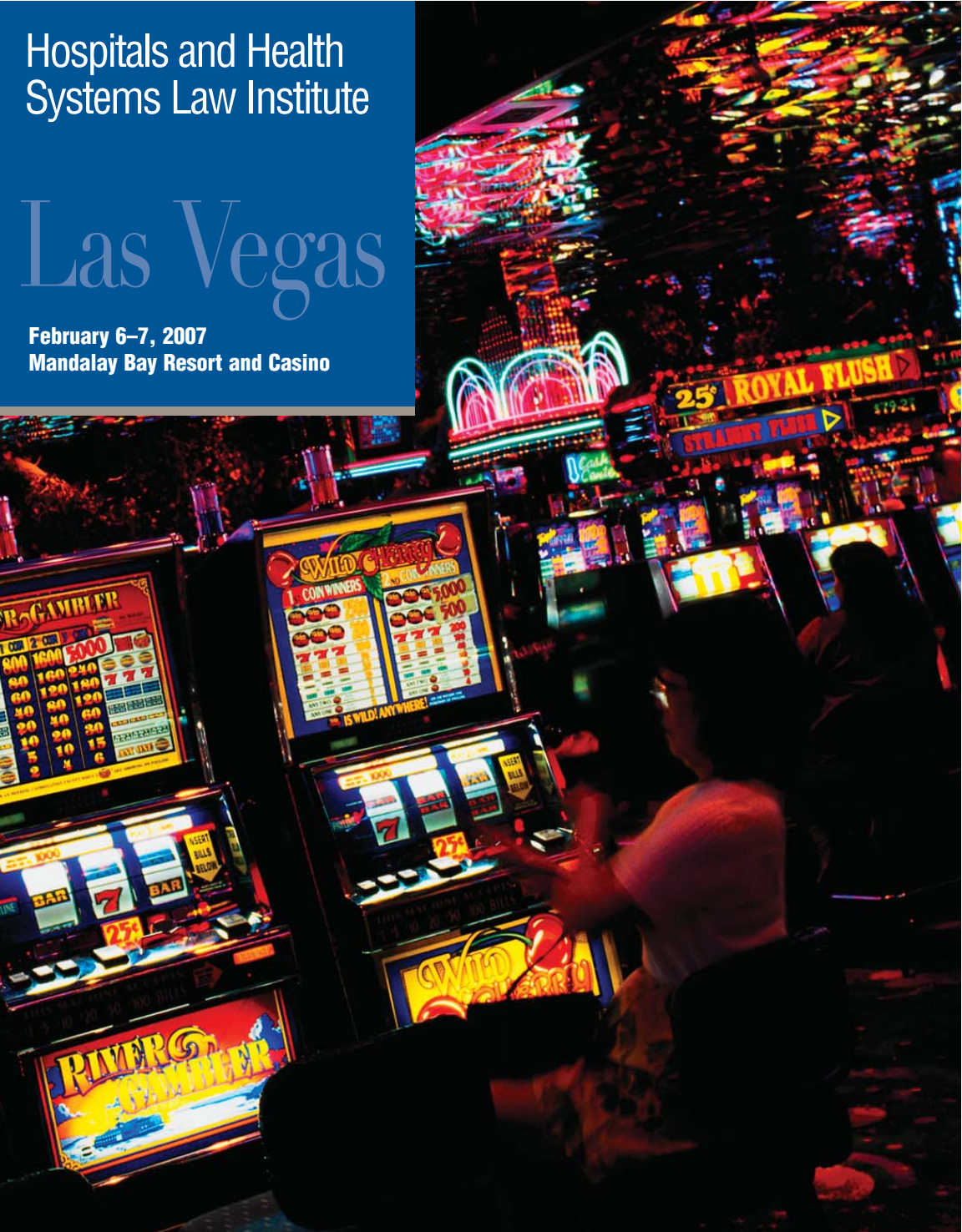


Hospitals and Health  
Systems Law Institute

# Las Vegas

February 6-7, 2007  
Mandalay Bay Resort and Casino



Planning Committee:  
Gail P. Heagen, Esq., Program Chair  
Jack S. Schroder Jr., Esq., Program Vice-Chair  
Maureen D. Mudron, Esq.  
Brian M. Peters, Esq.  
Jesse A. Witten, Esq.



*Horne LLP has provided sponsorship  
in support of this program.*



## Program Agenda

### Tuesday, February 6, 2007

7:00 am–5:50 pm

#### Registration and Information

#### GENERAL SESSION

8:00–8:10 am

#### Welcome and Introduction

*Elisabeth Belmont*

*AHLA President-Elect*

*Gail P. Heagen*

*Hospitals Program Chair*

8:10–9:25 am

#### Top Legal Developments for Hospitals and Physicians

*Beth Schermer*

*Jack S. Schroder, Jr.*

#### CONCURRENT SESSIONS

9:55–11:25 am Extended Sessions

#### A. Electronic Health Records Systems: From Vendor Contract Negotiation to Provider Practice Integration

*Bernadette M. Broccolo*

- Anticipating the myriad legal compliance needs when designing system features and functions and negotiating the vendor contracts
- Communicating with physicians and other key constituencies whose support and participation is critical to the roll-out's success
- Developing a business model that reconciles the competing regulatory restrictions such as Stark, tax-exemption and anti-kickback, including the new Stark and anti-kickback EHR exception and safe harbor
- Creating the organizational and administrative infrastructure to support the operation, growth and development of the integrated health record network through entity formation and contractual relationships
- Structuring and negotiating the key terms of the contractual relationships with participants, including pricing, data ownership and "exit strategies"

#### B. Aligning Interests, Sharing Risks: The What, Why, and How of Cutting Edge Clinical Joint Ventures

*H. Guy Collier*

*Gail P. Heagen*

- Structural characteristics of cutting-edge JV models – block lease, center of excellence, under arrangements
- Key legal and regulatory issues in each — corporate, fraud and abuse, self-referral, tax, securities
- Distinct advantages and disadvantages of each model
- Ongoing, post-implementation regulatory concerns

#### C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers

*Harold J. Bressler*

*Jeffrey G. Micklos*

- Consideration of changes to the Medical Staff Bylaw Standards and possible effects on hospital/medical staff interactions
- Changes to the leadership standards based on the work of the Leadership Accountabilities Task Force, and what that says about hospital governance and medical staffs meeting their responsibilities to enhance quality and safety
- Critical terms of JCAHO's hospital accreditation contract
- Efforts to harmonize JCAHO's hospital accreditation standards with the Medicare Hospital Conditions of Participation
- The relevance of performance measures to hospital counsel

#### D. Quality of Care, Outcomes and Failure of Care

*James G. Sheehan*

*Cheryl Wagonhurst*

11:40 am–12:40 pm

#### E. Beyond Compliance: Corporate Governance and Risk Minimization (not repeated)

*Ronald H. Levine*

- The role of Board and subcommittee meetings
- Executive and other "insider" compensation
- Transparency of information and financial integrity
- How can in-house gatekeepers assert the leadership necessary to have their voices heard and heeded (and what should they say)?
- Compliance program versus compliance culture

## Program Agenda

### F. Physician Recruitment: New Approaches to Compliance (advanced)

*Debbi M. Johnstone*

- Understanding the laws applicable to physician recruitment, with an emphasis on issues raised by the Stark Law
- Structuring the salary and permissible expense components of an income guarantee arrangement
- Issues when contracting with a group versus with individual physicians
- Alternatives to the traditional income guarantee arrangements (office expense sharing arrangements, practice support loans, coverage agreements)

### G. ER Diversion at the Hospital

*Michelle A. Williams*

- What is diversion – state and federal definitions
- What the statutes fail to identify
- Is diversion limited to ambulances/refusal of transfer requests
- Diversion and EMTALA/the TAG/the CMS Parking Memo

### H. Fraud, Abuse and False Claims Act Update: Recent Government Enforcement Focus

*Gary W. Eiland*

- Ongoing enforcement initiatives and the OIG's Work Plan issues for 2006
- Recent developments in fraud and abuse law regarding hospitals, physicians, and hospital-physician relationships
- The use and interpretation of the False Claims Act as an enforcement tool by the U.S. Dept. of Justice
- Emerging areas of investigation and enforcement including medically unnecessary procedures, clinical research issues, and recent focus on pharmaceutical industry

12:40–1:50 pm

**Lunch on your own or attend the Hospitals and Health Systems and Antitrust Practice Groups Joint Lunch** (additional fee; limited attendance; pre-registration required; see page 15)  
**Healthcare Antitrust Update: What's New for Hospitals**

*Arthur N. Lerner*

*Crowell & Moring, Washington DC*

### CONCURRENT SESSIONS

1:50–2:50 pm

### J. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege During an Investigation (not repeated)

*Phillip L. Pomerance*

*Lisa D. Taylor*

- A review of the attorney-client privilege with a look to healthcare organizations
- Do you (or your client) really have a choice?
- Cooperation without capitulation
- Federal sentencing guidelines – trading privilege for leniency?

### K. Managed Care Contracting: Practice Tips and Traps for the Unwary

*Michael F. Sexton*

- Claims payment provisions and stop loss language
- Protecting your client when a payor adopts a tiered network
- Payors' access to rates under multiple contracts, including silent PPO issues and the effect of health plan mergers
- IPA and other health plan solvency risks
- Termination rights and dispute resolution

### L. Emerging Economic and Quality Liabilities

*Brian M. Peters*

- Increasing horizontal and vertical competition
- American Healthcare Management, Redding Medical Center, Putnam Hospital
- Loss of intra-corporate immunity
- Loss of HCQIA immunity from damages
- Pros and cons of Anti-SLAPP
- Transformative fiduciary duty to medical staff

### M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past

*Peter A. Pavarini*

- Why direct employment of physicians by the hospital allows the greatest flexibility in structuring a relationship which properly aligns the interests of the parties with the least amount of legal risk
- The recruitment and retention incentives that may be used by the parties to forge a long-term sustainable relationship



## Program Agenda

- The federal laws and regulations that shape the form and substance of the hospital-physician relationship
- How state laws, particularly corporate practice of medicine prohibitions, may limit the ability to use the employment model
- How to effectively handle the thorny issues of reasonable compensation, community need, and relevant service area
- Advice on how to avoid other legal traps when negotiating and drafting such recruitment agreements

3:05–4:05 pm

### **N. Compliance and Valuation Issues in Hospital-Physician Relationships** (not repeated)

*David T. Lewis*

*Steve Rice*

- Process for assessing fair market value of physician compensation and joint venture interests
- Data used in fair market value assessment
- How different structures and arrangements are valued – physician employment, professional services agreements, joint ventures
- Outliers – How are they handled
- Issues in joint ventures involving existing hospital service lines, joint ventures between for profits and non-profits and under arrangement joint ventures

### **O. Pay for Performance – Elements and Legal/Regulatory Considerations of a Hospital-Sponsored P4P Program**

(not repeated)

*William D. Darling*

- Basic elements of a Pay for Performance program including the business case for Pay for Performance, quality indicators and payment methods
- The major players and operational Pay for Performance programs
- Challenges specific to participation by physicians and hospitals in Pay for Performance programs
- Strategies to coordinate hospital and physician incentives to achieve the level of collaboration necessary for a successful joint Pay for Performance product

- Regulatory impediments to the creation of an organizational model to implement a Pay for Performance strategy
- CMS' Pay for Performance demonstration projects, future government and private payors initiatives

### **P. Handling Potential Whistleblowers and Responding to Government Investigations**

*Jesse A. Witten*

- Dealing with current, departing and departed employees who have expressed compliance concerns
- How to communicate effectively with and treat complainants
- Severance agreement dos and don'ts
- Contingency planning for a government investigation
- What to do if your organization receives a subpoena, search warrant or direct government contact, and how to communicate with employees

### **Q. Deferred Compensation for ER Call – A New Solution for an Old Problem?**

*Daniel Mulholland*

- How deferred compensation for ER call works
- Structuring the personal service contract
- Determining reasonable compensation
- Coordinating contract with deferred compensation plan
- Applications beyond ER call

4:20–5:20 pm

### **R. Healthcare Blogging and Web 2.0: Understanding the Basics and Exploring Its Impact on the Healthcare Industry**

(not repeated)

*Robert L. Coffield*

- The MySpace, Facebook, Flickr and YouTube Generation and how they will force change in the healthcare industry
- Basics of blogging, Web 2.0 and RSS technology and how the new technology is being used by healthcare professionals, health executives and patients
- Explore impact of new technology on improving patient care, collaborative discussion among health professionals and physician/patient communication

## Program Agenda

- Emerging legal issues in First Amendment, employment, privacy and defamation law
- Should you allow your employees to blog? Should you have a policy on blogging by nurses, medical staff, etc.? How are blogs being used by patients?

### S. 20 Practical Provisions You Should have in Your Medical Staff Bylaws

*S. Allan Adelman*

- Discussion of sample, and sometimes novel, medical staff bylaw provisions which can improve the functioning of the medical staff and the credentialing and peer review processes by:
  - Avoiding accepting or processing incomplete or problem applications
  - Improving the hospital's ability to get information in the credentialing, recredentialing and peer review processes
  - Enhancing and strengthening the obligations and commitments medical staff members agree to accept by applying for membership and privileges
  - Providing flexibility in the credentialing process
  - Minimizing the need for hearings
  - Improving the fair hearing process

### F. Physician Recruitment: New Approaches to Compliance (advanced) (repeat)

4:20–5:50 pm Extended Sessions

#### A. Electronic Health Records Systems: From Vendor Contract Negotiation to Provider Practice Integration (repeat)

#### B. Aligning Interests, Sharing Risks: The What, Why and How of Cutting Edge Clinical Joint Ventures (repeat)

5:20–6:45 pm

#### Reception sponsored by Horne LLP

(attendees, faculty, and registered spouses and guests welcome)

## Wednesday, February 7, 2007

7:00 am–3:25 pm

### Registration and Information

7:00–8:30 am

**Continental Breakfast sponsored by Horne LLP**  
(attendees, faculty, and registered spouses and guests welcome)

### CONCURRENT SESSIONS

8:00–9:30 am Extended Sessions

#### C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers (repeat)

#### D. Quality of Care, Outcomes and Failure of Care (repeat)

8:30–9:30 am

#### T. Collaborating and Competing with Multi-Specialty Physician Groups

*Mark R. Thompson*

- Strategies for collaborating with multispecialty Groups, including:
  - Service line joint ventures
  - Whole hospital joint ventures
  - Participating bond transactions and more
- Strategies for competing with multispecialty groups, including:
  - Bylaw conflict of interest policies and economic credentialing
  - Recruiting competing physicians
  - Recruiting physicians within the group to join hospital aligned practices and more

#### H. Fraud, Abuse and False Claims Act Update: Recent Government Enforcement Focus (repeat)

9:40–10:40 am

#### U. Keeping Your Head When Others are Losing Theirs: Practical Tips in Disaster Planning for Hospitals (not repeated)

*Marc D. Goldstone*

*Melissa L. Markey*

- Disaster planning for hospital administrators: The unconsidered considerations
- Proven strategies for failure/learning from failures
- EMAC? What the heck is EMAC?
- Marshaling resources outside of the E.D.
- HICS – learn it, live it, love it



For the latest updates go to: [www.healthlawyers.org/programs](http://www.healthlawyers.org/programs)

## Program Agenda

### V. Tax-Exempt Hospitals: The Scrutiny Continues

*Deborah T. Ashford  
Maureen D. Mudron*

- The news from the new Congress
- Next moves by the IRS
- What inquiring states want to know

### L. Emerging Economic and Quality Liabilities

(repeat)

### S. 20 Practical Provisions You Should have in Your Medical Staff Bylaws (repeat)

10:50–11:50 am

### W. Legal Ethics: Counseling the Nonprofit Board

(not repeated)

*Thomas K. Hyatt*

- The role of outside counsel in representing the nonprofit: Who's the client?
- Addressing conflicts of interest: Policy and process
- Ensuring tax exemption compliance
- Bylaws compliance issues and best practices
- Confidentiality vs transparency
- Case study

### X. The 5 W's of Research Compliance Plans and Activities (not repeated)

*Ann T. Hollenbeck*

- Why does my hospital need a research compliance plan?
- What should a research compliance plan say and do?
- What should be involved in research compliance activities?
- Where should research compliance efforts be focused (common risk areas)?
- How to effectively implement your research compliance plan?

### Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program

*Thomas J. Babbo*

- Market forces that a clinical integration program can address including, payer report cards; growing consumerism in healthcare; reimbursement improvement; and better quality
- How the FTC defines clinical integration based on the speakers' experience in negotiation with the

FTC and private antitrust litigation with health plans concerning clinical integration

- Design and implementation of a CI program
- Partnering with the physicians to achieve results without sacrificing autonomy

### K. Managed Care Contracting: Practice Tips and Traps for the Unwary (repeat)

11:50 am–1:05 pm

**Lunch on your own or attend the Healthcare Liability and Litigation and Medical Staff, Credentialing and Peer Review Practice Groups Joint Lunch** (additional fee; limited attendance; pre-registration required; see page 15)

### A Point Counterpoint Discussion on Peer Review

*James W. Boswell (moderator)*

*King & Spalding LLP, Atlanta, GA*

*Michael Cassidy*

*Tucker Arensberg PC, Pittsburgh, PA*

*Shirley P. Morrigan*

*Foley & Lardner LLP, Los Angeles, CA*

### CONCURRENT SESSIONS

1:15–2:15 pm

### M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past (repeat)

### P. Handling Potential Whistleblowers and Responding to Government Investigations (repeat)

### Q. Deferred Compensation for ER Call – A New Solution for an Old Problem? (repeat)

### V. Tax-Exempt Hospitals: The Scrutiny Continues (repeat)

2:25–3:25 pm

### G. ER Diversion at the Hospital (repeat)

### T. Collaborating and Competing with Multi-Specialty Physician Groups (repeat)

### Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program (repeat)

### Adjournment

## Program Faculty

### Planning Committee

#### **Gail P. Heagan, Esq.**

*Program Co-Chair*  
General Counsel  
Sentara Healthcare  
Norfolk, VA

#### **Jack S. Schroder, Jr., Esq.**

*Program Vice-Chair*  
Alston & Bird LLP  
Atlanta, GA

#### **Maureen D. Mudron, Esq.**

Washington Counsel  
American Hospital Association  
Washington, DC

#### **Brian M. Peters, Esq.**

Post & Schell PC  
Philadelphia, PA

#### **Jesse A. Witten, Esq.**

Ropes & Gray  
Washington, DC

#### **S. Allan Adelman, Esq.**

Adelman Sheff & Smith LLC  
Annapolis, MD

#### **Deborah T. Ashford, Esq.**

Hogan & Hartson LLP  
Washington, DC

#### **Thomas J. Babbo, Esq.**

Hogan Marren Ltd.  
Chicago, IL

#### **Harold J. Bressler, Esq.**

General Counsel  
Joint Commission  
Oakbrook Terrace, IL

#### **Bernadette M. Broccolo, Esq.**

McDermott Will & Emery LLP  
Chicago, IL

#### **Robert L. Coffield, Esq.**

Flaherty Sensabaugh & Bonasso  
PLLC  
Charleston, WV

#### **H. Guy Collier, Esq.**

McDermott Will & Emery LLP  
Washington, DC

#### **William D. Darling, Esq.**

Strasburger & Price LLP  
Austin, TX

#### **Gary W. Eiland, Esq.**

Vinson & Elkins LLP  
Houston, TX

#### **Marc D. Goldstone, Esq.**

Senior Counsel  
Tenet Health System  
Fort Lauderdale, FL

#### **Ann T. Hollenbeck, Esq.**

Honigman Miller Schwartz &  
Cohn LLP  
Detroit, MI

#### **Thomas K. Hyatt, Esq.**

Ober Kaler Grimes & Shriver  
Washington, DC

#### **Debbi M. Johnstone, Esq.**

Vinson & Elkins LLP  
Houston, TX

#### **Ronald H. Levine, Esq.**

Post & Schell PC  
Philadelphia, PA

#### **David T. Lewis, Esq.**

Chief Legal Officer  
Erlanger Health System  
Chattanooga, TN

#### **Melissa L. Markey, Esq.**

Hall Render Killian Heath & Lyman  
PSC  
Troy, MI

#### **Jeffrey G. Micklos, Esq.**

Senior Vice President, Business  
Operations and General Counsel  
Federation of American Hospitals  
Washington, DC

#### **Daniel Mulholland, Esq.**

Horty Springer & Mattern PC  
Pittsburgh, PA

#### **Peter A. Pavarini, Esq.**

Schottenstein Zox & Dunn LPA  
Columbus, OH

#### **Philip L. Pomerance, Esq.**

Kamensky Rubinstein Hochman &  
Delott LLP  
Lincolnwood, IL

#### **Steve Rice**

Managing Senior Vice President  
MSA/Clark Consulting  
Minneapolis, MN

#### **Beth Schermer, Esq.**

Vice Dean, Administration  
University of Arizona College of  
Medicine  
Phoenix, AZ

#### **Michael F. Sexton, Esq.**

Ropes & Gray LLP  
Boston, MA

#### **James G. Sheehan, Esq.**

Assistant United States Attorney  
US Attorney's Office  
Philadelphia, PA

#### **Lisa D. Taylor, Esq.**

Stern & Kilcullen  
Roseland, NJ

#### **Mark R. Thompson, Esq.**

Seigfreid Bingham Levy Selzer &  
Gee PC  
Kansas City, MO

#### **Cheryl Wagonhurst, Esq.**

Foley & Lardner LLP  
Los Angeles, CA

#### **Michelle A. Williams, Esq.**

Alston & Bird LLP  
Atlanta, GA

## Program at a Glance—Hospitals

**Tuesday, February 6, 2007**

7:00 am– 5:50 pm	<b>Registration and Information</b>			
8:00– 9:25 am	<b>General Session</b> 8:00–8:10 am <b>Welcome and Introduction</b> <i>Belmont, Heagen</i>  8:10–9:25 am <b>Top Legal Developments for Hospitals and Physicians</b> <i>Schermer, Schroder</i>			
9:55– 11:25 am extended sessions	<b>A. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration</b>  <i>Broccolo</i>	<b>B. Aligning Interests, Sharing Risks: The What, Why, and How of Cutting Edge Clinical Joint Ventures</b>  <i>Collier Heagen</i>	<b>C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers</b>  <i>Bressler Micklos</i>	<b>D. Quality of Care, Outcomes and Failure of Care</b>  <i>Sheehan Wagonhurst</i>
11:40 am– 12:40 pm	<b>E. Beyond Compliance: Corporate Governance and Risk Minimization</b> (not repeated)  <i>Levine</i>	<b>F. Physician Recruitment: New Approaches to Compliance</b> (advanced)  <i>Johnstone</i>	<b>G. ER Diversion at the Hospital</b>  <i>Williams</i>	<b>H. Fraud, Abuse and False Claims Act: Recent Government Enforcement Focus</b>  <i>Eiland</i>
12:40– 1:50 pm	<b>Lunch on your own or attend the HHS and Antitrust Practice Groups Joint Lunch</b> (additional fee; limited attendance; pre-registration required; see page 15)			
1:50– 2:50 pm	<b>J. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege During an Investigation</b> (not repeated)  <i>Pomerance Taylor</i>	<b>K. Managed Care Contracting: Practice Tips and Traps for the Unwary</b>  <i>Sexton</i>	<b>L. Emerging Economic and Quality Liabilities</b>  <i>Peters</i>	<b>M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</b>  <i>Pavarini</i>
3:05– 4:05 pm	<b>N. Compliance and Valuation Issues in Hospital-Physician Relationships</b> (not repeated)  <i>Lewis Rice</i>	<b>O. Elements and Legal/Regulatory Considerations of a Hospital-Sponsored P4P Program</b> (not repeated)  <i>Darling</i>	<b>P. Handling Potential Whistleblowers and Responding to Government Investigations</b>  <i>Witten</i>	<b>Q. Deferred Compensation for ER Call – A New Solution for an Old Problem?</b>  <i>Mulholland</i>

## Program at a Glance—Hospitals

Tuesday, February 6, 2007 (Continued)

4:20–5:20 pm	<b>R. Healthcare Blogging and Web 2.0: Understanding the Basics and Exploring Its Impact on the Healthcare Industry</b> (not repeated)  <i>Coffield</i>	<b>S. 20 Practical Provisions You Should have in Your Medical Staff Bylaws</b>  <i>Adelman</i>	<b>F. Physician Recruitment: New Approaches to Compliance</b> (advanced) (repeat)  <i>Johnstone</i>	4:20–5:50 pm extended sessions	<b>A. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration</b> (repeat)  <i>Broccolo</i>	<b>B. Aligning Interests, Sharing Risks: The What, Why and How of Cutting Edge Clinical Joint Ventures</b> (repeat)  <i>Collier Heagen</i>
5:20–6:45 pm	<b>Reception sponsored by Horne LLP</b> (attendees, faculty, and registered spouses and guests welcome)					

Wednesday, February 7, 2007

7:00 am–3:25 pm	<b>Registration and Information</b>					
7:00–8:30 am	<b>Continental Breakfast sponsored by Horne LLP</b> (attendees, faculty, and registered spouses and guests welcome)					
8:00–9:30 am extended sessions	<b>C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers</b> (repeat)  <i>Bressler Miklos</i>	<b>D. Quality of Care, Outcomes and Failure of Care</b> (repeat)  <i>Sheehan Wagonhurst</i>	8:30–9:30 am	<b>T. Collaborating and Competing with Multi-Specialty Physician Groups</b>  <i>Thompson</i>	<b>H. Fraud, Abuse and False Claims Act: Recent Government Enforcement Focus</b> (repeat)  <i>Eiland</i>	
9:40–10:40 am	<b>U. Keeping Your Head When Others are Losing Theirs: Practical Tips in Disaster Planning for Hospitals</b> (not repeated)  <i>Goldstone Markey</i>	<b>V. Tax-Exempt Hospitals: The Scrutiny Continues</b>  <i>Ashford Mudron</i>	<b>L. Emerging Economic and Quality Liabilities</b> (repeat)  <i>Peters</i>		<b>S. 20 Practical Provisions You Should have in Your Medical Staff Bylaws</b> (repeat)  <i>Adelman</i>	
10:50–11:50 am	<b>W. Legal Ethics: Counseling the Nonprofit Board</b> (not repeated)  <i>Hyatt</i>	<b>X. The 5 W's of Research Compliance Plans and Activities</b> (not repeated)  <i>Hollenbeck</i>	<b>Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program</b>  <i>Babbo</i>		<b>K. Managed Care Contracting: Practice Tips and Traps for the Unwary</b> (repeat)  <i>Sexton</i>	

## Program at a Glance—Hospitals

Wednesday, February 7, 2007 (Continued)

1:15– 2:15 pm	<b>M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</b> (repeat)  <i>Pavarini</i>	<b>P. Handling Potential Whistleblowers and Responding to Government Investigations</b> (repeat)  <i>Witten</i>	<b>Q. Deferred Compensation for ER Call – A New Solution for an Old Problem?</b> (repeat)  <i>Mulholland</i>	<b>V. Tax-Exempt Hospitals: The Scrutiny Continues</b> (repeat)  <i>Ashford Mudron</i>
2:25– 3:25 pm	<b>G. ER Diversion at the Hospital</b> (repeat)  <i>Williams</i>	<b>T. Collaborating and Competing with Multi-Specialty Physician Groups</b> (repeat)  <i>Thompson</i>	<b>Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program</b> (repeat)  <i>Babbo</i>	

## Program at a Glance—Physicians

Monday, February 5, 2007

7:00 am– 5:40 pm	<b>Registration and Information</b>		
7:15– 8:15 am	<b>Representing Physicians Primer</b> <i>Cooper, McGinty, Schaff</i>		
8:30– 9:30 am	<b>General Session</b> 8:30-8:45 <b>Welcome and Introduction</b> <i>Belmont, McGinty</i> 8:45-9:30 am <b>Keynote Address</b> <i>Christie</i> (invited)		
9:45– 10:45 am	<b>A. Physician: Protect Thyself! It's Time for Providers to Know How to Stay Out of Trouble</b> (not repeated)  <i>Frenkel Goldberg</i>	<b>B. Utilizing Non-Physician Providers: Maximize Production and Minimize Risk</b>  <i>DeLoss</i>	<b>C. The New Dating Game: Physician-Hospital Collaborative Relationships in 2007</b>  <i>De Simone Gingerich</i>
11:00 am– 12:00 noon	<b>D. Retail Medicine – New Opportunities and New Challenges for Physicians and Physician Organizations</b> (not repeated)  <i>Johnson</i>	<b>E. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege during an Investigation</b>  <i>Pomerance Taylor</i>	<b>F. Paths and Pitfalls: What's Really the Deal with the “Messenger Model?”</b>  <i>Lerner</i>

## Program at a Glance—Physicians

Monday, February 5, 2007 (Continued)

12:00 noon– 1:30 pm	<b>Lunch on your own or attend the Physicians and HIT Practice Groups Joint Lunch</b> (additional fee; limited attendance; pre-registration required; see page 15)			
1:40– 2:40 pm	<b>G. ADR – Medical Practice Separation Agreements</b> (not repeated)  <i>Conard Vandecaveye</i>	<b>H. Compliance and Valuation Issues in Hospital-Physician Relationships</b>  <i>Lewis Rice</i>		<b>J. Strategies for Ensuring Compliance, Assessing Voluntary Disclosure and Conducting Internal Investigations</b>  <i>Laigaie Rodriguez</i>
2:55– 3:55 pm	<b>K. Imaging Joint Ventures – Why They are Proliferating</b> (not repeated)  <i>DeMuro</i>	<b>L. Credentialing Nightmares</b> (advanced)  <i>Cooper Smiles</i>		<b>C. The New Dating Game: Physician-Hospital Collaborative Relationships in 2007</b> (repeat)  <i>De Simone Gingerich</i>
4:10– 5:10 pm	<b>M. Successfully Defending Third Party Payor Audits</b>  <i>Wachler</i>	4:10– 5:40 pm extended session	<b>N. Vendor and Pharmaceutical Gift Giving, Marketing and Compliance</b> (not repeated)  <i>Washlick Welch</i>	<b>O. Stark – What Works and What Won't!</b>  <i>Matyas Ransburg-Brown</i>
5:10– 6:30 pm	<b>Reception sponsored by Horne LLP</b> (attendees, speakers and registered spouses and guests are welcome to attend)			

Tuesday, February 6, 2007

7:00 am– 5:50 pm	<b>Registration and Information</b>			
7:00– 8:00 am	<b>Continental Breakfast sponsored by Horne LLP</b> (attendees, speakers and registered spouses and guest welcome)			
8:00– 9:25 am	<b>General Session</b> 8:00–8:10 am <b>Welcome and Introduction</b> <i>Belmont, Heagen</i>  8:10–9:25 am <b>Top Legal Developments for Hospitals and Physicians</b> <i>Schermer, Schroder</i>			
9:55– 11:25 am extended sessions	<b>P. Non-Competes: Enforceable or Not?</b> (not repeated)  <i>Havens Breitenbach</i>	<b>Q. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration</b>  <i>Broccolo</i>	<b>R. Aligning Interests, Sharing Risks: The What, Why and How of Cutting Edge Clinical Joint Ventures</b>  <i>Collier Heagen</i>	<b>O. Stark – What Works and What Won't!</b> (repeat)  <i>Matyas Ransburg-Brown</i>

## Program at a Glance—Physicians

Tuesday, February 6, 2007 (Continued)

11:40 am– 12:40 pm	<b>S. ER Diversion at the Hospital</b> (not repeated)  <i>Williams</i>	<b>T. Assessing Security Rule Compliance in the Physician Office Practice</b> (not repeated)  <i>Harrison</i>	<b>U. Physician Recruitment: New Approaches to Compliance</b> (advanced)  <i>Johnstone</i>	<b>B. Utilizing Non-Physician Providers: Maximize Production and Minimize Risk</b> (repeat)  <i>DeLoss</i>	
12:40– 1:50 pm	<b>Lunch on your own or attend HHS and Antitrust Practice Groups Joint Lunch</b> (additional fee; limited attendance; pre-registration required; see page 15)				
1:50– 2:50 pm	<b>V. ASC and Hospitals: Designer Deals and Emerging Trends, “Under Arrangements”</b> (not repeated)  <i>Coleman</i>	<b>W. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</b> (not repeated)  <i>Pavarini</i>	<b>E. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege during an Investigation</b> (repeat)  <i>Pomerance Taylor</i>	<b>L. Credentialing Nightmares</b> (advanced) (repeat)  <i>Cooper Smiles</i>	
3:05– 4:05 pm	<b>X. Elements and Legal/ Regulatory Considerations of a Hospital—Sponsored P4P Program</b> (not repeated)  <i>Darling</i>	<b>Y. Deferred Compensation for ER Call</b> (not repeated)  <i>Mulholland</i>	<b>F. Paths and Pitfalls: What’s Really the Deal with the “Messenger Model?”</b> (repeat)  <i>Lerner</i>	<b>H. Compliance and Valuation Issues in Hospital-Physician Relationships</b> (repeat)  <i>Lewis Rice</i>	<b>M. Successfully Defending Third Party Payor Audits</b> (repeat)  <i>Wachler</i>
4:20– 5:20pm	<b>J. Strategies for Ensuring Compliance, Assessing Voluntary Disclosure and Conducting Internal Investigations</b> (repeat)  <i>Laigaie Rodriguez</i>	<b>U. Physician Recruitment: New Approaches to Compliance</b> (advanced) (repeat)  <i>Johnstone</i>	4:20– 5:50 pm extended sessions	<b>Q. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration</b> (repeat)  <i>Broccolo</i>	<b>R. Aligning Interests, Sharing Risks: The What, Why and How of Cutting Edge Clinical Joint Ventures</b> (repeat)  <i>Collier Heagen</i>

## Program Information

**Dates:** February 6–7, 2007  
**Place:** Mandalay Bay Resort and Casino  
 3950 Las Vegas Blvd South  
 Las Vegas, NV 89119  
**Phone:** (877) 632-7000  
**Fax:** (702) 632-7012

### Registration Fees:

#### Hospitals Program Only

#### Postmarked and paid by January 8, 2007

\$775 For the first AHLA Member  
 \$700 For each additional Member  
 \$975 Non-Members

#### Postmarked and paid between January 9 and February 3, 2007\*

\$875 For the first AHLA Member  
 \$800 For each additional Member  
 \$1075 Non-Members

#### Hospitals and Physicians Program

#### Postmarked and paid by January 8, 2007\*

\$1130 For the first AHLA Member  
 \$1060 For each additional Member  
 \$1330 Non-Members

#### Postmarked and paid between January 9 and February 3, 2007\*

\$1230 For the first AHLA Member  
 \$1160 For each additional Member  
 \$1430 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 Tuesday evening and the breakfasts on Tuesday and Wednesday 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 12.75 continuing education credits (including 2.0 ethics credit) based on a 60-minute hour and 15.3 credits (including 2.4 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](http://www.nasba.org). This seminar will be worth approximately 15.0 CPE credits.

There are no prerequisites or advanced preparations required to register for this group live program. Sessions are intermediate unless otherwise indicated.

**Hotel Reservations:** Hotel accommodations are not included in the registration fee. Call the Mandalay Bay Resort and Casino (877) 632-7000. ***Please indicate that you are attending the AHLA program. Rooms at the group rate are limited and may sell out.***

**Membership:** Dues are \$175 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 \$335 for those admitted/graduated eight or more years ago. Dues are \$150 (or \$75 for electronic benefits) for government employees and full-time academicians; 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 January 29, 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 (202) 833-0752. Please note that registration fees are based on the AHLA membership status of the individual who actually attends the program.

## Program Information

**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 February 2-10, 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

email: [reservations@atcmeetings.com](mailto:reservations@atcmeetings.com)

[www.atcmeetings.com](http://www.atcmeetings.com)

(follow the Member Travel links)

Fax: (858) 362-3153

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

## AHLA PROGRAM ON CD

**Contains detailed, searchable, and linked index, as well as AUDIO RECORDINGS and materials from every session**

### SPECIAL OFFER FOR THOSE ATTENDING:

**Hospitals and Health Systems Law Institute**—CD for only \$99 (just add to and return your registration form on page 15)

**Physicians and Physician Organizations Law Institute**—CD for only \$99 (just add to and return your registration form on page 15)

### Not able to attend one or both of these programs?

**We can help you be two places at once.** Purchase the AHLA Program on CD for each program. Just \$199 for Members and \$259 for Non-Members

To receive the **Hospitals and Health Systems Law Institute CD:** (indicate member or non-member price on the registration form and return to AHLA (item #26795-11)

To receive the **Physicians and Physician Organizations Law Institute CD:** (indicate member or non-member price on the registration form and return to AHLA (item #26800-11)

Shipping and handling will be added; 6% tax will be added for PA residents; 5.75% tax will be added for DC residents. CDs will be fulfilled 4-6 weeks after the program.

To purchase contact Inside Sales at 1-800-833-9844. Questions about your order? Contact Customer Service at 1-800-533-1637.



## Hospitals and Health Systems and Physicians and Physician Organizations Law Institutes

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) 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: \_\_\_\_\_

Please register me for the Hospitals program only

**Early Registration Fees (faxed/postmarked and paid on or before January 8, 2007):**

**AHLA Members:**  \$775      **Non-Members:**  \$975

\$700 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 January 9 and February 3, 2007):**

**AHLA Members:**  \$875      **Non-Members:**  \$1075

\$800 each additional AHLA member registering from same organization at same time on the same check or credit card payment

Please register me for both the Hospitals and the Physicians programs

**Early Registration Fees (faxed/postmarked and paid on or before January 8, 2007):**

**AHLA Members:**  \$1130      **Non-Members:**  \$1330

\$1060 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 January 9 and February 3, 2007):**

**AHLA Members:**  \$1230      **Non-Members:**  \$1430

\$1160 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

\$ \_\_\_\_\_ Physicians and HIT Practice Group Joint Lunch (\$38 for members of the Physicians/HIT PG/\$43 for non-members – Monday, February 5, 2007)

\$ \_\_\_\_\_ HHS and AT Practice Group Joint Lunch (\$38 for members of the HHS/AT PG/\$43 for non-members – Tuesday, February 6, 2007)

\$ \_\_\_\_\_ HC Liability and MSCPR Practice Group Joint Lunch (\$38 for members of the HC Liability/MSCPR PG/\$43 for non-members – Wednesday, February 7, 2007)

\$ \_\_\_\_\_ AHLA Programs on CD: Physicians and Physician Organizations Law Institute

\$ \_\_\_\_\_ AHLA Programs on CD: Hospitals and Health Systems Law Institute

\$ \_\_\_\_\_ Spouse/Guest Fee (\$30)

\$ \_\_\_\_\_ Membership Dues (Date admitted to the bar/graduated: //)

\$ \_\_\_\_\_ Total Enclosed

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 January 29, 2007. Please see p. 13 of this brochure for AHLA's full refund policy.



AMERICAN  
**HEALTH LAWYERS**  
ASSOCIATION

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

## Hospitals and Health Systems Law Institute

# Las Vegas

**February 6-7, 2007**  
**Mandalay Bay Resort and Casino**

**Register by January 8, 2007 and save!**  
**Register online today at**  
**[www.healthlawyers.org/programs](http://www.healthlawyers.org/programs)**

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