p>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.</p> <p>Hal S. Katz, Brown McCarroll, L.L.P. - Austin, TX Jennifer L. Rangel, Locke Lord LLP - Austin, TX</p>
4:20 pm 1.00 hr ethics	<p>10-Plus Rules of Ethical Decision-Making</p> <p>Michael P. Maslanka, Constangy, Brooks & Smith, LLP - Dallas, TX</p>
5:20 pm	<p>Adjourn to Sponsored Reception</p>

Friday Morning, Apr. 13, 2012

Presiding Officer:

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 1.00 hr	<p>Operational Impact of Significant Cases</p> <p>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.</p> <p>Yvonne K. Puig, Fulbright & Jaworski L.L.P. - Austin, TX</p>
9:30 am 0.75 hr	<p>Health Care Lawyers' Guide to Data Privacy/Breaches: Best Practices, Risk Management and Responses</p> <p>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.</p> <p>Jan Reimann Newsom, Locke Lord LLP - Dallas, TX Lynn Sessions, Baker & Hostetler LLP - Houston, TX</p>
10:15 am 0.75 hr ethics	<p>Ethics of Negotiation: Are There Any?</p> <p>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.</p> <p>Michael J. Golden, Boulette & Golden L.L.P. - Austin, TX</p>

11:00 am	Break
11:15 am 0.75 hr	<p>The Stories Behind the Headlines on Hospital Enforcement and Compliance</p> <p>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.</p> <p>Moderator: Kathy L. Poppitt, Cox Smith - Austin, TX</p> <p>Panelists: Paul S. Leslie, Parkland Health & Hospital System - Dallas, TX</p> <p>Panelists: David Wright, Centers for Medicare and Medicaid Services - Dallas, TX</p>
12:00 pm 1.00 hr 0.50 hr ethics	<p>Self-Disclosure and Enforcement Update</p> <p>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.</p> <p>Gary W. Eiland, King & Spalding LLP - Houston, TX</p>
1:00 pm	Adjourn