Program Agenda

Sunday, December 2, 2007

12:00 noon–5:30 pm

Registration and Information

12:45–1:05 pm

Welcome and Introduction
Lois Dehls Cornell
David E. Matyas

1:05–2:55 pm

Medicare Parts A-D
Barry D. Alexander
James F. Flynn

• Brief history and structure of the Medicare program
• The relationship between the various parts of the Medicare program
• Breakdown of the component pieces of Medicare (Parts A-D)
• New CMS regulatory initiatives and current hot topics

2:55–3:10 pm

Break

3:10–4:15 pm

Fundamentals of Provider Liability
Kathleen M. Boozang

• Hospital liability for individual providers’ negligence
• Corporate theory of negligence
• Informed consent
• Product-related hospital liability
• EMTALA
• Physician actions arising out of adverse credentialing decisions
• Recent trends
• Predicting the future

4:15–5:30 pm

Corporate Compliance and Corporate Governance
Decanda M. Faulk
David E. Matyas

• What are the elements of an “effective” corporate compliance program?

5:30–6:45 pm

Reception sponsored by Thomson West
(attendees, speakers and registered spouses and guests welcome)

Monday, December 3, 2007

7:00 am–5:35 pm

Registration and Information

7:00–8:00 am

Continental Breakfast sponsored by Thomson West
(attendees, speakers and registered spouses and guests welcome)

8:00–9:20 am

HIPAA: Privacy, Security and Beyond
Robyn Bartlett
Ramy Fayed

• General overview of HIPAA
  – Privacy
  – Applicability (covered entities, business associates)
  – Use and disclosure of PHI
  – Patient rights
  – Administrative requirements
  – Enforcement
• Security
  – Security standards
  – Risk analysis and risk management
  – Enforcement
  – Recent guidance

9:20–9:35 am

Break
Program Agenda

9:35–10:55 am

**Anti-Kickback and Stark**
*David E. Matyas*

- What is the federal physician self-referral law and why is it called the “Stark Law”?
- What was in the Stark II Phase III Regulations?
- What is prohibited by the Anti-Kickback Statute and what are the “safe harbors”?
- What role do Special Fraud Alerts and Advisory Opinions play in providing legal advice to clients?
- What are some of the recent government enforcement actions related to these statutes?

10:55–11:10 am

**Break**

11:10 am–12:30 pm

**False Claims and Overpayments: Basic Principles and Criminal Law Concerns for Civil Lawyers**
*R. A. Griffith*

- Overpayments and recoupments: Basic principles
- False claims litigation: Basic principles
- Overview of federal and state healthcare prosecutions (state Anti-kickback cases, improper prescribing practices)

12:30–1:30 pm

**Lunch on your own**

**CONCURRENT SESSIONS**

1:45–2:55 pm

**A. Medicaid Issues** (not repeated)
*Ross E. Sallade*

- A brief history of the Medicaid program
- Medicaid basics: (i) entitlement (ii) eligibility (iii) coverage (iv) payment
- Recent developments related to the Medicaid program, including new program integrity developments under the Deficit Reduction Act of 2005
- Practicing with Medicaid providers and suppliers

**B. Antitrust Issues**
*David Marx, Jr.*

- An overview of the antitrust laws and their purpose
- The analytic framework—from per se rules of illegality to the North Texas Specialty Physicians “sliding scale” to full-blown rule of reason analysis
- What constitutes an “agreement” under the antitrust laws
- Joint ventures, financial and clinical integration, and other collaborative arrangements
- Government (federal and state) antitrust enforcement and guidelines
- Exemptions from the antitrust laws
- Hot topics: bundled pricing, hospital mergers in light of Evanston Northwestern Healthcare, agreements between brand name and generic drug manufacturers to delay marketing of generics, and information exchange issues created by compensation surveys and the sharing of electronic health records

3:05–4:15 pm

**C. Labor and Employment** (not repeated)
*William P. Schurgin*

- Overview of statutory and regulatory framework
- Key recent developments in workplace harassment and disability discrimination
- Emerging union organizing issues affecting healthcare employers
- Evaluating proactive approaches to reduce the risk of liability under labor and employment laws

**D. Tax Exemption and Tax Issues**
*Thomas K. Hyatt*

- Qualifying for and obtaining tax-exemption for nonprofit healthcare organizations
- Public charities and private foundations
- The new and improved Form 990
- Taxation of unrelated business income
- Reconciling tax exemption and fraud and abuse issues
- Tax exemption issues du jour

*For the latest updates go to: www.healthlawyers.org/programs*
Program Agenda

4:25–5:35 pm
E. Legal Ethics: Technology and Electronic Gadgets
   Michael E. Joseph
   • Using email, cell phones, wireless devices, electronic files for client communications
   • Sending documents inadvertently, misdirecting documents, examining metadata
   • Advertising online, law firm websites, inadvertently creating attorney-client relationships
   • Using listservs, chat rooms, public I.P. spaces
   • Ethical responsibilities of lawyers when using technology
   • Practical advice and a few tips

Tuesday, December 4, 2007

7:00 am–4:15 pm
Registration and Information

7:00–8:30 am
Continental Breakfast sponsored by Thomson West
   (attendees, speakers and registered spouses and guests welcome)

7:15–8:15 am
Conducting Health Regulatory Research
   Ross E. Sallade
   • What you can forget from law school
   • Where do I find the answers? What they didn’t teach you in law school
   • Where do I go if I have an issue that I don’t know anything about?
   • How do I keep up to date?

GENERAL SESSION
8:30–9:40 am
Healthcare Finance
   Barry D. Alexander (Moderator)
   Ethan Budin
   Sanford Perl
   Ned Villers
   • Commercial banking, business banking or middle-market lending including working capital revolvers with a borrowing base or real estate loans
   • Asset-based lending transactions
   • Accounts-receivable based lending deals
   • Leveraged finance deals
     – The role of the investment bank
     – Structure of the transaction
   • Investment grade finance – the biggest capital markets transactions

9:40–9:55 am
Break

CONCURRENT SESSIONS
9:55–11:05 am
F. Managed Care Nuts and Bolts (not repeated)
   Lois Dehls Cornell
   • Managed care nuts and bolts
   • Overview of managed care plans
   • The managed care regulatory maze
   • Contracting challenges: providers, employers and vendors
   • Consumer directed health plans

G. The FDA Regulatory Process: A Practical Primer
   Kathryn L. Biberstein
   Karen A. Weaver
   • An overview of the FDA drug regulatory process obtaining approval
     – Labeling the products
     – Post-approval issues
   • Following a drug through the approval process:
     Helping you apply the rules
     – Strategy and decision-making
     – External influences
     – From R&D to recall

E. Legal Ethics: Technology and Electronic Gadgets (repeat)

11:20 am–12:30 pm
H. Long Term Care/Home Health Care
   (not repeated)
   Carol C. Loepere
   • Introduction to Medicare and Medicaid coverage
and reimbursement for nursing homes, home health agencies, hospices and durable medical equipment (DME) suppliers
• Competitive bidding for DME, prosthetics, orthotics and supplies (DMEPOS), and its impact on suppliers and these providers
• Hot topics in fraud and abuse for these providers and suppliers
• Impact of the Medicare Part D drug benefit on these providers and suppliers

J. Hospital Medical Staff Basics: Tips for Addressing Legal and Operational Issues
Karen S. Rieger
• Unique nature of the relationship between physicians and hospitals
• Key legal and accreditation requirements for medical staff bylaws and related documents
• Minimizing potential liability in medical staff credentialing
• Physician investigation, hearing and discipline issues
• Tips for drafting medical staff bylaws and related documents

D. Tax Exemption and Tax Issues (repeat)

12:30–1:35 pm
Group Luncheon and Presentation sponsored by Thomson West
(attendees and speakers welcome)
Using Your Association’s Professional Resources
Elisabeth Belmont, AHLA President
Peter M. Liebold, AHLA Executive Vice President /CEO

CONCURRENT SESSIONS
1:45–2:55 pm
K. Managing Disputes in the Healthcare Industry: Mediation, Arbitration and Litigation
(not repeated)
Lisa D. Vandecaveye
• What is a “dispute” in the healthcare industry?
• How do you effectively manage the dispute resolution process for your client?
• Do you have the skills to negotiate a dispute? (What are the skills you didn’t learn in law school and how do you obtain the knowledge?)
• Basics of mediation, arbitration and litigation and review the advantages as well as the disadvantages of the dispute resolution alternatives
• Various boundaries and expectations in dispute resolution
• Impact of insurance coverage on the alternatives available to dispute resolution
• What are the practical implications of dispute resolution for your client after the dispute is resolved? Did you really WIN?

G. The FDA Regulatory Process: A Practical Primer (repeat)

J. Hospital Medical Staff Basics: Tips for Addressing Legal and Operational Issues (repeat)

3:05–4:15 pm
Pulling It All Together – A Joint Venture Case Study
Barry D. Alexander
Lois Dehls Cornell
Decanda M. Faulk
Thomas K. Hyatt
David Marx, Jr.
• Antitrust, tax, reimbursement and fraud and abuse laws
• Fact pattern involving a joint venture healthcare facility being developed by a not-for-profit hospital, a for profit hospital and individual physicians
• Are the antitrust, anti-kickback and tax-exempt laws compatible?

Adjournment
Program Faculty

Decanda M. Faulk, Esq.
Carella Byrne Bain Giffillian Cecchi
Stewart & Olstein
Roseland, NJ

Ramy Fayed, Esq.
Sonnenschein Nath & Rosenthal LLP
Washington, DC

James F. Flynn, Esq.
Bricker & Eckler LLP
Columbus, OH

Robert A. Griffith, Esq.
Gargiulo Rudnick
Boston, MA

Thomas K. Hyatt, Esq.
OBER | KALER
Washington, DC

Michael E. Joseph, Esq.
McAfee & Taft
Oklahoma City, OK

Carol Colborn Loepere, Esq.
Reed Smith LLP
Washington, DC

David Marx, Jr. Esq.
McDermott Will & Emery LLP
Chicago, IL

Sanford E. Perl, Esq.
Kirkland & Ellis LLP
Chicago, IL

Karen S. Rieger, Esq.
Crowe & Dunlevy PC
Oklahoma City, OK

Ross E. Sallade, Esq.
Nelson Mullins Riley & Scarborough LLP
Raleigh, NC

William P. Schurgin, Esq.
Seyfarth Shaw LLP
Chicago, IL

Lisa Diehl Vandecaveye, Esq.
Corporate Vice President
Legal Affairs
Botsford Health Care Continuum
Farmington Hills, MI

Ned Villers
Water Street Healthcare Partners
Chicago, IL

Karen A. Weaver, Esq.
Epstein Becker & Green PC
Los Angeles, CA
# Program At a Glance

## Sunday, December 2, 2007

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>12:00 noon–</td>
<td>Registration and Information</td>
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<tr>
<td>5:30 pm</td>
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<tr>
<td>12:45–</td>
<td>Welcome and Introduction</td>
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<tr>
<td>1:05 pm</td>
<td><em>Cornell, Matyas</em></td>
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<tr>
<td>1:05–</td>
<td>Medicare Parts A-D</td>
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<tr>
<td>2:55 pm</td>
<td><em>Alexander, Flynn</em></td>
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<tr>
<td>2:55–</td>
<td>Break</td>
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<td>3:10–</td>
<td>Fundamentals of Provider Liability</td>
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<td>4:15 pm</td>
<td><em>Boozang</em></td>
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<tr>
<td>4:15–</td>
<td>Corporate Compliance and Corporate Governance</td>
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<td>5:30 pm</td>
<td><em>Faulk, Matyas</em></td>
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<tr>
<td>5:30–</td>
<td>Reception sponsored by Thomson West</td>
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<tr>
<td>6:45 pm</td>
<td>(attendees, speakers and registered spouses and guests welcome)</td>
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## Monday, December 3, 2007

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<td>HIPAA: Privacy, Security and Beyond</td>
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<td><em>Bartlett, Fayed</em></td>
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<tr>
<td>12:30 pm</td>
<td>Lunch on your own</td>
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<tr>
<td>1:45–</td>
<td>A. Medicaid Issues</td>
</tr>
<tr>
<td>2:55 pm</td>
<td>(not repeated)</td>
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<td><em>Sallade</em></td>
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<td>B. Antitrust Issues</td>
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## Monday, December 3, 2007 (continued)

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<tbody>
<tr>
<td>3:05–4:15 pm</td>
<td>C. Labor and Employment (not repeated)</td>
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<td>Schurgin</td>
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<td>Joseph</td>
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<td>B. Antitrust Issues (repeat)</td>
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Hotel Reservation Form
American Health Lawyers Association
Fundamentals of Health Law
December 2–4, 2007

Complete and send to:
Marriott Chicago Downtown
540 North Michigan Ave.
Chicago, IL 60611
Attention: Reservations Department

Guest Room Rates: □ $189.00 single or double occupancy

The above rates are exclusive of city and state taxes, which are currently 14.9%

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(hotel confirmation information will be sent to you at the email address listed)

| Room Requests: | | Special Needs Requests: |
|----------------|-----------------|
| ☐ King Bed | ☐ Two Double Beds |

Check-in: 4:00 p.m.  
Check-out: 12:00 noon

A deposit of one night’s room rate and tax must be made with a credit card at the time a reservation is made. In the event you must cancel a confirmed reservation, please notify the hotel at least 24 hours in advance to receive a refund of the room deposit.

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Reservations received after November 5, 2007 will be accepted on a space-available basis only. Please note that rooms at the group rate are limited, and may be sold out prior to November 5, 2007.
Program Information

Dates: December 2–4, 2007
Place: Marriott Chicago Downtown
540 North Michigan Ave.
Chicago, IL 60611
Phone: (312) 836-0100
Fax: (312) 836-6139
Registration Fees:
Postmarked and paid by November 5
$695 For the first AHLA Member
$620 For each additional Member
$895 Non-Members
Postmarked and paid between November 6 and November 29*
$795 For the first AHLA Member
$720 For each additional Member
$995 Non-Members
* Registration fees increase $100 after this date.
If you have indicated an incorrect amount due to errors in addition or not being eligible for a specific rate, AHLA will charge the correct amount to the credit card you have supplied.
Discounted Registration Fees: Government employees, in-house counsel, academicians, solo practitioners and students: please call (202) 833-0766 for special discounted registration fees.
Spouse/Guest Fee: For an additional $30 spouses and adult guests can register to attend the reception on Sunday evening and the breakfasts on Monday and Tuesday mornings. Please sign up on the registration form. (Children are welcome to attend these events at no additional charge.)
Continuing Education: Participants will be given continuing education forms at the program. Forms must be completed and returned to AHLA staff to receive credit. AHLA is an approved sponsor of continuing legal education credits in most states. This seminar will be worth approximately 18.3 continuing education credits (including 1.0 ethics credit) based on a 60-minute hour and 22.0 credits (including 1.2 ethics credits) based on a 50-minute hour.
AHLA is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN 37219-2417. Web site: www.nasba.org. This seminar will be worth approximately 22.0 CPE credits.

There are no prerequisites or advanced preparations required to register for this group live program. Sessions are basic.

Hotel Reservations: Hotel accommodations are not included in the registration fee. Call the Marriott Chicago Downtown (800) 228-9290 or use the reservation form found on page 9. If calling, please indicate that you are attending the AHLA program. Rooms at the group rate are limited and may sell out.

Membership: Dues are $180 for those admitted to the Bar/graduated from college within the last four years; $295 for those admitted/graduated more than four but less than eight years ago; and $340 for those admitted/graduated eight or more years ago. Dues are $150 (or $75 for electronic benefits) for government employees and full-time academicians; $75 for paralegals; and $25 for full-time law school students to receive benefits electronically. Include the applicable membership fee with your registration form and take advantage of the program registration fee for members.

Cancellations/Substitutions: Cancellations must be received in writing no later than November 26, 2007. Refunds will not be issued for cancellations received after this date. Registration fees, less a $125 administrative fee, will be refunded approximately 3-4 weeks following the program. If you wish to send a substitute or need more information regarding refund, complaint and program cancellation policies, please call the Member Service Center at (202) 833-0766. Please note that registration fees are based on the AHLA membership status of the individual who actually attends the program.

Special Needs: If you need any of the auxiliary aids or services identified in the Americans with Disabilities Act, please call the Member Service Center at (202) 833-0766.

Travel: Association Travel Concepts (ATC) has negotiated discounts with United, American, Enterprise and Avis Rental Car to bring you special airfares and car rental rates lower than those available to the public. Discounts apply for travel November 29-December 7, 2007. For tickets purchased less than 30 days prior, the discounts will be 5% to 15% off of the lowest available fares. Some restrictions may apply and a service fee may apply. ATC will also search for the lowest available fare on any airline.

ASSOCIATION TRAVEL CONCEPTS
1-800-458-9383
e-mail: reservations@atcmeetings.com
www.atcmeetings.com
(follow the Member Travel links)
Fax: (858) 362-3153
ATC is available for reservations from 8:30 am until 8:00 pm Eastern, Monday through Friday.
**Program Registration Form: Fundamentals of Health Law**

**To register:** Remit payment and completed registration form by mail to the American Health Lawyers Association • P.O. Box 79340 • Baltimore, MD 21279-0340 or fax with credit card information to (202) 775-2482. To register by phone call (202) 833-0766. If any program is over-subscribed, only Health Lawyers members will be placed on a waiting list. On-site registrations will be accepted on a space-available basis only.

Name: ___________________________________________ Member ID #: _____________________________

First Name for Badge (if different than above):

Title: ______________________________________________________________________________________

Organization: _______________________________________________________________________________

Address: _____________________________________________________________________________________

City: ___________________________ State: _______ ZIP+ 4: ___________________________

Telephone: (______) __________________ Fax: (_____ ) __________________

E-Mail: ______________________________________________________________________________________

Spouse/Guest Name: __________________________________________________________________________

**Early Registration Fees (faxed/postmarked and paid on or before November 5, 2007):**

- AHLA Members: ☐ $695
- Non-Members: ☐ $895

☐ $620 each additional AHLA member registering from same organization at same time on the same check or credit card payment

**Registration Fees (faxed/postmarked and paid between November 6 and November 29, 2007):**

- AHLA Members: ☐ $795
- Non-Members: ☐ $995

☐ $720 each additional AHLA member registering from same organization at same time on the same check or credit card payment

**PAYMENT INFORMATION**

Please fill in applicable amount: (Sorry! Registrations cannot be processed unless accompanied by payment.)

$______________ Registration Fee

$______________ Spouse/Guest Fee ($30)

$______________ Membership Dues (Date admitted to the bar/graduated: ☐ ☐/☐ ☐/☐ ☐ ☐)

$______________ Post-program CD with audio of all sessions and written materials ($99 for all attendees)*

$______________ Total Enclosed

I can’t attend the program but I would like to purchase the post-program CD of the audio and program materials

☐ Fundamentals of Health Law, Item #VFHL07-CD – Members $199/Non-members $259*

☐ Check enclosed (Make checks payable to American Health Lawyers Association)

Bill my credit card: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Name of Cardholder: ____________________________________________________________

Signature of Cardholder: _________________________________________________________

ZIP Code of Cardholder’s Billing Address __________________________________________

Please Note: Should your credit card total be miscalculated, AHLA will charge your credit card for the correct amount. To receive a refund of the registration fee paid minus $125, cancellation notice must be received in writing by November 26, 2007. Please see p. 10 of this brochure for AHLA’s full refund policy.

* All orders will be fulfilled 4-6 weeks after the program. Shipping and handling and applicable taxes will be added.
Fundamentals of Health Law
Chicago

December 2–4, 2007
Marriott Chicago Downtown
Chicago, IL

Register by November 5 and save!
Register online today at
www.healthlawyers.org/programs