



AMERICAN
HEALTH LAWYERS
ASSOCIATION

LONG TERM CARE AND THE LAW

February 18–20, 2004

Disney's Yacht & Beach Club Resort

Lake Buena Vista, FL



PROGRAM AGENDA

Wednesday, February 18, 2004

8:30 am–5:00 pm

Registration and Information

9:30–11:30 am

Key Areas in Long Term Care

Scot T. Hasselman

Darrell D. Zurovec

- Long term care facilities
- Survey, certification and enforcement for long term care facilities, including appeals
- Home health agencies
- Hospice
- Durable medical equipment suppliers

9:30–11:30 am

INTERACTIVE DISCUSSION GROUPS – The interactive format of these sessions provides attendees with the opportunity to discuss topics of interest with their colleagues. Each discussion group is limited to 25 people; there is an additional fee of \$40; and pre-registration is required – please see p. 19.

Group 1. Non-Traditional Care Models/ New Freedom Initiative

Peter Kinzler

Glenn A. Stanton

- People with disabilities are not a homogeneous group and should not be treated as one – they require various levels of care
- Federal and state policies to implement Olmstead, which emphasized choice in residential setting, should focus on choice and quality
- Implications of a 2003 cost comparison study that found that the costs of community and institutional residential settings for people with mental retardation are comparable
- The impact on people with mental retardation if federal and state policies result in the closing of institutions

- President Bush's "Money Follows the Individual" Rebalancing Initiative should be expanded to address people on waiting lists
- Public policy should focus on increasing choice and assuring quality

Group 2. Contracting Around Risk

Lisa A. Hathaway

Carol Colborn Loepere

- Identifying risks in long term care
- Managing risks in the admission process
- Managing risks in resident care
- Managing risks in the vendor contracts
- Managing risks in payor contracts

Group 3. Technology/HIPAA

Gordon J. Apple

- Review HIPAA security requirements (CIA) from a technological perspective
- Examine what technology has to offer to ensure security under HIPAA...from the simple to the complex
- Discuss how organizations are (or are not) utilizing technology resources for HIPAA security
- Develop a list of best practices and resources

12:45–1:00 pm

Welcome and Introduction

Richard G. Cowart

AHILA President-Elect

Harvey M. Tettlebaum

Program Chair

1:00–2:00 pm

Keynote Address – The New Freedom Initiative: What Is Freedom? By What Initiative?

William L. Minnix

Charles H. Roadman, II

John Rother

PROGRAM AGENDA

2:00–3:15 pm

Risk Management Case Study

Harvey M. Tettlebaum – moderator

Bradley L. Kelly

James L. Wilkes

- Use a mock mediation session in a nursing home liability case to explore the pros and cons of using alternative dispute resolution methods and to understand how the mediation process differs from trial
- Use a case study to examine how the plaintiff's counsel draws on clinical, survey, financial, and other data, as well as on the facility's own documents and witnesses, to develop and present an effective nursing home liability case
- Use the same case study to analyze ways in which defense counsel in the nursing home liability case can present a positive rebuttal of the plaintiff's case by humanizing the care provider and offering a reasonable justification for negative resident outcomes or seemingly deficient facility practices
- Utilize documents displayed for the audience to follow the potential evidence and how it is used in a mediation to advocate the position of your nursing home client
- Demonstrate through dialogue and documents the importance of regulatory issues to prove or defend a nursing home malpractice case

3:15–3:30 pm

Coffee Break

3:30–5:00 pm

A. Case Law Update

Jim Miles

Alan E. Schabes

- Recent Medicare/Medicaid rate appeals
- Decisions supporting jurisdiction despite Illinois Council

- Ramifications of new self-referral and false claims act cases, including the Supreme Court's ruling in *Cook County v. United States ex rel. Chandler*
- Important cases impacting peer review/quality assessment privileges
- Nonprofit/for-profit ventures after the Fifth Circuit's ruling in *St. David's Health Care System*
- Status of post-Olmstead litigation concerning Medicaid services

B. Legislation and Regulation Update

Dianne J. De La Mare

Barbara Gay

- Provisions of the newly enacted Medicare Prescription Drug, Improvement and Modernization Act
- Outlook for tort reform and other legislation still pending in Congress
- Status of current regulatory developments under key headings of Quality; Medicare; Medicaid Liability; Survey, Certification and Enforcement and Workforce

C. Survey Enforcement Update

Joseph L. Bianculli

David Cade

- Review of DAB procedures
- Case selection criteria
- Case law update
- Prospects for improving the process

D. Long Term Care Survey Process

John Aloysius Cogan

Alan C. Horowitz

- An overview of the survey process, including a discussion of the different types of surveys and how those surveys are triggered
- CMS's scope and severity determinations
- The relationship between the state survey agencies and CMS
- The types of remedies available to CMS and procedures for the imposition of remedies

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- Appeals before the Civil Remedies and Appellate Divisions of the Departmental Appeals Board, including a discussion of the latest developments in prehearing procedures
- Appeals to the federal courts

5:00–6:30 pm

Welcome Reception (attendees, speakers, children, and registered spouses and guests welcome)

Thursday, February 19, 2004

7:00 am –5:20 pm

Registration and Information

7:00–8:20 am

Breakfast (attendees, speakers, children, and registered spouses and guests welcome)

8:30–9:30 am

E. Long Term Care Hospital Regulatory and Payment Issues (not repeated)

Irwin Cohen

Stephen M. Sullivan

- The final LTCH PPS regulations fiscal year 2004
- Regulatory issues impacting qualification, operation and payment for long-term care hospitals
- Development options: acute care PPS hospital vs. inpatient rehabilitation facility
- LTCH hospitals-within-hospitals and satellite criteria
- CMS, OIG and MedPac LTCH areas of concern and audit

F. Building Survey “Safe Harbors” – Possibility or Dream?

Richard L. Butler

- What the SOM says in contrast to the way it is used by surveyors
- Assessing the surveyor clinical competency hurdle
- How the language of the Requirements of Participation helps

- Utilizing outside resources to construct the harbor
- Using outside clinical resources as reinforcements
- Training staff to respond to questionable clinical survey positions

G. Structuring and Negotiating Sale, Lease and Financing Transactions Involving Long Term Care Facilities

Bradford C. Burkett

Eliav Sharvit

- Choice of vehicle: purchase or lease
- Confidentiality agreements
- Letters of intent: benefits and burdens
- Due diligence: the hows and whys
- Representations, warranties, covenants and indemnifications
- Financing options

H. Assessing Facility Risk Using Publicly Reported and Facility MDS Data

Steven B. Littlehale

Sam Simon

- Three most commonly cited public datasets that describe facility performance and adherence to federal standards
- Methodological strengths and weakness of each dataset
- How these datasets can lead to inaccurate conclusions
- How careful analysis of these datasets, with the addition of MDS data, can provide a cohesive representation of facility quality and risk
- Using insights gleaned from these datasets to manage risk

J. Healthcare Fraud in Long Term Care: Hot Topics and Current Issues

David R. Hoffman

J. Richard Kiefer

- Government healthcare fraud enforcement priorities in long term care
- Responding to a healthcare fraud investigation and prosecution

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- Nursing homes and their wholly-owned pharmacies: wise business relationships or fertile ground for healthcare fraud prosecutions
- When does pharmaceutical pricing cross the line and become fraudulent billing?
- Anti-kickback concerns in long term care
- Implications of Abbott settlement

9:45–11:15 am (extended sessions)

A. Case Law Update (repeat)

B. Legislation and Regulation Update (repeat)

C. Survey Enforcement Update (repeat)

D. Long Term Care Survey Process (repeat)

11:25 am–12:25 pm

K. Counseling the Long Term Care Facility on Labor and Employment Issues, FLSA (not repeated)

Maryann S. Cohea

Ferrier R. Stillman

- The Department of Labor’s new regulations determining which employees are exempt from overtime
- The effect of the new regulations on long term care facilities
- Whether and how a long term care facility can analyze its current overtime practices in light of the new regulations
- Options for long term care facilities that want to change the exempt (or non-exempt) status of particular groups of employees and limit their overtime budgets

L. The Future of Medicaid

David S. Feinberg

Alan G. Rosenbloom

- Evaluate status of “Medicaid maximization” – provider taxes, intergovernmental transfers and upper payment limits – in light of numerous proposals pending before CMS, and potential impact on state budgets for 2004 and beyond

- Discussion of Bush Administration’s proposed Medicaid modernization and funding alternatives offered by the National Governors Association including “federalization” of payment for dually eligibles
- Assessment of the New Freedom Initiative and its implications for long term care service delivery and funding
- Consideration of National Governors Association’s Aging Initiative and implications for state and federal policy

M. Risk Management

Bradley L. Kelly

Jeffrey Smith

- Nursing home litigation trends and their impact on insurance coverage issues
- The latest risk financing strategies and the pros and cons of each
- Risk prevention measures relative to the case scenario
- Ways in which defense counsel can partner with providers to develop effective risk prevention strategies

N. Long Term Care Outside Nursing Facilities

Deborah A. Randall

- Adult day services in long term care
- Palliative care services as part of long term care
- Update on home health and hospice in the long term care continuum
- Home and community-based waivers

O. HUD Financing and Other Financing of LTC

Robert M. O’Brien

- Review of long term healthcare financing markets
- Current financing alternatives

PROGRAM AGENDA

12:25–1:50 pm

Lunch on your own or attend the Long Term Care Practice Group Luncheon (all attendees are welcome to register; \$37 additional; limited attendance; pre-registration required – please see page 19)

Medicaid Issues

Glenn A. Stanton

*Centers for Medicare and Medicaid Services
Baltimore, MD*

2:00–3:00 pm

P. Legal, Regulatory and Practical Issues in Hospice Arrangements with Long Term Care Facilities (not repeated)

Ari J. Markenson

- Preventing duplication of services and delineating staff responsibility
- Understanding reimbursement to each provider
- Ensuring quality of services
- Setting forth appropriate compensation terms
- Assuring the appropriate use of vendors
- Understanding OIG advisory opinions, fraud alerts and other fraud and abuse issues

Q. Therapy Caps: Administrative, Litigation and Legislative Actions

Nancy E. Taylor

- Implementation of financial limitations for certain Part B therapy services as required under the Social Security Act, section 1806 on January 1, 2003
- Administrative delay until June 1, 2003
- Litigation, American Parkinson Disease Association, et al v. Tommy G. Thompson
- Legislation extending moratorium included in Pub. L. No. 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003

R. Tips for Dealing with the EEOC, NLRB, DOL and Other Government Agencies Administering Employment Laws

John E. Lyncheski

- Examine the complaint, investigation and hearing procedures of the EEOC, NLRB and DOL.
- Discuss the best options for employers in responding to complaints and investigations.
- Discuss the “pros and cons” of fact-finding, conciliation, mediation and other similar agency procedures from the employer’s perspective.
- Learn suggested practices and procedures for formal and informal resolution of agency complaints.

S. Alternative Dispute Resolution in a Long Term Care Setting

Marsha R. Greenfield

Aric D. Martin

- Informal and formal elements of an effective dispute resolution program in the long term care setting (commercial and resident issues)
- Current status of arbitration in LTC contracts: what issues are settled and what’s open
- Special concerns: civil rights, abuse and neglect, resident’s rights and similar claims
- Drafting arbitration clauses: the good, the bad, the ugly
- Implementing and effectively using arbitration to resolve resident care disputes

T. Nursing Home Criminal and Civil Liability and Enforcement Trends

Constance H. Frogale

Michael T. Kogut

Brian D. Miller

- Overview of current federal criminal and civil enforcement actions against skilled nursing facilities, their owners and licensed employees
- How have federal enforcement actions impacted on financing and quality of care initiatives?

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- From one federal district, what types of investigations warrant less punitive enforcement to assist and improve level of care in facilities facing potential prosecution
- How can facilities under investigation obtain favorable consideration by prosecutors scrutinizing such conduct and avail themselves to innovative remedies?
- What steps should facilities and licensed professionals take when the government launches criminal and civil investigations into financial and resident care issues?

3:10–4:10 pm

U. Legal Dilemmas of Aging in Place: Fair Housing and Competence

(not repeated)

Frances W. Hamermesh

- Operational issues where provider is at risk.
- Standards for transfer in continuum of care setting and for discharge
- Recent DOJ enforcement efforts in Illinois, Washington, Texas including elements of pattern and practice of discrimination
- Conflicts between state licensing and fair housing
- State enforcement actions - advertising, admissions, transfers
- How issues of competence complicate fair housing compliance

V. Compliance Issues under Medicare PPS for Skilled Nursing Facilities

Claudia E. Reingruber

- Proper application of Medicare coverage guidelines under Medicare PPS
- Effective assessment scheduling for Medicare PPS and the impact of these decisions on revenue
- Critical MDS coding issues under PPS that have significant revenue impact
- Importance of entitlement verification, Medicare Secondary Payor (MSP) screening and other business office practices
- Common pitfalls in the billing process

W. How to Avoid a “Virtual” Nightmare: Understanding Risks to – and from – Your Electronic Data

Angela R. Morelock

- Why an effective written e-mail and computer use policy is critical to your organization’s protection from fines, lawsuits, loss of critical data, public embarrassment and interruption of business operations
- Pressing the delete key and emptying the recycle bin does not remove data from your computer, nor does merely reformatting a hard drive erase any data
- Proper disk sanitizing technology and procedures for their use
- How literally “dolly loads” of your sensitive information can leave your premises in the pocket of an employee
- Almost all Internet activity, including e-mails, attachments, text and picture images, is captured and retained on your computer long after the activity has occurred, and may be discoverable in litigation
- Internet-based e-mail used to transfer sensitive information from home or a hotel may remain on the computer and can be recovered easily and without the aid of special technology
- Artifacts on your computer that record background information of your activities, such as what files you have accessed and when, and what you have printed, deleted, e-mailed or copied to disk, CD or the Internet

X. End of Life Issues

Margaret Carley

- Comparison of various state advanced directives
- Power of attorney and legal guardianship
- Model physician orders for life sustaining treatment
- Statutes allowing or preventing physician aide in dying

PROGRAM AGENDA

- Comparison of mental health treatment declarations

Y. Reasonableness versus Strict Liability in the Survey Process

Karen L. Goldsmith

David E. Jose

- DAB and ALJ responses to “strict liability” survey findings
- The relevance and danger of state tort law principles
- The importance of “reasonable foreseeability”
- Balancing the avoidance of risks with residents’ rights
- Facts and factors to raise during IDR
- Risk management for the survey process

4:20–5:20 pm

Z. Legal Ethics (not repeated)

Cornelius Murray

AA. Part A and Part B Administrative Appeals

James P. Kelly

- Prehearing techniques
- Carrier fair hearings
- Medicare managed care appeals
- ALJ hearings
- Medicare Appeals Council hearings and remands
- Recent legislative and regulatory changes

BB. Current HIPAA Issues for Long Term Care Providers

Daniel W. Peters

- HIPAA privacy issues: where are we now?
- LTC lawyers as litigators, business lawyers and business associates
- HIPAA security compliance: what should providers be doing now?
- HIPAA disclosure rules for survey results payment audits and other governmental access
- Small health plan compliance: don’t forget your health plan

CC. Legal and Clinical Approaches to Managing the Disruptive Long Term Care

Residents and Families – Suggestions for Avoiding Sanctions and Liability

Joanne Lax

Michael Maddens

- The nature and prevalence of disruptive behavior in a long term care setting
- Legal issues raised by various facility approaches to managing disruptive behavior in the long term care setting, including admission criteria, involuntary transfer, private duty nursing/sitters, restriction of visitation by “inciting” or themselves disruptive family members, “time outs”, pharmacological interventions; physical restraints; financial surcharges; among other interventions
- Implementing interventions in light of regulatory and tort liability risks
- Strategies to harmonize the implementation of an intervention that may be responsive to one legal demand but simultaneously violative of another
- Clinical best practices for designing interventions most likely to be successful for various kinds of residents, including examination of an analytical paradigm utilized by surveyors in Michigan

DD. Assisted Living Update

Michael E. Anderson

Michael J. Stein

- New developments in assisted living
- A review of trends in state regulations
- Legislative issues in the post-ALW environment
- Long term care insurance and its effect on the assisted living industry
- Risk management in assisted living
- Tort reform’s effect on the industry

6:00–8:30 pm

Beach Party (attendees, speakers, children, and registered spouses and guests welcome)
Join Health Lawyers and your colleagues for a relaxing evening at the resort’s Y & B Beach. Dinner, drinks and entertainment will be available all evening for you to enjoy.

PROGRAM AGENDA

Friday, February 20, 2004

7:00 am–3:25 pm

Registration and Information

7:00–8:20 am

Buffet Breakfast (attendees, speakers, children, and registered spouses and guests welcome)

8:30–9:30 am

EE. Legislative Strategies (not repeated)

Gavin J. Gadberry

Christopher Cornell Puri

- Three main issues facing long term care – tort reform, background check legislation and nursing home reform efforts – and the key arguments that are most often used both by and against long term care providers
- Roles of individual providers, multi-facility companies, and state associations in developing an effective legislative strategy and legislative lobbying effort and the challenges of such an effort
- The importance of the legislative process to long term care and how to be an effective advocate for long term care

F. Building Survey “Safe Harbors” – Possibility or Dream? (repeat)

H. Assessing Facility Risk Using Publicly Reported and Facility MDS Data (repeat)

Q. Therapy Caps: Administrative, Litigation and Legislative Actions (repeat)

X. End of Life Issues (repeat)

9:40–10:40 am

FF. Non-Geriatric Nursing Home Issues (not repeated)

Howard L. Sollins

- Special considerations when non-geriatric patients engage in challenging behaviors that conflict with the interests and needs of geriatric patients, including drug use in and

out of facility, access to and departure from facility by residents and visitors, resident behavior management and related issues

- Legal issues involving patient privacy and consent, concerning searches of patient rooms, drug testing and related issues
- Legal requirements involving facility licensure and certification including patient rights, visitation issues and discharge and transfer options and procedures
- Discussion of alternate approaches to meeting resident and staff needs and maintaining a safe and effective environment

T. Nursing Home Criminal and Civil Liability and Enforcement Trends (repeat)

Y. Reasonableness versus Strict Liability in the Survey Process (repeat)

AA. Part A and Part B Administrative Appeals (repeat)

CC. Legal and Clinical Approaches to Managing the Disruptive Long Term Care Residents and Families – Suggestions for Avoiding Sanctions and Liability (repeat)

10:50–11:50 am

GG. Effective and Compliant Records Management Policies for Long Term Care Providers (not repeated)

Karen S. Lovitch

- Advantages of having an effective and compliant records management policy and the adverse consequences of failing to have such a policy
- Basic elements of a records management policy
- Legal requirements and practical considerations affecting the destruction and retention of documents
- Categories of documents long term care providers should consider when evaluating their records management policies

PROGRAM AGENDA

- Tips for successfully implementing a records management policy
 - G. Structuring and Negotiating Sale, Lease and Financing Transactions Involving Long Term Care Facilities** (repeat)
 - J. Healthcare Fraud in Long Term Care: Hot Topics and Current Issues** (repeat)
 - N. Long Term Care Outside Nursing Facilities** (repeat)
 - W. How to Avoid a “Virtual” Nightmare: Understanding Risks to – and from – Your Electronic Data** (repeat)
- 11:50 am–1:15 pm
Lunch on your own
- 1:15–2:15 pm
- L. The Future of Medicaid** (repeat)
 - M. Risk Management** (repeat)
 - BB. Current HIPAA Issues for Long Term Care Providers** (repeat)
 - DD. Assisted Living Update** (repeat)
- 2:25–3:25 pm
- O. HUD Financing and Other Financing of LTC** (repeat)
 - R. Tips for Dealing with the EEOC, NLRB, DOL and Other Government Agencies Administering Employment Laws** (repeat)
 - S. Alternative Dispute Resolution in a Long Term Care Setting** (repeat)
 - V. Compliance Issues under Medicare PPS for Skilled Nursing Facilities** (repeat)
- Adjournment**

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PROGRAM AT A GLANCE

Wednesday, February 18, 2004

8:30 am– 5:00 pm	Registration and Information			
9:30– 11:30 am	Key Areas in Long Term Care <i>Hasselman Zurovec</i>	attendance is limited for Discussion Groups; pre-registration required; \$40 additional– please see page 19.		
		Group 1. Non-Traditional Care Models/New Freedom Initiative <i>Kinzler Stanton</i>	Group 2. Contracting Around Risk <i>Hathaway Leopere</i>	Group 3. Technology/HIPAA <i>Apple</i>
12:45– 3:15 pm	<p>GENERAL SESSION 12:45–1:00 pm Welcome and Introduction <i>Cowart, Tettlebaum</i></p> <p>1:00–2:00 pm Keynote Address <i>Minnix, Roadman, Rother</i></p> <p>2:00–3:15 pm Risk Management Case Study <i>Tettlebaum – moderator, B. Kelly, Wilkes</i></p>			
3:15– 3:30 pm	Coffee Break			
3:30– 5:00 pm (extended sessions)	A. Case Law Update <i>Miles Schabes</i>	B. Legislation and Regulation Update <i>De La Mare Gay</i>	C. Survey Enforcement Update <i>Bianculli Cade</i>	D. Long Term Care Survey Process <i>Cogan Horowitz</i>
5:00– 6:30 pm	Welcome Reception (attendees, speakers, children, registered spouses and guests welcome)			

Thursday, February 19, 2004

7:00 am– 5:20 pm	Registration and Information				
7:00– 8:20 am	Breakfast (attendees, speakers, children, and registered spouses and guests welcome)				
8:30– 9:30 am	E. Long Term Care Hospital Regulatory and Payment Issues (not repeated) <i>Cohen Sullivan</i>	F. Building Survey “Safe Harbors” – Possibility or Dream? <i>Butler</i>	G. Sale, Lease and Financing Transactions Involving LTC Facilities <i>Burkett Sharvit</i>	H. Assessing Facility Risk Using Publicly Reported and Facility MDS Data <i>Littlehale Simon</i>	J. Healthcare Fraud in Long Term Care <i>Hoffman Kiefer</i>

PROGRAM AT A GLANCE

Thursday, February 19, 2004 (continued)

9:45– 11:15 am (extended sessions)	A. Case Law Update (repeat) <i>Miles Schabes</i>	B. Legislation and Regulation Update (repeat) <i>De La Mare Gay</i>	C. Survey Enforcement Update (repeat) <i>Bianculli Cade</i>	D. Long Term Care Survey Process (repeat) <i>Cogan Horowitz</i>	
11:25 am– 12:25 pm	K. Counseling the Long Term Care Facility on Labor and Employment Issues, FLSA (not repeated) <i>Cohea Stillman</i>	L. The Future of Medicaid <i>Feinberg Rosenbloom</i>	M. Risk Management <i>B. Kelly Smith</i>	N. Long Term Care Outside Nursing Facilities <i>Randall</i>	O. HUD Financing and Other Financing of LTC <i>O'Brien</i>
12:25– 1:50 pm	Lunch on your own or attend the Long Term Care Practice Group Luncheon (\$37 additional; limited attendance; pre-registration required—please see page 19)				
2:00– 3:00 pm	P. Legal, Regulatory and Practical Issues in Hospice Arrangements with Long Term Care Facilities (not repeated) <i>Markenson</i>	Q. Therapy Caps: Administrative, Litigation and Legislative Actions <i>Taylor</i>	R. Tips for Dealing with Government Agencies Administering Employment Laws <i>Lyncheski</i>	S. Alternative Dispute Resolution in a Long Term Care Setting <i>Greenfield Martin</i>	T. Nursing Home Criminal and Civil Liability and Enforcement Trends <i>Frogale Kogut Miller</i>
3:10– 4:10 pm	U. Legal Dilemmas of Aging in Place: Fair Housing and Competence (not repeated) <i>Hamermesh</i>	V. Compliance Issues Under Medicare PPS for Skilled Nursing Facilities <i>Reingruber</i>	W. Under- standing Risks to – and from – Your Electronic Data <i>Morelock</i>	X. End of Life Issues <i>Carley</i>	Y. Reasonable- ness versus Strict Liability in the Survey Process <i>Goldsmith Jose</i>
4:20– 5:20 pm	Z. Legal Ethics (not repeated) <i>Murray</i>	AA. Part A and Part B Administrative Appeals <i>J. Kelly</i>	BB. Current HIPAA Issues for Long Term Care Providers <i>Peters</i>	CC. Legal and Clinical Approaches to Managing the Disruptive Long Term Care Residents and Families <i>Lax Maddens</i>	DD. Assisted Living Update <i>Anderson Stein</i>
6:00– 8:30 pm	Beach Party (attendees, speakers, children, and registered spouses and guests welcome)				

PROGRAM AT A GLANCE

Friday, February 20, 2004

7:00 am– 3:25 pm	Registration and Information				
7:00– 8:20 am	Buffet Breakfast (attendees, speakers, children, registered spouses and guests welcome)				
8:30– 9:30 am	EE. Legislative Strategies (not repeated) <i>Gadberry Puri</i>	F. Building Survey “Safe Harbors”- Possibility or Dream? (repeat) <i>Butler</i>	H. Assessing Facility Risk Using Publicly Reported and Facility MDS Data (repeat) <i>Littlehale Simon</i>	Q. Therapy Caps: Administrative, Litigation and Legislative Actions (repeat) <i>Taylor</i>	X. End of Life Issues (repeat) <i>Carley</i>
9:40– 10:40 am	FF. Non-Geriatric Nursing Home Issues (not repeated) <i>Sollins</i>	T. Nursing Home Criminal and Civil Liability and Enforcement Trends (repeat) <i>Frogale Kogut Miller</i>	Y. Reasonableness versus Strict Liability in the Survey Process (repeat) <i>Goldsmith Jose</i>	AA. Part A and Part B Administrative Appeals (repeat) <i>J. Kelly</i>	CC. Legal and Clinical Approaches to Managing the Disruptive Long Term Care Residents and Families (repeat) <i>Lax Maddens</i>
10:50– 11:50 am	GG. Effective and Compliant Records Management Policies (not repeated) <i>Lovitch</i>	G. Sale, Lease and Financing Transactions (repeat) <i>Burkett Sharvit</i>	J. Healthcare Fraud in Long Term Care (repeat) <i>Hoffman Kiefer</i>	N. Long Term Care Outside Nursing Facilities (repeat) <i>Randall</i>	W. Understanding Risks to – and from – Your Electronic Data (repeat) <i>Morelock</i>
11:50 am– 1:15 pm	Lunch on your own				
1:15– 2:15 pm	L. The Future of Medicaid (repeat) <i>Feinberg Rosenbloom</i>	M. Risk Management (repeat) <i>B. Kelly Smith</i>	BB. Current HIPAA Issues for Long Term Care Providers (repeat) <i>Peters</i>	DD. Assisted Living Update (repeat) <i>Anderson Stein</i>	
2:25– 3:25 pm	O. HUD Financing and Other Financing of LTC (repeat) <i>O'Brien</i>	R. Tips for Dealing with Government Agencies Administering Employment Laws (repeat) <i>Lyncheski</i>	S. Alternative Dispute Resolution in a Long Term Care Setting (repeat) <i>Greenfield Martin</i>	V. Compliance Issues Under Medicare PPS for Skilled Nursing Facilities (repeat) <i>Reingruber</i>	

HOTEL RESERVATION FORM AMERICAN HEALTH LAWYERS ASSOCIATION

Long Term Care and the Law February 18-20, 2004

Complete and send to:

Disney's Yacht & Beach Club Resort
1750 Epcot Resorts Blvd.
Lake Buena Vista, FL 32830
Attention: Reservations Department

Reservations Fax: (407) 934-3305
Reservations: (407) 934-3372
Hotel Phone: (407) 934-7000
website: www.disney.com

\$215.00 Standard Single Room

\$215.00 Standard Double Room

The above rates are exclusive of city and state taxes, which are currently 11.5%.

Arrival date/time: _____ Departure date/time: _____

Name: _____

Name and ages of additional guests: _____

Sharing with (if applicable): _____

Company name: _____

Address: _____

City: _____ State: _____ ZIP+4: _____

Business Telephone: (_____) _____ Business Fax: (_____) _____

Room Requests: King Bed Two Double Beds
 Smoking Non-Smoking

Special Needs Request: _____

**All requests are not guaranteed*

Check-in: 3:00 pm

Check-out: 11:00 am

All reservations are held on a tentative basis, and are subject to cancellation unless guaranteed. Please enclose one night's deposit plus applicable taxes, (\$239.73) or use your credit card. If the reservation is not confirmed with a major credit card at the time it is made, or a deposit has not been received within seven (7) days of booking the reservation, the hotel cannot guarantee that the reservation will be held. Deposits are fully refundable if reservations are cancelled at least 120 hours (5 days) prior to arrival.

Card Type: _____

Card Number: _____ Exp. Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

Cardholder's Billing Address Zip Code: _____

Reservations received after Friday, January 16, 2004 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 January 16, 2004.

For theme park ticket ordering visit: www.tickets.disneyparkevents.com

PROGRAM INFORMATION

Dates: February 18-20, 2004
Place: *Disney's Yacht & Beach Club* Resort
1750 Epcot Resorts Blvd.
Lake Buena Vista, FL 32830
Phone: (407) 934-7000 **Fax:** (407) 934-3850

Registration Fees:

Postmarked and paid by January 16:

\$745 AHLA Members of the Long Term Care Practice Group
\$770 For the first AHLA/AAHSA/AHCA Member
\$695 For each additional Member
\$945 Non-Members

Postmarked and paid between January 17 and February 13, 2004:**

\$820 AHLA Members of the Long Term Care Practice Group
\$845 For the first AHLA/AAHSA/AHCA Member
\$770 For each additional Member
\$1020 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: When a Health Lawyers member registers for a program, each additional Health Lawyers member registering from his/her organization at the same time is eligible for a discounted registration fee. Government employees, in-house counsel, academicians and students: please call for special discounted registration fees.

Spouse/Guest Fee: For an additional \$75 spouses and adult guests can register to attend the receptions on Wednesday and Thursday evenings and the breakfasts on Thursday and Friday 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 Health Lawyers staff to receive credit. AHLA is an approved sponsor of continuing legal education credits and nursing home administrator credits in most states. This seminar will be worth approximately 17.25 continuing education credits based on a 60-minute hour and 20.5 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, Nashville, TN 37219-2417. Web site: www.nasba.org. Telephone 615-880-4200. This seminar will be worth approximately 20 CPE credits. There are no prerequisites required to register for this program.

Hotel Reservations: Hotel accommodations are not included in the registration fee. Call *Disney's Yacht & Beach Club* Resort at (407) 934-3372 or use the reservation form found on page 17. *If calling, please indicate that you are attending the Health Lawyers program. Rooms at the group rate are limited and may sell out.*

Membership: Attorney dues are \$150 for those admitted to the Bar within the last three years; \$275 for those admitted four to eight years ago; and \$325 for those admitted eight or more years ago. Dues are \$315 for health professionals; \$150 for government employees and full-time academicians; \$20 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 February 11, 2004*. 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, please call the Member Service Center at (202) 833-0766. Please note that registration fees are based on the 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.

Airline Reservations: ASSOCIATION TRAVEL CONCEPTS (ATC) has been selected as Health Lawyers' official travel agency. ATC has negotiated discounts with United, Continental, US Airways and Alamo Rental Car to bring you special airfares and car rental rates lower than those available to the public. For tickets purchased less than 60 days prior, the discounts will be 5% to 10% 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
email: reservations@atcmeetings.com
www.atcmeetings.com
Fax: (858) 362-3153

ATC is available for reservations from 9:00 am until 7:30 pm Eastern, Monday through Friday.

REGISTRATION FORM: LONG TERM CARE AND THE LAW

- 1
- 2
- 3

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) 833-1105. 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 January 16, 2004):

- AHLA Members of the Long Term Care Practice Group \$745
AHLA/AAHSA/AHCA Members: \$770 Non-Members: \$945
 \$695 each additional AHLA/AAHSA/AHCA member registering from same organization at same time

Registration Fees (faxed/postmarked and paid between January 17 and February 13, 2004):

- AHLA Members of the Long Term Care Practice Group \$820
AHLA/AAHSA/AHCA Members: \$845 Non-Members: \$1020
 \$770 each additional AHLA/AAHSA/AHCA member registering from same organization at same time

Please indicate to which organization(s) you belong: AHLA AAHSA AHCA

PAYMENT INFORMATION

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

\$ _____ Registration Fee
\$ _____ Interactive Discussion Group (\$40): _____ (please indicate group number and name)
\$ _____ Long Term Care Practice Group Luncheon (\$37; Thursday, February 19, 2004)
\$ _____ Spouse/Guest Fee (\$75)
\$ _____ Membership Dues (Date admitted to the bar: / /)
\$ _____ Total Enclosed

I can't attend the program but I would like to purchase the program materials

- Long Term Care, Item #VLT04-00000
Members \$395/Non-Members \$545 \$ _____ (shipping and handling will be added; 6% tax will be added for PA residents; 5.75% tax will be added for WDC residents)

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

Bill my credit card:   

Number: _____ Exp. Date: _____

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 February 11, 2004. Please see p. 18 of this brochure for AHLA's full refund policy.



1025 Connecticut Avenue, NW
Suite 600
Washington, DC 20036-5405

LONG TERM CARE AND THE LAW

February 18-20, 2004
Disney's Yacht & Beach Club Resort
Lake Buena Vista, FL

**Register by January 16
and save!**

Presorted
First-Class Mail
U.S. Postage Paid
Suburban, MD
Permit No. 4841