

34th Annual Health Law Conference
April 6-7, 2023 • Royal Sonesta Hotel Houston • Houston, TX
April 6-7, 2023 • Live Webcast

Thursday Morning, Apr. 6, 2023

Presiding Officer:

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

7:30 am In Houston Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	2023 State and Federal Healthcare Legislative Landscape A discussion on the 2023 election cycle and healthcare regulatory and legislative hot topics at the Texas and Washington, D.C. levels. Freddy Warner, Memorial Hermann Health System - Houston, TX
9:15 am 0.75 hr	Addressing Health Equity and the Social Determinants of Health Discuss the relationship of social determinants of health on health outcomes and the concept of health equity. Describe new requirements for hospitals and health systems regarding the collection and use of these data to improve the health of their patient populations. Bryan J. Alsip, University Health - San Antonio, TX
10:00 am 0.75 hr	Unionization within the Healthcare Industry: What You Need to Know if Employees Want to Unionize Labor unionization efforts have resurged in the US generally, and are happening within the healthcare industry specifically, even in Texas. Learn the legal framework under which employees have the right to organize, rights of employers when employees want to unionize, best practices to use when navigating the formation process, and what to expect when a union is formed. Rufino Gaytán III, Husch Blackwell LLP - Houston, TX Amy S. Inman, Ascension - Austin, TX
10:45 am	15-Minute Break
11:00 am 1.00 hr	Medical Staff, Nursing Staff, and Patient Rights in a Post-COVID Apocalyptic World As we move past the pandemic into a post-public health emergency world, hospitals are contending with physician and nursing staffing shortages, changing trends in the use of physicians and advanced practice professionals on medical staffs, increasing violence by patients, and regulatory pressures. The speakers discuss these issues and options for responding to them. Doug Wolford, Holland & Knight - Nashville, TN Hilary H. Young, Joy & Young LLP - Austin, TX

12:00 pm 0.75 hr	<p>The Only Thing Constant is Change: Hospital Medicaid Reimbursement in 2023 and Beyond</p> <p>Even in the ever-changing world of hospital Medicaid reimbursement, the next few years may be unparalleled. In this presentation, the speakers discuss proposed (or probable) upcoming changes to outpatient reimbursement, inpatient reimbursement, the Disproportionate Share Hospital program, the Uncompensated Care program, and the Comprehensive Hospital Increase Reimbursement Program. Of course, no discussion of hospital reimbursement would be complete without pontificating on the method of finance for private hospital supplemental payments.</p> <p>Monica Leo, Texas Children's Hospital Carlos Zaffirini Jr., Adelanto HealthCare Ventures LLC - Austin, TX</p>
12:45 pm In Houston Only	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Thursday Afternoon, Apr. 6, 2023

Presiding Officer:

Beth Anne Jackson, Brown & Fortunato, P.C. - Amarillo, TX

LUNCHEON PRESENTATION

1:05 pm 0.75 hr	<p>Reproductive and Maternal Care in an Ever-Changing Legal Landscape</p> <p>A straight-down-the-middle view from the trenches on <i>Dobbs</i>, Title X, and Texas state laws.</p> <p>Brad Nitschke, Parkland Health & Hospital System - Dallas, TX</p>
1:50 pm	<p>10-Minute Break</p>
2:00 pm 0.75 hr	<p>Managed Care Outlook in 2023: Perspectives from the Public and Private Sectors</p> <p>The speakers discuss the forthcoming managed care trends of 2023 including a focus on value-based care and alternative payment models, the ongoing effort to address social determinants in our current healthcare landscape, enrollment and coverage issues, and other key topics from industry leaders with strong federal, private, and regulatory backgrounds.</p> <p>Steven Abramson, UpStream Healthcare - Dallas, TX Kate Sullivan Morgan, Transcarent - Austin, TX Janet Walker, Crowell & Moring, LLP - Washington, DC</p>
2:45 pm 0.50 hr	<p>Managed Care: Arbitration</p> <p>Hear updates on new trends and issues being raised in arbitrations as defenses or impediments, and how to address them.</p> <p>Andrew C. Cookingham, Bracewell LLP - Dallas, TX</p>
3:15 pm	<p>15-Minute Break</p>

3:30 pm 0.75 hr	<p>No Surprises Act</p> <p>The No Surprises Act is intended to protect patients from unexpected medical bills for care received at out-of-network facilities or for out-of-network providers at in-network facilities. This session provides an overview of the Act, penalties for non-compliance, and guidance for what healthcare providers must do to comply with the Act.</p> <p>Colbey B. Reagan, Holland & Knight - Nashville, TN</p>
4:15 pm 1.00 hr 0.50 hr ethics	<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, including insight from a leading government attorney, and learn what the new theories and trends mean for 2023 and beyond.</p> <p>James Gillingham, U.S. Attorney's Office for the Eastern District of Texas - Tyler, TX Wilson G. Jones, Bracewell LLP - Dallas, TX B. Scott McBride, Morgan, Lewis & Bockius LLP - Houston, TX</p>
5:15 pm	Adjourn
In Houston Only	<p>Networking Reception (from 5:15 p.m. - 6:15 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, Apr. 7, 2023

Presiding Officer:

Leah Stewart, Reed, Claymon, Meeker, Krienke & Spurck, PLLC - Austin, TX

7:30 am In Houston Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.75 hr	<p>Patient and Public Accountability for Error and Harm: The Vanderbilt Nurse Case Revisited</p> <p>A year after a Tennessee nurse's criminal conviction related to a patient's death at a prominent academic hospital, the case has faded from the news with important legal and ethical lessons for health systems and health professionals still unlearned and seemingly unnoticed.</p> <p>William M. Sage, Schools of Law, Medicine, and Government, Texas A&M University - Fort Worth, TX</p>

9:15 am
0.75 hr

Deal Issues and Trends in Today's Market

Economic uncertainty and challenging labor issues may have slowed M&A activity for certain healthcare sectors during the first part of the year, but deal-making is expected to accelerate. This panel discusses industry trends and predictions, as well as important business and regulatory issues when negotiating transactions on behalf of medical groups, hospitals, health plans, technology companies, and private equity funds from both the buyer and seller perspectives.

Moderator:

Hal S. Katz, Husch Blackwell LLP - Austin, TX

Panelists:

Ben Griffith, GI Alliance - Dallas, TX

W. Christopher Shea, Memorial Hermann Health System - Houston, TX

Ajeya Shekar, Provident Healthcare Partners, LLC - Boston, MA

IN-PERSON ONLY SESSION

10:00 am
In Houston Only
0.75 hr

Cybercrime and Healthcare: The Threat Landscape and How to Confront It

Cybercrime now presents a significant threat to all industries, but the nature of healthcare information and network-dependent systems places the healthcare industry in a particularly vulnerable position. This panel discusses emerging trends in the cybercrime threat landscape, how to respond to a data breach or ransomware attack, and how to implement best practices to defensively and offensively address these challenges.

This presentation will not be recorded or broadcast via the live webcast. It will only be available to those registrants who attend in person.

Moderator:

Susan Feigin Harris, Norton Rose Fulbright - Houston, TX

Panelists:

Cade R. Cannon, Federal Bureau of Investigation - Austin, TX

D. Ryan Locker, U.S. Attorney's Office, Eastern District of Texas - Tyler, TX

WEBCAST ONLY SESSION

10:00 am
0.75 hr

Third Party Breaches and Vulnerability Management

Step right up and hear all about the latest data breaches and cybersecurity issues, including an overview of recent case law in the area and implications for managing vulnerabilities on an on-going basis.

This presentation was recorded on July 27, 2022, and will be broadcast at 10:00 a.m. during the live webcast. The speaker will not be available in real-time to answer questions.

Kristen E. Hudson, Dickinson Wright PLLC - Austin, TX

10:45 am

15-Minute Break

11:00 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 US LLP - Austin, TX

12:00 pm
1.00 hr

Operational Issues for Hospitals

Operational issues affecting both large hospital systems and small rural hospitals including in-hospital do-not-resuscitate (DNR) orders, telemedicine, the Hospital at Home model, and other relevant issues.

Jeff Jowers, University Health - San Antonio, TX

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

Ebon Swofford, Harris County Attorney's Office, Harris Health System - Bellaire, TX

1:00 pm

Adjourn