

# 32<sup>nd</sup> Annual Health Law Conference

## April 7-9, 2021 • Live Webcast

### Wednesday Morning, Apr. 7, 2021

**Presiding Officer:**

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

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|---------------------|--|
| 8:20 am             | <b>Welcoming Remarks</b>   |
| 8:30 am<br>0.75 hr  | <p><b>2021 State and Federal Healthcare Legislative Landscape</b></p> <p>Discuss how the 2020 elections and new House speakers have reshaped the state and federal legislative branches, significant legislation making its way through the 87th Texas Legislature, and legislative priorities and initiatives of the 117th U.S. Congress.</p> <p>Moderator:<br/>Michelle "Missy" Apodaca, Apodaca Advocacy Group, LLC - Dallas, TX</p> <p>Panelists:<br/>Allison Kassir, King &amp; Spalding - Washington, DC<br/>Freddy Warner, Memorial Hermann Health System - Houston, TX</p> |
| 9:15 am             | <b>10-Minute Break</b>   |
| 9:25 am<br>1.00 hr  | <p><b>Operational Impact of Significant Cases</b></p> <p>Take an in-depth look at the key legal developments and significant cases affecting healthcare operations, including credentialing and liability issues, that impact health systems and other providers. The written materials represent a comprehensive annual survey of noteworthy cases from around the country.</p> <p>Yvonne K. Puig, Norton Rose Fulbright - Austin, TX</p>   |
| 10:25 am            | <b>10-Minute Break</b>   |
| 10:35 am<br>0.75 hr | <p><b>Top Health Industry Issues of 2021: Will a Shocked System Emerge Stronger?</b></p> <p>PwC's Health Research Institute examines the top health industry issues of 2021 including virtual health, clinical trial disruption, M&amp;A, resilient supply chains, and interoperability.</p> <p>Benjamin Isgur, PwC Health Research Institute - Dallas, TX</p>   |
| 11:20 am            | <b>10-Minute Break</b>   |
| 11:30 am<br>0.75 hr | <p><b>Pandemic Relief Dollars: To Whom Much is Given, Much is Expected</b></p> <p>Hear an overview of the various pandemic relief funding bills, including the version of the CARES Act and discuss the variety of funding pools, attestation requirements, loan repayments, waivers, and frequently asked question guidance issued from government agencies associated with COVID-19 relief funding.</p> <p>Susan Feigin Harris, Morgan, Lewis &amp; Bockius LLP - Houston, TX<br/>Kenya S. Woodruff, Katten Muchin Rosenman LLP - Dallas, TX</p>                                 |

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| 12:15 pm            | <b>10-Minute Break</b>  |
| 12:25 pm<br>0.75 hr | <b>Emerging Issues in Managed Care</b><br><br>Examine the most recent regulatory updates in the shift to value in managed care from legal, business, and operational perspectives, including the impact of COVID-19 on value-based arrangements, updates related to surprise billing legislation, and price transparency. Explore changes pertinent to Medicaid managed care, Medicare Advantage, and the commercial markets.<br><br>Michael McMillan, Ascension - St. Louis, MO<br>Janet Walker, Ascension - St. Louis, MO<br>Jeff Wurzburg, Norton Rose Fulbright - San Antonio, TX |
| 1:05 pm             | <b>Adjourn</b>  |

## Wednesday Evening, Apr. 7, 2021

### **SPECIAL NOTICE: Wednesday Evening Sessions**

Webcast registration includes all of the course materials for the *Health Law Fundamentals* presentation. This presentation will be pre-recorded and the video will be made available in "Your Briefcase" on the first day of the conference.

PLEASE NOTE: Course materials and access to the Zoom platform for the *In-House Counsel Issues* panel are not included. Registration is limited to in-house counsel only.

### **Health Law Fundamentals (not available in a live format, but included with webcast registration)**

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| 2.00 hrs | <b>Health Law Fundamentals</b><br><br>Explore the basics of health law, with an emphasis on fraud and abuse (including the <i>Stark</i> law and the federal anti-kickback statute), managed healthcare, HIPAA, and Medicare coverage and reimbursement issues.<br><br>Violet M. Anderson, CHRISTUS Health - Irving, TX<br>Kenneth J. Kramer, Texas Health Resources - Arlington, TX<br>Kristin M. Roshelli, King & Spalding - Houston, TX |
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### **In-House Counsel Issues (Limited to in-house counsel only)**

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| 6:00 pm<br>2.00 hrs | <b>In-House Counsel Issues</b><br><br><b>Limited to in-house counsel only (to be conducted on Zoom platform).</b> Participate in an interactive discussion and sharing among panelists and participants. Hear about hot topics for in-house counsel, including updates on state and federal legislation, legal operational matters, healthcare transactions, and health law regulatory and enforcement matters.<br><br>Moderator:<br>Lance Lightfoot, Texas Children's Hospital - Houston, TX<br>Panelists:<br>Lisa M. Frenkel, Children's Health - Dallas, TX<br>Susan F. Monaco, Tenet Healthcare Corporation - Dallas, TX<br>W. Christopher Shea, Memorial Hermann Health System - Houston, TX<br>Stephen G. (Steve) Wohleb, Texas Hospital Association - Austin, TX |
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8:15 pm

**Adjourn**

## Thursday Morning, Apr. 8, 2021

### Presiding Officer:

**Kenya S. Woodruff**, Katten Muchin Rosenman LLP - Dallas, TX

8:30 am  
0.75 hr

### **Vaccine Development / Emergency Use Authorization**

An Emergency Use Authorization (EUA) is a mechanism to facilitate the availability and use of medical countermeasures, including vaccines, during public health emergencies, such as the current COVID-19 pandemic. Analyze the FDA requirements for submitting an EUA for vaccines, the challenges and concerns when submitting an EUA application, and the provider's role in addressing the public fear and distrust that accompany vaccines and treatments that have come to the market through the EUA process.

Norman W. Baylor, Biologics Consulting - New Alexandria, VA  
Bethsheba Johnson, Gilead Sciences, Inc. - Houston, TX  
Wayne Matelski, Arent Fox - Washington, DC

9:15 am

### **10-Minute Break**

9:25 am  
1.00 hr

### **Operational Issues for Hospitals and Physicians**

Operational issues for small community hospitals, including, but not limited to lab management agreements, recent cuts to Title X national family planning network, Cook Children's Hospital litigation regarding advance directives, CRNA Attorney General Opinions request on delegation, and other relevant issues.

Moderator:

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

Panelists:

Trent Krienke, Reed, Claymon, Meeker & Hargett, PLLC - Austin, TX

Sara Thomas, Harris County Attorney's Office, Harris Health System - Houston, TX

10:25 am

### **10-Minute Break**

10:35 am  
0.75 hr

### **Getting Deals Done During the Pandemic and Beyond: The Influence of COVID-19 and New Players in the Market for Healthcare Transactions**

Explore how healthcare transactions have been impacted by the pandemic, how transaction deal terms have adapted to the market, and what the transactional landscape may look like post-COVID-19. Discussion includes health system transactions and physician practice acquisitions.

Lisa Atlas Genecov, Katten Muchin Rosenman LLP - Dallas, TX  
Jane Jordan, Beaumont Health - Southfield, MI  
Lane Wood, CHRISTUS Health - Irving, TX

11:20 am

### **10-Minute Break**

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| 11:30 am<br>0.75 hr | <p><b>What Does a Big Telehealth Consolidation Teach Us about Telehealth Transactions and Law?</b></p> <p>UpHealth Holdings, Inc. recently announced its impending merger with GigCapital2, Inc, a SPAC (special purpose acquisition company). This transaction involved the acquisition by UpHealth of five operating companies, one of which was the cross-border acquisition of an Indian target, and several involved extensive healthcare licensing and regulatory complexities. This transaction is an example of the consolidation occurring in the healthcare industry. This panel will discuss legal issues unique to telehealth in the start-up and emerging growth company space.</p> <p>Moderator:<br/>Julian L. Rivera, Husch Blackwell LLP - Austin, TX<br/>Panelists:<br/>Kate Bechen, Husch Blackwell LLP - Milwaukee, WI<br/>Virginia Alverson Mimmack, Jackson Walker LLP - Dallas, TX</p> |
| 12:15 pm            | <b>Adjourn to Optional Table Topic Breakout Discussions</b>  |

## Thursday Afternoon, Apr. 8, 2021

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|  | <p><b>Optional Table Topic Breakout Discussions (from 12:50 p.m. - 1:35 p.m.)</b></p> <p>Join fellow registrants and conference faculty for informal networking and discussions in key areas of the healthcare practice area. Please select a Table Topic on the registration form to attend.</p> |
| <b>TOPIC A: Stark/Anti-Kickbacks</b>                   |   |
| 12:50 pm   | <p><b>TOPIC A: Stark/Anti-Kickbacks</b></p> <p>Discussion focuses on new regulations established in December 2020.</p>  |
| <b>TOPIC B: Dealing with COVID-19 in the Workplace</b> |   |
| 12:50 pm   | <p><b>TOPIC B: Dealing with COVID-19 in the Workplace</b></p> <p>Discussion focuses on employee testing and vaccine requirements.</p>   |
| <b>TOPIC C: COVID-19 Fallout</b>                       |   |
| 12:50 pm   | <p><b>TOPIC C: COVID-19 Fallout</b></p> <p>Discussion focuses on financial and risk considerations.</p>   |
| <b>TOPIC D: Current Operational Issues</b>             |   |
| 12:50 pm   | <p><b>TOPIC D: Current Operational Issues</b></p> <p>Discussion focuses on the trends and tips.</p>   |
| 1:35 pm  | <b>Adjourn</b>  |

## Friday Morning, Apr. 9, 2021

### Presiding Officer:

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

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|----------------------------|---|
| 8:30 am<br>0.75 hr         | <b>Take Your Best Shot: What Employers Should Know about the COVID-19 Vaccine</b><br><br>A comprehensive overview on the employment law and practical considerations surrounding mandatory and voluntary vaccinations of employees.<br><br>Stacey Cho Hernandez, Carter Arnett PLLC - Dallas, TX<br>Kimberly King Webb, CHRISTUS Health - Irving, TX  |
| 9:15 am                    | <b>5-Minute Break</b>   |
| 9:20 am<br>0.75 hr         | <b>Enforcement Trends Across the Healthcare Industry</b><br><br>The federal government and various states continue to investigate and litigate healthcare fraud cases 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 2021 and beyond.<br><br>Wilson G. Jones, Thompson & Knight LLP - Dallas, TX<br>B. Scott McBride, Morgan, Lewis & Bockius LLP - Houston, TX   |
| 10:05 am                   | <b>5-Minute Break</b>   |
| 10:10 am<br>0.75 hr        | <b>Future of Financing of Medicaid 1115 Waivers</b><br><br>Under the two previous presidential administrations, the state of Texas's supplemental payment programs has been subjected to increased scrutiny, new payment methodologies have been established (such as the UHRIP program, and LPPFs), and in recent weeks, CMS renewed the state's 1115 Waiver for 10 years. The panel provides an update from both the federal and state perspective, as well as giving their opinions regarding the future of these critical funding programs.<br><br>John Hawkins, Texas Hospital Association - Austin, TX<br>Geronimo M. Rodriguez Jr., Ascension - Austin, TX<br>Carlos Zaffirini Jr., AHCV - Austin, TX                    |
| 10:55 am                   | <b>5-Minute Break</b>   |
| 11:00 am<br>1.00 hr ethics | <b>Ethical and Policy Considerations in COVID-19: Challenges Over the Course of a Pandemic and Looking Ahead to our Post-COVID Future</b><br><br>Explore some of the range of ethical and policy issues faced over the course of the COVID-19 pandemic, from early creation and plans for implementation of frameworks for allocation of scarce resources, to considerations regarding the use of digital tools for tracking and contact tracing by governments, institutions, and businesses, and vaccine development and prioritization. Look ahead at the issues faced as communities and societies emerge out of pandemic response.<br><br>Dr. Jeffrey P. Kahn, Johns Hopkins Berman Institute of Bioethics - Baltimore, MD |
| 12:00 pm                   | <b>Adjourn</b>  |