

30TH ANNUAL
HEALTH LAW CONFERENCE



April 4*, 5–6, 2018
Royal Sonesta Hotel ■ Houston, Texas

SPONSORS

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Earn up to 13.75 Hours of MCLE Credit, Including 2.25 Hours of Ethics Credit
Pre-Conference: 2.00 Hours | Conference: 11.75 Hours | 2.25 Hours Ethics
TX Legal Specialization Credit Approved for Administrative Law and Health Law
Earn up to 16.50 Hours of TX Accounting CPE Credit

30TH ANNUAL
HEALTH LAW CONFERENCE

April 4*, 5–6, 2018 ■ Royal Sonesta Hotel ■ Houston, Texas

Earn up to 13.75 Hours of MCLE Credit, Including 2.25 Hours of Ethics Credit (Approved in TX and CA)

MCLE Credit Expected in LA and OK

Pre-Conference: 2.00 Hours | Conference: 11.75 Hours | 2.25 Hours Ethics

TX Legal Specialization Credit Approved for Administrative Law and Health Law

Earn up to 16.50 Hours of TX Accounting CPE Credit

WEDNESDAY EVENING, APR. 4, 2018

***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

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 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 "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.

"DEEPER DIVES": HEALTH LAW AND COMPLIANCE ESSENTIALS

Presiding Officer:

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

7:00 p.m. 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 p.m. Break

8:15 p.m. 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 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 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, Ascension Texas, Austin, TX

9:15 p.m. Adjourn

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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

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 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, and policy initiatives.

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

10:30 a.m. Break

10:45 a.m. .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

11:30 a.m. .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 p.m. Break

THURSDAY AFTERNOON

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).

12:35 p.m.

TOPICS:

- A:** HIPAA
- B:** Stark and Anti-Kickback
- C:** Physician and Hospital Relationships
- D:** Payor Issues and Payor Hot Topics

1:20 p.m. Break

1:30 p.m. .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 p.m. .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 p.m. Break

3:15 p.m. 1.00 hr | .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 p.m. .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

**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 13.75 hours, of which 2.25 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).

5:00 p.m. .75 hr | .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
Kristi Henderson, Seton Healthcare Network, Austin, TX

NETWORKING RECEPTION

THANK YOU TO OUR SPONSORS

5:45 p.m. – 6:45 p.m.

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 a.m. Conference Room Opens

Includes continental breakfast.

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. .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 a.m. Break

10:30 a.m. .75 hr | .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 a.m. .75 hr | .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 p.m. 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 scrivener's error?

Tom Spahn, McGuireWoods LLP, Tysons, VA

1:00 p.m. Adjourn

PLANNING COMMITTEE

KATHY L. POPPITT— CO-CHAIR King & Spalding Austin, TX	GARY W. EILAND King & Spalding Houston, TX	LANCE LIGHTFOOT Texas Children's Hospital Houston, TX	VIRGINIA ALVERSON MIMMACK Jackson Walker LLP Dallas, TX	BRENDA T. STRAMA Beatty Bangle Strama, P.C. Austin, TX
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VIOLET M. ANDERSON CHRISTUS Health Irving, TX	DAVID W. HILGERS Husch Blackwell LLP Austin, TX	ROBERT F. MCSTAY JR. Memorial Hermann Health System Houston, TX	ALLISON D. SHELTON Brown & Fortunato, P.C. Amarillo, TX	STEPHEN G. WOHLER Ascension Texas Austin, TX
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SHERYL T. DACSO Seyfarth Shaw LLP Houston, TX	KIMBERLY KING WEBB CHRISTUS Health Irving, TX			

HOW TO REGISTER

Online:

www.utcle.org/conferences/HL18

Mail:

The University of Texas
School of Law
Attn. CLE
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

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REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides— and speaker and attendee roster in "Your Briefcase" 48 hours before the conference.

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

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

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in "Your Account."

Your Account: Activate "Your Account" online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

Can't make it to Houston this year? Order the eConference or Complete Conference Materials

eConference

The online eConference includes papers, slides, and audio—and CLE credit (TX and CA)—from this year's live conference. Available in "Your Briefcase" 6-8 weeks after the conference.

Complete Conference Materials

Comprehensive Binder and Audio products from the live conference—for research and self-study. Available for download and shipping 4-6 weeks after the conference.

REGISTRATION FORM

PLEASE PRINT CLEARLY

HL18

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

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

REGISTRATION—Includes electronic course materials and Thursday evening reception

Special group registration rates available. Call 512.475.6700.

Select Registration Type

- Individual registration by March 28. \$625
 Individual registration after March 28. \$675

Add Pre-Conference Session—Select One \$75

- Health Law Fundamentals
 "Deeper Dives": Health Law and Compliance Essentials
 In-House Counsel Issues (Limited to In-House Counsel Only)

Add Thursday Table Topics Luncheon—Select One \$40

- A: HIPAA
 B: Stark and Anti-Kickback
 C: Physician and Hospital Relationships
 D: Payor Issues and Payor Hot Topics

Printed course binder available for an additional fee through March 28

Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at www.utcle.org.

- Printed Course Binder. \$37.89
Price includes 8.25% Sales Tax
 Printed Course Binder for tax exempt registrants \$35
(e.g., government employees and nonprofits)

FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.

eCONFERENCE—For Texas MCLE Credit

Complete eConference package includes all conference materials for download from "Your Briefcase" at www.utcle.org. Available 6–8 weeks after the live conference date.

- Individual eConference \$575
Call 512.475.6700 to register additional participants.

COMPLETE CONFERENCE MATERIALS[†]—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference. Available for delivery 4–6 weeks after conference date. Shipping included.

- eBinder Download (PDF) \$225
 Printed Binder. \$275
 Audio Download (MP3) \$175

[†]Texas customers—add 8.25% sales tax or include an Exemption Certificate \$ _____
Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

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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 (mm/yy)

Authorized Signature _____

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.

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Call
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HOUSTON

April 4*, 5–6, 2018

CONFERENCE LOCATION



Royal Sonesta Hotel

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

Special Room Rate: \$179
 good through March 12, 2018
 (subject to availability)

Parking:

Self-parking \$10 daily; \$16 overnight
 Valet \$16 daily; \$25 overnight
 (subject to change)

KEY DATES

March 28, 2018

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

March 30, 2018

last day for cancellation (full refund)

April 2, 2018

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

April 4, 2018, 7:00 p.m.

**Pre-Conference Concurrent Sessions begin*

April 5, 2018, 8:20 a.m.

Conference begins

CONFERENCE FACULTY

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 CHRISTUS Health
 Irving, TX

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 Haynes and Boone, LLP
 Austin, TX

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