FUNDAMENTALS OF HEALTH LAW

LEARN. NETWORK. ENGAGE.

Premier Education in Health Law

November 17-19, 2019 | Chicago, IL
Program Planning Committee
Michael E. Paulhus, Program Chair
Anthony H. Choe
Melesa A. Freerks
Jennifer C. Hutchens

Program Learning Objectives
• Gain an understanding of laws and regulations for the health law industry including Stark and Anti-Kickback, False Claims Act, Antitrust, Tax, and HIPAA
• Increase knowledge of the legal challenges faced by hospitals, physicians, long term care providers and managed care organizations
• Learn about the impact of the health reform law on the health care industry

Exhibitors
• JND eDiscovery
• Ntracts Inc
• Pinnacle Healthcare Consulting

Hotel Information
Chicago Marriott Downtown Magnificent Mile
540 N Michigan Ave
Chicago, IL 60611
(877) 303-0104

Hotel accommodations are not included in the registration fee. Call Chicago Marriott Downtown Hotel at (877) 303-0104 and indicate that you are attending the AHLA program. Rooms at the group rate of $259 single/double occupancy are limited and may sell out prior to the Wednesday, October 16, 2019 cut-off.

Registration Fees:
Postmarked and paid on or before October 16, 2019
$810 first AHLA Member
$735 each additional Member
$1085 Non-Members

Postmarked and paid between October 17-November 10, 2019*
$960 first Member
$885 each additional Member
$1235 Non-Members

* Fees increase $100 after this date

Discounts
$100 off full applicable rate In-House Counsel/ Solo Practitioner
$550 Government/Academician/Public Interest Professional/Paralegal Members
$650 Government/Academician/Public Interest Professional/Paralegal Non-Members
$410 One-Day Registration Members
$550 One-Day Registration Non-Members

Continuing Education Credit Information
CLE/MCLE: AHLA will be applying for 17.5 credits (including 1.00 ethics credit) for 60-minute states and approximately 20.7 credits (including 1.2 ethics credit) for 50-minute states.

CPE: AHLA will be applying for 21.0 CPE credits.

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 Ave. North, Suite 700, Nashville, TN 37219-2417. NASBA’s website is www.nasba.org.

CCB: AHLA will be applying for 21.0 Compliance Certification Board (CCB) credits.

Participants will be given Continuing Education Request forms at the program. Forms must be completed and returned to AHLA staff to receive credit. The sessions, unless otherwise designated, are basic in level. This program is designed to be an update on developments in the area of health law. There are no prerequisites or advanced preparations required to register for this group live program. Those seeking accounting credits should be familiar with the basic concepts and terminology associated with health law in order to obtain the full educational benefit of this program.
Membership
Dues are $235 for those admitted to the Bar/graduated from college within the last four years; $355 for those admitted/graduated between four and seven years ago; and $400 for those admitted/graduated eight or more years ago. Dues are $120 for government employees and full-time academicians; $190 for Solo Practitioner in Private Practice, $105 for paralegals, $125 for public interest professionals, and $100 for retired professionals. 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 by November 6, 2019 and sent to Dorothy Johnson: djohnson@healthlawyers.org. Registration fee, minus the $150 administrative fee, will be refunded approximately 3-4 weeks following the program in the same form of tender as the original payment. Refunds will not be issued for cancellations received after the cancellation date, to include no-shows.

Substitutions will be accepted, in writing to AHLA (djohnson@healthlawyers.org), up to 2 business days prior to the event date on a one time basis. Note, that the registration fee is based on AHLA membership status of the individual who actually attends the program. Non-member substitutes will be charged the fee difference if they are substituting for a member-discounted registration.

Transfer to an upcoming event within one year of equal or higher value is available on a one time basis only, and should be received in writing to AHLA (djohnson@healthlawyers.org) no later than 2 business days prior to the event. An administrative fee of $150 will be charged for a transfer request.

Special Needs
If you have needs requiring special assistance or accommodations, including special dietary needs, or have questions about accessibility issues at the program, contact our special needs coordinator, Valerie Eshleman at (202) 833-0784 or veshleman@healthlawyers.org.

Spouse/Guest Fee
For an additional $30 spouses and adult guests can register to attend the reception on Sunday and Monday evenings and the breakfasts on Monday and Tuesday mornings. Please sign up on the registration form. (Children are welcome to attend these events at no additional charge.)

Travel
ATC Travel Management (ATC) has negotiated discounts with Delta, Hertz, and Alamo to bring you special airfares and car rental rates lower than those available to the public. Discounts apply for travel for AHLA 2019 meetings, discounts available 3 days pre/post meeting start/end dates. Restrictions and a service fee may apply. ATC will also search for the lowest available fare on any airline.

ATC TRAVEL MANAGEMENT
1-800-458-9383
email: reservations@atcmeetings.com

ATC is available for reservations from 8:30 am until 8:00 pm Eastern, Monday through Friday.

For the most up-to-date information and to register, visit our website at: www.healthlawyers.org/fundamentals2019
Sunday, November 17, 2019
11:30 am-5:40 pm
Registration and Information

GENERAL SESSION

12:30-12:50 pm
Welcome and Introduction
S. Craig Holden, AHLA President-Elect
Michael E. Paulhus, Program Chair

12:50-1:50 pm
Coverage Expansion, Transformation, and Re-Definition: Health Care’s Legal and Policy Imperatives
Peter M. Leibold
- Power to the people on coverage expansion: A look at referenda as a way to expand Medicaid
- Policy barriers to transformation: Federal and state laws need to accommodate the move to value
- A shift to wellness: The role of non-medical needs

1:50-3:05 pm
Fundamentals of Medicare Parts A and B
James F. Flynn
Alison R. Hollender
- Why are there different parts of the Medicare program?
- Beneficiary issues: Eligibility, enrollment, costs, benefit periods
- Benefit categories that determine coverage
- Who can provide which items or services?
- Why does place of service matter?
- How Medicare impacts health care transactions
- How to help providers address Medicare questions

3:25-4:40 pm
Fundamentals of Medicare Parts C and D and Commercial Health Insurance
Anthony H. Choe
David E. Kopans
- History of insurers and other third party payers
- Survey of major federal and state laws
- The commercial health insurance market
- Medicare Parts C and D (Medicare Advantage and Prescription Drug Plan Programs)

4:40-5:40 pm
Medicaid Fundamentals—A look at the Medicaid Program: Past, Present, and Future
Caroline L. Farrell
Jeff J. Wurzberg
- The Medicaid program and its program objectives
- The statutory requirements for Medicaid programs
- Different state approaches to Medicaid and Medicaid eligibility
- The new era of the Medicaid program and current reform efforts
- A look to the future: Ongoing litigation and reform efforts

5:40-6:40 pm
Networking and Diversity+ Inclusion Reception, hosted by AHLA’s Diversity+Inclusion Council
This event is included in the program registration. Attendees, faculty, and registered spouses and guests are welcome.

Monday, November 18, 2019
6:00-7:00 am
Yoga Class, hosted by the Young Professionals Council
This event is included in the program registration; limited attendance; pre-registration required.

7:00 am-5:15 pm
Registration and Information
7:00-8:00 am
Continental Breakfast
This event is included in the program registration. Attendees, faculty, and registered spouses and guests welcome.

GENERAL SESSION

8:00-9:30 am
Stark and Anti-Kickback Laws
Marc D. Goldstone
Donn H. Herring
- The basic prohibition of each law (i.e., the Federal Anti-Kickback Statute and the Stark Law)
- Compare and contrast each law and the situations in which each law applies
- The most common Safe Harbors and/or Exceptions of each law
- A basic analytical framework for analyzing potential issues under each law and how to apply it in simple scenarios

9:30-10:30 am
How I Learned to Stop Worrying and Love the False Claims Act
Michael E. Paulhus
- False Claims Act overview—prosecuting and defending
- Hot trends in health care FCA cases
- Parallel authorities—OIG and criminal prosecutors

10:30-11:00 am
Break

CONCURRENT SESSIONS

11:00 am-12:15 pm
Extended Sessions
A. Medical Staff Fundamentals and Emerging Issues (not repeated)
Brian C. Betner
- Applicable statutes, regulations, and accreditation requirements
• Underlying legal, business and operational issues
• Emerging issues and areas of emphasis, including:
  o Medical staff/employed physician considerations
  o Trends in Medical Staff governance
  o Issues specific to hospital-based physicians
  o On-call coverage issues
  o Drafting tips and sample language

B. Representing Physicians and Physician Practices
Lisa M. Gora
Kim Harvey Looney

• General considerations in representing physicians—who is your client and understanding their goals; who can employ a physician (corporate practice of medicine concerns)
• Employment contracts: Considerations in negotiating key provisions (e.g., moonlighting, compensation, benefits, termination triggers, post-termination restrictions)
• Medical practice ownership (eligibility to become an owner; firm offer versus non-binding offer)
• Private equity and physician practice acquisitions
• Physician hospital integration and other alignment strategies

C. Outside the 4 Corners: Introduction to Health Care Contracting, Issue Spotting, and Regulatory Considerations
Cori C. Turner

• New health care attorneys to business and legal issues related to health care contracting
• The nuances of health care contracting as compared to other industries
• Specific types of contracts routinely encountered in the health care industry
• Sample contract provisions and explanation of regulatory requirements

12:15-1:30 pm
Lunch on your own or register for the luncheon

Business Development in Health Care–The Path to Trusted Advisor…or Getting Fired, sponsored by Pinnacle Healthcare Consulting
Michael E. Paulhus
Carol A. Hendry

This event is not included in the program registration; there is an additional fee; limited attendance; pre-registration required. Continuing Education Credits are not available for the lunch. More information can be found on our website.

CONCURRENT SESSIONS

1:45-2:45 pm
D. Introduction to Medical Coding for Lawyers (not repeated)
Robert A. Pelaia

• The basics of procedural (CPT) coding
• Evaluation & Management (E&M) coding overview
• General review of diagnosis (ICD-10) coding
• Guidance on use of the CPT & ICD coding manuals

E. Introduction to Long Term Care, Home Health, and Hospice Law (not repeated)
Randall R. Fearnow

• Business models for for-profit and non-profit long term care facilities
• Distinctions separating skilled care, assisted living, and independent senior living
• Home and community based services
• The foundations of Medicare, Medicaid, other third party reimbursement programs
• The state survey process and administrative remedies for long term care providers

F. Fundamentals of Health Care Valuation for Lawyers
Carol A. Hendry
Albert D. Hutzler

• Why “Fair Market Value” matters—brief discussion of the overarching concept and the rationale behind it
• Brief history of the Fair Market Value standard (including IRS Revenue Ruling 59-60 and related guidance)
• Stark/Anti-kickback Fair Market Value definition, related regulatory guidance and recent case law (and major settlements)
• Proposals to modify FMV and the potential impact, based on review of comments to the 2018 CMS RFI
• Basic valuation principles and approaches, including the cost, income, and market approaches, as well as basic valuator standards and requirements
• Common recurring problems in health care valuation (including data issues and the distinction of “commercial reasonableness”)
• Basic examples of valuation situations, including process of data gathering, analysis and documenting the appraisal

3:00-4:00 pm
G. Demystifying the Tax Laws: Understanding the Basics for Nonprofit Health Care Organizations (not repeated)
Travis F. Jackson

• The reasons for granting tax-exempt status to certain health care organizations
• The basics of tax-exempt status under Sections 501(c)(3) and 501(c)(4)
• Private inurement, private benefit and excess benefit transactions
• Unrelated business income taxation
• Section 501(r) and the impact of the Affordable Care Act on charitable hospitals
• Executive compensation excise tax and other implications of federal tax reform
• Interacting with the IRS
H. Key Issues in Health Care Antitrust (not repeated)  
Jonathan Elsasser  
- The antitrust laws  
- Common antitrust issues faced by health care entities  
- Hot topics and recent developments in health care antitrust  
- Practical tips for executives and health care attorneys

William W. Horton  
Ayesha Mehdi  
- The legal ethics framework for advising clients on Stark, Anti-Kickback, and similar knotty issues  
- Duties when the law isn’t clear... or when it’s too clear  
- The numbers game: The lawyer’s role in dealing with fair market value and commercial reasonableness issues  
- Walking back the cat: Can this deal be saved... ethically?  
- Enlightened self-interest: Staying out of trouble while helping your client do likewise

4:00-4:15 pm  
Break

4:15-5:15 pm  
J. Deeper Dive: Stark and Anti-Kickback Laws (not repeated)  
Marc D. Goldstone  
Donn H. Herring  
- Hypothetical situations describing the difference between direct compensation arrangements and indirect compensation arrangements—essential for analyzing issues under the Stark Law  
- Hypothetical situations to analyze often used, but complex, Safe Harbors and/or Exceptions under each law, including the AKS Discount Safe Harbor and the Stark Law’s In-Office Ancillary Services Exception, Physician Recruitment Exception, and the Isolated Transactions Exception  
- Hypothetical situations to analyze complex business arrangements to help attendees determine whether either law applies, and if so, whether a Safe Harbor or Exception may be applicable

8:00-9:30 am  
The Fundamentals of Health Care Transactions  
Jennifer C. Hutchens  
Thomas Spellman  
- Different types of transaction structures for a health care deal (e.g., asset purchase versus stock purchase or merger)  
- A working framework for approaching due diligence in a health care transaction  
- Regulatory and legal issues common to health care transactions (e.g., federal Anti-Kickback and Stark Laws; antitrust issues; and tax-exempt issues)  
- The importance of the concepts of “fair market value” and “commercial reasonableness” to a health care transaction  
- Apply these strategies to a case study (physician-hospital integration), sample letter of intent, and sample due diligence checklist to understand how various factual scenarios could affect the transaction and to highlight diligence and transactional considerations

9:30-9:45 am  
Break

9:45-10:45 am  
HIPAA for New Practitioners  
Ilania L. Peters  
- The HIPAA privacy, security, and breach notification rules and guidance  
- Overlapping state and federal jurisdiction and guidance, including FTC’s “Start with Security”  
- HIPAA compliance and enforcement: What do state and federal regulators look for?  
- Best practice tips and techniques  
- Discussion and questions

Tuesday, November 19, 2019  
7:00 am-3:45 pm  
Registration and Information

7:00-8:00 am  
Continental Breakfast  
This event is included in the program registration. Attendees, faculty, and registered spouses and guests welcome.

7:00-7:50 am  
Networking Discussion Breakfast: Hosted by AHLA’s Women’s Leadership Council and Young Professionals Council  
This event is included in the program registration; limited attendance; pre-registration required. More information is available on our website.
10:45 am-12:15 pm
Corporate Compliance and Corporate Governance
Ritu K. Cooper
Tricia Owsley
• Top Compliance Issues for 2019
• The seven elements of an effective compliance Program
• Measuring compliance program effectiveness
• Use of a compliance committee
• Governing body oversight of the compliance program

12:15-1:15 pm
Lunch on your own

2:45-3:45 pm
M. Health Care Data Security in the Age of Risk (not repeated)
Terry Kurzynski
Jennifer L. Rathburn
• HIPAA's risk analysis and risk mitigation plan requirements
• How risk assessment frameworks are evolving, including the duty of care analysis
• How duty of care risk analysis builds consensus from the board room to the courtroom
• How best to prepare and respond to regulatory investigations and plaintiffs’ lawsuits
• How legal counsel can become an enabler of the organization’s mission

F. Fundamentals of Health Care Valuation for Lawyers (repeat)

Adjournment

New from AHLA!
In order to reach a larger audience and ensure all those that want to attend, can attend, we will offer an interactive live stream registration at this year’s Fundamentals program.

Watch for more details coming soon!
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### Program Schedule

**Monday, November 18, 2019 continued**

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<td>K. Labor and Employment Fundamentals and Best Practices (not repeated)</td>
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Faculty

**Program Planning Committee**

Michael E. Paulhus, Program Chair  
King & Spalding LLP  
Atlanta, GA

Anthony H. Choe  
Polsinelli PC  
Washington, DC

Melesa A. Freerks  
Foley & Lardner LLP  
Chicago, IL

Jennifer C. Hutchens  
Robinson Bradshaw & Hinson PA  
Charlotte, NC

Lisa Marie Gora  
Wilentz Goldman & Spitzer PA  
Woodbridge, NJ

C. Wade Harrison  
System Legal Counsel  
University of Wisconsin System  
Madison, WI

Carol A. Hendry  
Vice President and Senior Corporate Counsel  
Providence St Joseph Health  
Renton, WA

Donn H. Herring  
Spencer Fane LLP  
Saint Louis, MO

Alison R. Hollender  
Husch Blackwell LLP  
Dallas, TX

William W. Horton  
Jones Walker LLP  
Birmingham, AL

Albert D. Hutzler  
HealthCare Appraisers Inc  
Boca Raton, FL

Travis F. Jackson  
King & Spalding LLP  
Los Angeles, CA

David E. Kopans  
Jones Day  
Columbus, OH

Terry Kurzynski  
HALOCK Security Labs  
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