

33rd Annual Health Law Conference
April 7-8, 2022 • Royal Sonesta Hotel Houston • Houston, TX, TX

Thursday Morning, Apr. 7, 2022

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	2022 State and Federal Healthcare Legislative Landscape A discussion on the 2022 election cycle and healthcare regulatory and legislative hot topics at the Texas and Washington, D.C. levels. Michelle "Missy" Apodaca, Texas Star Alliance - Austin, TX Freddy Warner, Memorial Hermann Health System - Houston, TX
9:15 am 0.75 hr	Impact of Social Determinants of Health in 2022 and Beyond Discuss the relationship and impact of social determinants of health on health equity. Examine the relationship between systemic bias and racism as it related to incarceration practices in the US and its impact on the health of our communities. George B. Hernandez Jr., University Health - San Antonio, TX Dr. Esmaeil Porsa, Harris Health System - Houston, TX
10:00 am 0.50 hr	Medical Staff: Its Health and Membership Concerns arising with the aging medical staff and policy considerations in light of the pending <i>EEOC v. Yale New Haven Hospital</i> litigation, as well as the expansion of advanced practice professionals in the hospital setting and their integration with the medical staff. Joanne P. Hopkins, Law Office of Joanne P. Hopkins - Austin, TX
10:30 am	15-Minute Break
10:45 am 0.75 hr	Paradigm Shifts in Managed Care and the Delivery of Health Care Learn about the transformational shifts in the managed care space accelerated by the pandemic, including a discussion on recent tensions between payors and providers, increased implementation of alternative payment models, and an examination of the increased focus on social determinants of health. The panel addresses how these matters have and will affect hospitals, physicians, and other providers. Kathy L. Poppitt, King & Spalding - Austin, TX Janet Walker, Crowell & Moring, LLP - Washington, DC Marinan Williams, Ascension - Seton Insurance Services - Austin, TX

11:30 am
0.75 hr

Future of Financing of Medicaid 1115 Waivers

In 2011, Texas received federal approval of a waiver that allowed the state to expand Medicaid managed care while preserving hospital funding and providing incentive payments for health care improvements. On April 16, 2021, the Centers for Medicare & Medicaid Service rescinded a 10-year extension of Texas' Medicaid 1115 Waiver that the previous administration approved in January 2021. CMS and HHSC continue to negotiate the future of the waiver and its related payment programs. This presentation outlines the basics of the state's waiver, its 10-year impact, the consequences of the ongoing impasse, and potential next steps.

Jennifer Banda, Texas Hospital Association - Austin, TX
Katherine Yoder, Parkland Health and Hospital System
Carlos Zaffirini Jr., Adelanto HealthCare Ventures LLC - Austin, TX

12:15 pm

Break for Lunch

Thursday Afternoon, Apr. 7, 2022

Presiding Officer:

Jennifer L. Rangel, Holland & Knight LLP - Austin, TX

Optional Table Topics Luncheon (from 12:45 p.m. - 1:30 p.m.)

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 (\$50 additional charge).

TOPIC A: COVID-19 The Fallout and Future Impact

12:45 pm

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TOPIC B: Managed Care Issues and Hot Topics for Both Hospitals and Physicians

12:45 pm

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TOPIC C: Trends and Tips for Getting Deals Done

12:45 pm

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TOPIC D: Reimbursement and Care Delivery Innovations

12:45 pm

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To include bundled payments, telemedicine, alternative payment models.

1:30 pm

10-Minute Break

<p>1:40 pm 0.75 hr</p>	<p>Buyer Beware: Will the No Surprises Act Eliminate Surprise Billing?</p> <p>Address the price transparency requirements for hospitals and payers, the No Surprises Act and litigation challenging it, and the challenges facing providers and payers operationalizing these rules. Examine the policy goals underlying these requirements and how they will affect the healthcare industry and consumers.</p> <p>A. Xavier Baker, Sheppard Mullin Richter & Hampton LLP - Washington, DC Susan Feigin Harris, Norton Rose Fulbright - Houston, TX Leah Stewart, The University of Texas at Austin Dell Medical School - Austin, TX</p>
<p>2:25 pm 0.75 hr</p>	<p>Legal and Operational Considerations of COVID Vaccine Mandates</p> <p>This presentation centers on mandatory vaccination, union responses to employee mandates, healthcare employee shortages, and management of pandemic-related employment issues. The discussion is led by a labor and employment law expert, as a health system in-house counsel raises common scenarios facing employers in various settings in the healthcare industry.</p> <p>Violet M. Anderson, CHRISTUS Health - Irving, TX Felicity A. Fowler, McGinnis Lochridge - Dallas & Houston, TX</p>
<p>3:10 pm</p>	<p>15-Minute Break</p>
<p>3:25 pm 0.75 hr</p>	<p>Texas' Mental Health System: Overview and Local Solutions to Address Gaps</p> <p>Hear an overview of the public mental health system in Texas and programs developed through the Southwest Texas Regional Advisory Council's Crisis Collaborative. Examine the legal basis for this system, the roles of each type of facility, points of access, and funding. Learn how efforts to implement collaborative, local solutions at the cross-payor level have addressed crisis responses and are now attempting to move upstream to address access to care before mental health crises arise.</p> <p>Pamela L. Beach, Texas Council Risk Management Fund - Sugar Land, TX Dr. Sally E. Taylor, University Health - San Antonio, TX</p>
<p>4:10 pm 0.75 hr 0.25 hr ethics</p>	<p>The Future of Telehealth: A Legal Discussion of Current Trends and Future Innovations</p> <p>Review recent trends in the application of, and legal issues associated with, telehealth and digital health technology, including policy trends, future innovations, and the opportunities and challenges beyond a global pandemic. Discuss ethical issues associated with health inequities affecting patient access to telehealth services and digital health technology highlighted during the COVID-19 pandemic.</p> <p>Charles Dunham IV, Greenberg Traurig, LLP - Houston, TX</p>
<p>4:55 pm 0.75 hr 0.25 hr ethics</p>	<p>Enforcement Trends Across the Healthcare Industry</p> <p>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 2022 and beyond.</p> <p>Wilson G. Jones, Bracewell LLP - Dallas, TX B. Scott McBride, Morgan, Lewis & Bockius LLP - Houston, TX</p>
<p>5:40 pm</p>	<p>Adjourn</p>
	<p>Networking Reception (from 5:40 p.m. - 6:40 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, Apr. 8, 2022

Presiding Officer:

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

7:30 am	Conference Room Opens Includes continental breakfast.
7:55 am	Morning Announcements
8:00 am 0.75 hr	Getting Private Equity and Hospital Physician Deals Done During the Pandemic and Beyond... Discuss how the pandemic has influenced changes in the landscape, dynamics and pace of physician practice acquisitions. Our panelists, who represent and work with hospitals and private equity firms, compare and contrast the different approaches to physician practice transactions and the regulatory and other trends that they see impacting the healthcare M&A outlook post-COVID. Moderator: Lisa Atlas Genecov, Katten Muchin Rosenman LLP - Dallas, TX Panelists: Chris J. Kehres, GI Alliance - Southlake, TX Colin M. McDermott, VMG Health - Dallas, TX Brandee L. Todd, CHRISTUS Health - Irving, TX
8:45 am 1.00 hr	Operational Impact of Significant Cases 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. Yvonne K. Puig, Norton Rose Fulbright - Austin, TX
9:45 am 1.00 hr	Operational Issues for Hospitals Operational issues affecting both large hospital systems and small rural hospitals including the "Heartbeat Bill", Hospital at Home model, CMS COVID-19 mandate, workplace safety, and other relevant issues. Trent Krienke, Reed, Claymon, Meeker & Hargett, PLLC - Austin, TX Brad Nitschke, Parkland Health & Hospital System - Dallas, TX Serina Rivela, University Health System - San Antonio, TX
10:45 am	15-Minute Break

11:00 am
1.00 hr ethics

The Importance of Legal Representation for a Healthy Community: Medical-Legal Partnerships in Support of Community Health

Medical-legal partnerships (MLP) integrate the unique expertise of public interest lawyers into health care settings to help clinicians, case managers, and social workers address structural problems at the root of so many health inequities. Explore the role and responsibilities of attorneys who participate in delivering “legal” care to individuals and communities.

Moderator:

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

Panelists:

Christina Fok, The University of Texas Health Science Center at Houston - Houston, TX

Keegan D. Warren-Clem, Health Management Associates and The University of Texas at Austin - Austin, TX

12:00 pm
1.00 hr ethics

Crisis Standards of Care

When medical needs of the community overwhelm hospital capacity, the Crisis Standards of Care guide who is prioritized to receive scarce medical resources. Gain insights on the current state of Crisis Standards in Texas, how guidelines were developed before and modified during the COVID-19 pandemic, and the concerns of people with disabilities and other marginalized groups regarding distribution of scarce medical resources under crisis standards.

Jennifer B. Claymon, Reed Claymon Meeker & Hargett, PLLC - Austin, TX

Dr. Robert Fine, BSWH Office of Clinical Ethics and Palliative Care - Dallas, TX

Lisa Snead, Disability Rights Texas - Austin, TX

1:00 pm

Adjourn