

*Recognizing
Practice Group
Volunteer Involvement*

2007-2008



Health Lawyers News Features

The monthly *Health Lawyers News* magazine presented the latest developments of health law. It included feature articles written by members who were enrolled in the Practice Groups. Features in the *Health Lawyers News* included the following:

July 2007: Misguided Attempts to Restrict Competition from Authorized Generic Drugs
By Mike Cowie and Melissa K. Jensen, Howrey LLP
Antitrust Practice Group

August 2007: IRS Mandates Heightened Transparency in Redesigned Form 990
By Gerald M. Griffith, James R. King, and Daniel J. Bacastow, Jones Day
Tax and Finance Practice Group

September 2007: Compliance and the Quality of Care Revolution: Fitting the Pieces Together in the Government's New Enforcement Landscape
By Cheryl L. Wagonhurst, Janice A. Anderson, Richard K. Rifenbark, and Nathaniel M. Lactman, Foley & Lardner LLP
Fraud and Abuse, Self-Referrals, and False Claims Practice Group

October 2007: Words Will Never Hurt Me: The Risks in Treating a Linguistically Diverse Population
By James W. Boswell and Kate Miller, King & Spalding LLP, and Joanne Joiner, Polsinelli Shalton Flanigan Suelthaus PC
Healthcare Liability and Litigation Practice Group

November 2007: Megatrends in Long Term Care
By Christopher C. Puri, Boulton Cummings Connors & Berry PLC
Long Term Care Practice Group

December 2007: AMC Mission Support and Community Outreach Programs in the Aftermath of the Stark II, Phase III Regulations
By Gadi Weinreich, Sonnenschein Nath & Rosenthal LLP; Mark R. Fitzgerald, Powers Pyles Sutter & Verville PC; and Rachel Nosowsky, University of Michigan
Teaching Hospitals and Academic Medical Centers Practice Group

January 2008: Critical Care: Immigration and the U.S. Healthcare Crisis
By Bo Cooper and Darryl R. Buffenstein, Paul Hastings Janofsky & Walker LLP, and Eunice Kim, Worldwide Trade Resources Inc.
Labor and Employment Practice Group

February 2008: When Words Collide: Diagnostic Imaging as a Case Study in Medicare Mixed Messages
By Thomas E. Bartrum, Drinker Biddle & Reath LLP, and Claire F. Miley, Bass Berry & Sims LLP
Edited by Kenneth R. Marcus, Honigman Miller Schwartz & Cohn LLP
Regulation, Accreditation, and Payment Practice Group

March 2008: When Does The Medicare Secondary Payer Rule Prevent Medicare Coverage of Clinical Trial "Complications"?
By Roger L. Jansson and Thomas E. Jeffrey Jr., Davis Wright Tremaine LLP
Life Sciences Practice Group

April 2008: Compliance with Information Security Breach Notification Laws: Prevention and Mitigation Strategies
By Robin B. Campbell, Crowell & Moring LLP
HMOs and Health Plans Practice Group

May 2008: Disclosing Unanticipated Outcomes: A Challenge to Providers and Their Lawyers
By Lee Taft, Taft Solutions
In-House Counsel Practice Group

June 2008: Considering the Antitrust Consequences of Full-Service Hospitals' Strategies for Dealing (or Not) with Physician-Owned Specialty Hospitals
By Christine L. White, Crowell & Moring LLP, and David Marx Jr., McDermott Will & Emery LLP
Antitrust Practice Group

2007-2008 Practice Group Teleconferences

June 17, 2008: CMS' Final Rule Revising Provider Reimbursement Review Board Appeal Procedures

Part I: CMS' New PRRB Rules: What You Need to Know Now

Sponsored by the Regulation, Accreditation, and Payment Practice Group

June 12, 2008: Antitrust Issues Arising in Payor-Provider Contracting

Co-sponsored by the Antitrust, Hospitals and Health Systems, and HMOs and Health Plans Practice Groups

June 10, 2008: Open Letter to Providers—What You Need to Know Before Self-Disclosing

Co-sponsored by the Antitrust; Fraud and Abuse, Self-Referrals, and False Claims; Health Information and Technology; Healthcare Liability and Litigation; HMOs and Health Plans; Hospitals and Health Systems; In-House Counsel; Labor and Employment; Life Sciences; Long Term Care; Medical Staff, Credentialing, and Peer Review; Physician Organizations; Regulation, Accreditation, and Payment; Tax and Finance; and Teaching Hospitals and Academic Medical Centers Practice Groups

May 22, 2008: EHRs and e-Discovery: "The readiness is all." Shakespeare

Sponsored by the Health Information and Technology Practice Group

May 20, 2008: Quality Initiatives and Research: News, Views, and Practical Approaches

Co-sponsored by the Hospitals and Health Systems; Life Sciences; and Teaching Hospitals and Academic Medical Centers Practice Groups

May 14, 2008: Employee Lifestyles and Off-Premises Conduct: What Can an Employer Regulate?

Sponsored by the Labor and Employment Practice Group

May 13, 2008: Working with Consultants Part II: Coding, Compliance, and Business Process Consultants

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Hospitals and Health Systems; In-House Counsel; and Physician Organizations Practice Groups and the Fair Market Value Affinity Group of the Hospitals and Health Systems Practice Group

May 8, 2008: Financing Under Fire—The Auction-Rate Bond Crisis for Hospitals and Health Systems

Co-sponsored by the Hospitals and Health Systems; In-House Counsel; Tax and Finance; and Teaching Hospitals and Academic Medical Centers Practice Groups; and the Healthcare Financial Management Association

May 6, 2008: New Instructions for the New 990: The IRS Digs Deeper

Sponsored by the Tax and Finance Practice Group

April 30, 2008: HIPAA and Law Enforcement—Responding to Requests for PHI

Co-sponsored by the Health Information and Technology; Hospitals and Health Systems; and In-House Counsel Practice Groups

April 29, 2008: Practical Strategies for Resolving False Claims Act Cases

Sponsored by the Fraud and Abuse, Self-Referrals, and False Claims Practice Group

April 24, 2008: Patent Issues for Life Sciences Lawyers

Co-sponsored by the Life Sciences Practice Group and the Food and Drug Law Institute

April 23, 2008: Working with Consultants Part I: Valuation Consultants

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Hospitals and Health Systems; In-House Counsel; and Physician Organizations Practice Groups and the Fair Market Value Affinity Group of the Hospitals and Health Systems Practice Group

April 17, 2008: Legal Ethics in the Age of Multi-Jurisdictional Healthcare Transactions

Co-sponsored by the Hospitals and Health Systems Practice Group and the Corporate Governance Task Force

March 28, 2008: Financing Under Fire—The Auction-Rate Bond Crisis for Hospitals and Health Systems

Co-sponsored by the Hospitals and Health Systems; In-House Counsel; Tax and Finance; and Teaching Hospitals and Academic Medical Centers Practice Groups; and the Healthcare Financial Management Association

March 27, 2008: Liability of Third Parties for Fraud under the Federal Securities Laws: Stoneridge and Other Developments
Sponsored by the Corporate Governance Task Force

March 12, 2008: Advanced Issues in Executive Compensation for Nonprofit Healthcare Organizations
Co-sponsored by the Tax and Finance Practice Group and the Corporate Governance Task Force

March 5, 2008: Joint Ventures Involving Non-Profit Facilities: Practical Tips for Addressing the (Sometimes Conflicting) Legal Issues Webinar
Co-sponsored by the Antitrust and Fraud and Abuse, Self-Referrals, and False Claims Practice Groups

March 4, 2008: Healthcare Compensation Valuation: In-Depth Case Studies Highlighting Common Healthcare Compensation Valuation Considerations Webinar
Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims and Regulation, Accreditation, and Payment Practice Groups

February 19, 2008: Telemedicine Legal Update: Fraud and Abuse, Credentialing, and Medicare Issues for Telehealth Ventures
Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Health Information and Technology; Medical Staff, Credentialing, and Peer Review; and Regulation, Accreditation, and Payment Practice Groups

February 7, 2008: Delivering the Medicare Part D Benefit: Contracting Issues for Part D Plan Sponsors, PBMs, Pharmacies, and Providers
Part III: Final Rules Affecting Medicare Parts C and D
Co-sponsored by the HMOs and Health Plans Practice Group and the Medicare Part D Task Force

February 6, 2008: The New Form 990—Transparency and Compliance for 21st Century Charities Webinar
Co-sponsored by the Tax and Finance Practice Group, the Corporate Governance Task Force, and the Healthcare Financial Management Association

January 31, 2008: Physician Group Practice: What Does the Future Hold? Webinar
Sponsored by Adkisson Consultants with co-sponsorship by the Physician Organizations Practice Group

January 30, 2008: Delivering the Medicare Part D Benefit: Contracting Issues for Part D Plan Sponsors, PBMs, Pharmacies, and Providers
Part II: Contracting Issues: Part D Plan Sponsors and PBMs
Co-sponsored by the HMOs and Health Plans Practice Group and the Medicare Part D Task Force

January 15, 2008: Where the Healthcare Research and U.S. Export Regulations Meet: Do You Know What is Coming Into and Out of Your Labs?
Co-sponsored by the Children's Hospital Affinity Group of the In-House Counsel Practice Group and the Teaching Hospitals and Academic Medical Centers Practice Group

January 10, 2008: Health Plan Tiering Arrangements: A New Paradigm
Sponsored by the HMOs and Health Plans Practice Group

January 9, 2008: Disclosure of Unanticipated Outcomes: Merging Patient Safety, Ethics, and Litigation Strategy
Co-sponsored by the Children's Hospital Affinity Group of the In-House Counsel Practice Group; Risk Management Affinity Group of the Hospitals and Health Systems Practice Group; and the Healthcare Liability and Litigation and Teaching Hospitals and Academic Medical Centers Practice Groups

January 8, 2008: Delivering the Medicare Part D Benefit: Contracting Issues for Part D Plan Sponsors, PBMs, Pharmacies, and Providers
Part I: Contracting Requirements: Part D Plan Sponsors and Their Contractors
Co-sponsored by the HMOs and Health Plans Practice Group and the Medicare Part D Task Force

December 18, 2007: The Companionship Exemption After *Coke v. Long Island Care* Webinar
Co-sponsored by the Labor and Employment and Long Term Care Practice Groups

December 12, 2007: Who Moved My Same Building? The Practical Implications of the New Purchased Diagnostic Rule

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups

December 6, 2007: Combination Products

Sponsored by the Life Sciences Practice Group

December 5, 2007: Issues Affecting Fair Market Value in Complex Healthcare Arrangements: What Should Counsel be Aware of During the Valuation Process? Webinar

Sponsored by HealthCare Appraisers, Inc., with co-sponsorship by the Fraud and Abuse, Self-Referrals, and False Claims and Regulation, Accreditation, and Payment Practice Groups

November 29, 2007: Stark II Phase III: The Effective Date Approaches—What Should You Know Before December 4th?

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Hospitals and Health Systems; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups

November 27, 2007: Secondary Research/Tissue Banking—Opportunities and Challenges for Industry and Providers

Co-sponsored by the Life Sciences and Teaching Hospitals and Academic Medical Centers Practice Groups

November 6, 2007: Stark II Phase III—Major Implications for Academic Medical Centers

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims and Teaching Hospitals and Academic Medical Centers Practice Groups

October 30, 2007: Healthcare Immigration Part II: Say What? Legal and Practical Issues in Developing an Effective and Legally Compliant Language Access Plan

Co-sponsored by the Healthcare Liability and Litigation; Hospitals and Health Systems; and Labor and Employment Practice Groups

October 25, 2007: Stark Phase III Final Regulation

Part II: Stark in the Real World: Phase III as Applied

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Hospitals and Health Systems; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups

October 24, 2007: Healthcare Immigration Part I: Healthcare and Immigration Processes in the Era of Homeland Security: An Update on Recent Developments Webinar

Co-sponsored by the Healthcare Liability and Litigation; Hospitals and Health Systems; and Labor and Employment Practice Groups

October 23, 2007: What Every Healthcare Lawyer Needs to Know about the *Evanston* Decision

Co-sponsored by the Antitrust and Healthcare Liability and Litigation Practice Groups

September 27, 2007: Stark Phase III Final Regulation

Part I: Phase III Stark II: The Journey Continues

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims; Hospitals and Health Systems; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups

September 26, 2007: Candid (and Not-So-Candid) Camera—Patient, Family, and Plaintiff Attorney Use of Electronic Surveillance in Healthcare Facilities: What to Do When You are Asked to "Smile for the Camera"

Co-sponsored by the Health Information and Technology; Healthcare Liability and Litigation; Hospitals and Health Systems; In-House Counsel; and Long Term Care Practice Groups; and the Risk Management Affinity Group of the Hospitals and Health Systems Practice Group

September 20, 2007: Heading to Never Never Land: The CMS Proposal to Halt Reimbursement for "Never" Events

Co-sponsored by the Healthcare Liability and Litigation; In-House Counsel; and Regulation, Accreditation, and Payment Practice Groups; and the Risk Management Affinity Group of the Hospitals and Health Systems Practice Group

September 5, 2007: The New Joint Commission Standards—MS.1.20

Co-sponsored by the Hospitals and Health Systems; Medical Staff, Credentialing, and Peer Review; and Physicians Organizations Practice Groups

August 16, 2007: Are You Ready for the New Medicare Ambulatory Surgery Center (ASC) Payment System?

Co-sponsored by CCH, a Wolters Kluwer business, and the Regulation, Accreditation, and Payment Practice Group

August 9, 2007: Disclosure of Medical Errors: Legal, Ethical, Risk Management, and Physician Perspectives (Intermediate)

Co-sponsored by the Healthcare Liability and Litigation and In-House Counsel Practice Groups and the Risk Management Affinity Group of the Hospitals and Health Systems Practice Group

August 8, 2007: Proposed Stark Law Changes in 2008 Physician Fee Schedule

Co-sponsored by the Fraud and Abuse, Self-Referrals, and False Claims and Regulation, Accreditation, and Payment Practice Groups

August 7, 2007: Lessons A Unionized Employer Can Teach Other Employers

Sponsored by the Labor and Employment Practice Group

July 24, 2007: Managed Care Litigation Developments: Legal and Practical Considerations for Health Plans and Providers

Co-sponsored by the HMOs and Health Plans and In-House Counsel Practice Groups

July 17, 2007: IRS' New Redesigned "Draft" Form 990 for Tax-Exempt Organizations

Sponsored by the Tax and Finance Practice Group

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Christine White, Crowell & Moring LLP

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2007-2008 Practice Group Newsletters

HIT News, September 2007

Editor: Rebecca L. Williams, Davis Wright Tremaine LLP

Consumer-Directed Healthcare: Rx for the United States Healthcare System or Bitter Pill?

By Patricia D. King, Swedish Covenant Hospital

Treat Security Breaches with Caution

By Kevin D. Lyles and Ritu Kaur Sing, Jones Day

The Impact of Electronic Health Technology Safe Harbors on Clinical Integration Initiatives and Antitrust Enforcement

By Linn F. Freedman and Claudia A. Hinrichsen, Nixon Peabody LLP

IRS Issues Guidance Regarding Tax Consequences of HIT Subsidy Arrangements between Tax-Exempt Hospitals and Medical Staff Physicians

By Susan (Mathis) Schalla and LaVerne Woods, Davis Wright Tremaine LLP

LTC Advisor, November 2007

Editor: Barbara J. Duffy, Lane Powell PC

"Family Responsibilities Discrimination"—A New Frontier for Employees with Caregiving Responsibilities Outside of the Workplace

By Sarah E. Haushild and Laura T. Morse, Lane Powell PC

Department of Homeland Security—Immigration and Customs Enforcement No-Match Letter Regulation in Flux

By Charles Gillman, Lane Powell PC

A Primer for Preparing the Long Term Care Workforce for an Avian Flu Pandemic

By John E. Lyncheski, Cohen & Grigsby PC

Looking Forward on Background Checks: The CMS Employee Background Check Pilot Program Should Prompt Long Term Care Providers to Evaluate Their Current "Direct Access Employee" Background Check Screening Process

By Jason Smith, Evergreen Healthcare, and Kirsten Daniels, Lane Powell PC

The RAP Sheet, November 2007

Editor: Kenneth R. Marcus, Honigman Miller Schwartz & Cohn LLP

Medicare Claims and Activity Recovery Audit Contractors: A Look at the Process, the Plans for Expansion, and the Experience in the Demonstration States

By R. Brent Rawlings, McGuire Woods LLP

Whether Days of Medical Assistance Provided by a State Plan Approved Under Title XIX Should Be Included Among "Eligible Days" in the Medicare DSH Computation: The Case of Adena Regional Medical Center, et al., v. Leavitt

By Steven Roosa, Reed Smith LLP

The Final Medicare Inpatient Prospective Payment System (IPPS) Rule for Fiscal Year 2008: Payment and Compliance Challenges

By Lance S. Loria, Loria Associates LLC

MedPAC's New Area Wage Adjustment—What Could It Mean for Providers?

By Theodore Giovanis, T. Giovanis & Company

New Developments with Long Term Care Hospitals

By Stephen Sullivan and Mollye Monceaux, Sullivan Stolier & Resor APLC

Labor & Employment, November 2007

Editor: Paula D. Walker, Waller Lansden Dortch & Davis LLP

Preparing for Guard Publishing: Will the NLRB Make Cyberspace a Workplace?

By Sean M. Becker and Corey E. Devine, Vinson & Elkins LLP

To Blog or Not To Blog: Is there Really Anything Employers Can Do About It? Work-Related Blogging by Employees

By James G. Petrie, Bricker & Eckler LLP

A Charge Nurse by Any Other Name [Might Be] . . . A Supervisor

By Kenneth A. Sprang, Psychiatric Institute of Washington

Life Sciences, December 2007

Editor: Seth D. Levy, Davis Wright Tremaine LLP

'Health' and 'Life Science': The Inevitable Merger of Distinct Industry Sectors

By Bernadette M. Broccollo and Jennifer S. Geetter, McDermott Will & Emery LLP

Oh Abigail, Abigail: The D.C. Circuit's En Banc Decision in the Abigail Alliance Case

By Arnold I. Friede, Pfizer Inc.

Drugs, Dietary Supplements, and Functional Foods: Distinctions Without a Difference?

By Ricardo Carvajal, Reed Smith LLP

Medicaid Prescription Drug Final Rule: CMS Makes Major Changes Required Under the Deficit Reduction Act to Medicaid Reimbursement and Rebate Methodologies

By Marcy Imada, John T. Gilbertson, and Keith Majors, Deloitte & Touche LLP

Fraud and Abuse Issues in Clinical Trial Agreements

By Susan E. Ziel, Krieg DeVault LLP

Healthcare Liability & Litigation, December 2007

Editor: Daniel M. Glassman, St. Joseph Health System

From Hospital to Locked Ward to Civil Rights Action

By Michael Kurs, Pullman & Comley LLC

The Suspicious Physician—Legal Protections and Ramifications for Medical Community in Identifying and Treating Munchausen Syndrome by Proxy

By Corey M. Perman, Epstein Becker & Green PC

Teaching Hospitals & Academic Medical Centers, December 2007

Editor: Andy Lemons, Baker Donelson Bearman Caldwell & Berkowitz PC

Ownership of Biological Materials

By Jill E. Anderson, Moses & Singer LLP

Obtaining Patient Consent: No Longer Just the Doctor's Job

By Sigrid C. Haines, Lerch Early & Brewer

A Challenge for Issuers of Tax-Exempt Bonds: IRS Revenue Procedure 2007-47

By Adam P. Rifkind, Office of Research Services, University of Pennsylvania

MedStaff News, January 2008

Editor: Stephen R. Kleinman, Schottenstein Zox & Dunn LPA

Your Incident Reports May Say They Are Privileged, But Are They?

By Chad W. Helmick, Schottenstein Zox & Dunn Co. LPA

New Joint Commission Standard MS.1.20 Provides Structure for Medical Staffs, Bylaws

By Elizabeth A. Snelson, Legal Counsel of Medical Staff

Minnesota Recognizes Private Cause of Action for Negligent Credentialing of a Physician

By Stephen K. Warch, Halleland Lewis Nilan & Johnson PA

A Hearing Officer's Reflections on Fair Hearing Proceedings

By William Mack Copeland, Law Office of William Mack Copeland LLC

HMOs & Health Plans, February 2008

Editor: Stuart I. Silverman, Office of Inspector General for the District of Columbia Government

Physician Tiering Programs: Holding Health Plans Responsible for Tiering Methodology and Disclosure to Their Insureds

By Mark Joffe and Kelli Back, Law Offices of Mark S. Joffe

Re-Examining Your Medicare Advantage and Medicare Part D Compliance Programs in Light of the Current Governmental Enforcement Climate

By Marci Handler and Nisha Shah, Epstein Becker & Green PC

Making Wellness Work: Structuring Meaningful and Legal Incentives for Healthy Behavior

By Thomas D. Bixby and Jason C. Kim, Neal Gerber & Eisenberg LLP

Plan Counsel and the Compliance Imperative

By Mira B. Weiss, Blue Cross Blue Shield New Jersey

Application of Medical Billing Standards to Claims Submitted by Non-Contracted Providers

By Peter Roan and Ronald Kurtz, Locke Lord Bissell & Liddell LLP

Tax & Finance, February 2008

Editor: James R. King, Jones Day

Senior IRS Personnel Comment on Outlook for Revised 990

Interview with Lois Lerner and Ron Schultz, Tax Exempt and Government Entities Division, Internal Revenue Service; conducted by Linda Sauser Moroney, Drinker Biddle & Reath LLP, and James R. King, Jones Day

Senate Finance Committee—Minority Non-Profit Hospitals Roundtable

By Keith Hearle, Verité Healthcare Consulting LLC

Three Hours in Washington: An Academic's Observations of the Discussion Draft Roundtable

By John D. Colombo, University of Illinois College of Law

The Provena Covenant Experience: Thoughts on Avoiding Controversy Over Hospital State Charitable Tax Exemptions

By Patrick S. Coffey and Timothy M. Maggio, Locke Lord Bissell & Liddell LLP

An Impending Collision at the Intersection of Code Section 457 and Code Section 409A

By Marlene P. Frank, Michael K. Blais, and Sarah Heck Griffin, Jones Day

New Guidance for Directors of Financially Distressed Hospitals

By Michael W. Peregrine and Miles W. Hughes, McDermott Will & Emery LLP

HIT News, February 2008

Editor: Rebecca L. Williams, Davis Wright Tremaine LLP

Preparing for Litigation—Before It Strikes

By James Rosenblum, Rosenblum Newfield LLC

HIPAA Enforcement by Tort—Now It's Personal

By Angela Oren

He's Not a Doctor but He Played One on TV: HIPAA Privacy Lessons Learned (by Hospitals and OCR) from George Clooney

By Jenifer A. Belt, Shumaker Loop & Kendrick LLP

Health Information Privacy and Security Act: The Principles of the HIPAA Privacy and Security Rules Shift into Overdrive

By Sarah L. Bhagwandin and Jason Froggatt, Davis Wright Tremaine LLP

Physician Organizations, February 2008

Editor: Ann M. Bittinger, Bittinger Law Firm

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