

AHLA

HEALTH PLAN LAW AND COMPLIANCE INSTITUTE

LEARN. NETWORK. ENGAGE.

Premier Education in Health Law

November 14-15, 2019 | *Chicago, IL*

Program Sponsor:  **BRG**

HEALTH PLAN LAW AND COMPLIANCE INSTITUTE

Program Planning Committee

Ankur J. Goel, *Program Co-Chair*
Lisa A. Hathaway, *Program Co-Chair*
Beth Connor Guest
Jane M. Susott

Program Learning Objectives

Gain a greater understanding of regulatory issues and enforcement trends and the impact on health plans

Learn how changes in the health care market and the ACA are affecting health plans

Network with peers and learn about the challenges and risk areas faced by plans and providers

Program Sponsor



Luncheon Sponsor



Signage Sponsor



Exhibitors

Ankura
BRG Healthcare LLC
EdiPhy Advisors LLC
Ntracts Inc

Hotel Information

Chicago Marriott Downtown Magnificent Mile

540 North Michigan Avenue
Chicago, IL 60611
(877) 303-0104

Hotel accommodations are not included in the registration fee. When making reservations, please indicate that you are with the AHLA program. Rooms at the group rate of \$229 single/double occupancy are limited and may sell out prior to the **Wednesday, October 23, 2019** cut-off.

Registration Fees:

\$425 AHLA In-House Counsel/Government Representatives/Academician Member

\$525 AHLA Outside Counsel Member

\$595 In-House Counsel/Government Representatives/Academician Non-Member

\$695 Outside Counsel Non-Member

Practice Group Luncheon

\$60 AHLA Members

\$70 Non-members

Continuing Education Credit Information

CLE/MCLE: AHLA will be applying for 9.75 credits (including 1.00 ethics credit) for 60-minute states and approximately 11.7 credits (including 1.2 ethics credit) for 50-minute states.

CPE: AHLA will be applying for 11.0 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 11.7 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 intermediate to advanced in level. This program is designed to be an update on developments in the area of managed care. 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 4, 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.

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/AHLAHealthPlan19

Thursday, November 14, 2019

12:30-5:45 pm

Registration and Information

GENERAL SESSION

1:00-1:15 pm

Welcome and Introductions

*S. Craig Holden, AHLA
President-Elect*

Ankur J. Goel, Program Co-Chair

*Lisa A. Hathaway, Program
Co-Chair*

1:15-2:00 pm

Keynote Speaker: Empowering Patients to Drive Value in Medicare

Demetrios Kouzoukas

- The delivery system reform efforts addressing transfer risk to entities with better incentives for managing costs and delivering value to patients
- Empowering consumers—letting the consumer determine what constitutes value
- The Centers for Medicare & Medicaid Services' programs and efforts to permit and facilitate the free exchange of information between buyers and sellers among competing interests so that patients are in charge and beneficiaries and taxpayers get better outcomes from Medicare at a lower cost

2:15-3:45 pm

Update on Federal Commercial Health Insurance Regulation

Michael S. Kolber

David Schwartz

Vivian Turner

- The latest from Washington on “transparency,” surprise billing, and health care nondiscrimination (Section 1557)
- Association health plans: Legislation, regulation, and litigation
- ACA alternatives (waivers, short-term plans, HRAs)
- Risk adjustment, risk corridors, and other financial issues

3:45-4:00 pm

Break, sponsored BRG
Healthcare LLC

4:00-5:15 pm

Digital Health and Health Care Disrupters

Bernadette M. Broccoli

5:15-6:15 pm

Networking and Diversity+ Inclusion Reception, hosted by AHLA's Diversity+Inclusion Council, sponsored by BRG Healthcare LLC

Grab a drink and a few hors d'oeuvres after a full day of learning. Network with AHLA leaders and your fellow colleagues and learn more about AHLA's diversity and inclusion initiatives. This event is included in the program registration. Attendees and faculty are welcome.

Friday, November 15, 2019

7:00 am-4:15 pm

Registration and Information

7:00-8:00 am

Continental Breakfast, sponsored by BRG Healthcare LLC

This event is included in the program registration. Attendees and faculty are welcome.

CONCURRENT SESSIONS

8:00-9:00 am

A. Getting Technical: Negotiating Your Way through the Legal Documents for Tele- health Platforms, Mobile Apps, and Other Tools

(not repeated)

David E. Kopans

Jessica Tomlinson

- Telehealth models and programs
- The primary legal documents used to implement telehealth programs
- Key federal and state laws governing telehealth programs

- Common pitfalls and omissions in telehealth agreements, documents, disclosures, and consents

B. Cutting Edge Antitrust Issues for Health Plan Counsel: Offense and Defense

David A. Ettinger

Daniel P. Kessler

- Payer mergers and acquisitions
- Legal and practical issues
- Economic learning
- Addressing anticompetitive provider transactions
- Economic learning
- Legal and practical issues
- Contracting with providers—antitrust as a sword and a shield
- Addressing conduct by dominant health plans

C. Value-Based Contracting: Will It Blow Up Fee-for- Service?

Christine M. Clements

Jeremy Earl

- What do we mean by value-based contracting?
- Timeline and trends in value-based contracting
- Health care providers' and payers' concerns with value-based arrangements
- The evolving state and federal regulatory landscape and related considerations
- Unique challenges for implementing value-based arrangements for federal health care programs

9:15-10:45 am

Extended Sessions

D. Litigation Trends in the Era of Health Care Reform: Lessons and Opportunities for Health Plans in Under- standing, Avoiding, and Resolving Disputes

Sandra J. Durkin

Archana Rajendra

- Key health care reforms: Integrated delivery systems, value-based reimbursement, mental and behavioral health, balance billing, and more
- Recent litigation arising out of health care reform and consumer protection efforts

- Risk mitigation strategies for health plans undertaking health care reforms and compliance
- Strategies for efficiently resolving consumer- and provider-initiated litigation
- Health plan success stories in implementing reforms and developing a culture of compliance

E. Navigating Compliance Challenges for Integrated Payor-Provider Systems

*Marianna Miyazaki-Grant
Randi E. Seigel*

- Key regulatory considerations relevant to intercompany arrangements, patient/member consent and other documentation, and structuring risk arrangements
- Tips for balancing plan versus provider regulatory frameworks and referral source/community partner needs
- Plan/provider cross-marketing opportunities and pitfalls
- Addressing social determinants of health through supplemental benefits, VAIS, and provider initiatives
- Risks and opportunities in data sharing among affiliates under HIPAA and other privacy laws

F. Balancing Opportunity, Innovation, and Risk: Changes on the Horizon for Medicare Advantage and Part D in 2020 (Advanced)

*Dorothy Deangelis
Elizabeth A. Kastner
Jane Susott*

- CMS' April 2019 final rule and other program clarifications
- Increased product opportunities and beneficiary choices in the areas of: telehealth, differential and value based plan design, and utilization management including special populations such as ESRD
- A framework of understanding increased transparency into the Stars methodology and implications
- Operational compliance risk and mitigation strategies for health plans and their physician and other stakeholders in the areas of:
 - The Preclusion List
 - Part B Step Therapy
 - Comprehensive Addiction and Recovery Act (CARA) measures to combat opioid overuse
 - Substitution of Biosimilars and Interchangeable drugs

11:00 am-12:00 noon

G. Legal Ethics: Strengthening the Attorney-Client Partnership: Candid Conversation between In-house and Outside Counsel (not repeated)

*David Ellenbogen
Jonathan M. Herman*

- The do's and don'ts from the perspective of in-house counsel, and the mirror image from outside counsel
- Balancing budget pressures with internal clients and with outside counsel
- Alternative fee arrangements and crafting effective budgets
- All of the above with reference to applicable Model Rules

H. Drug Pricing Reforms: The Impossible, Possible and Probable

*Paul Eiting
Ross D. Margulies*

- Congressional efforts to address drug spending and reform federal programs
- The spectrum of the Trump Administration's regulatory proposals
- Challenges facing the health plan-PBM relationship
- Financing potentially curative gene therapies and cellular immunotherapies

C. Value-Based Contracting: Will It Blow Up Fee-for-Service? (repeat)

12:00 noon-1:15 pm

Lunch on your own or attend the luncheon, hosted by the Payers, Plans, and Managed Care Practice Group, sponsored by Ankura

Topic: Addressing Member Social Determinants

*Robin J. Fisk
Senior Vice President, Fedcap Rehabilitation Services Inc
Ashland, NH
Karen E. Michael, RN, MSN, MBA
Vice President, Population Health Programs, The AmeriHealth Caritas Family of Companies
Philadelphia, PA*

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

CONCURRENT SESSIONS

1:30-3:00 pm Extended Sessions

I. Payer Provider Disputes: Current Challenges and Developments (not repeated)

*Mark H. Gallant
Myra C. Selby
Emily Wey*

- Dispute tips for payers and providers: Reimbursement and contract termination scenarios
- Dispute case study: Advancing and combatting defenses regarding provider "fee forgiveness" (in and out of network)
- Parties to disputes: Assignments and derivative claims under ERISA
- Hot topics in the arbitration process, including consolidation and panel diversity
- Contract drafting for efficient dispute resolution

E. Navigating Compliance Challenges for Integrated Payor-Provider Systems (repeat)

F. Balancing Opportunity, Innovation, and Risk: Changes on the Horizon for Medicare Advantage and Part D in 2020 (Advanced) (repeat)

3:15-4:15 pm

B. Cutting Edge Antitrust Issues for Health Plan Counsel: Offense and Defense (repeat)

H. Drug Pricing Reforms: The Impossible, Possible and Probable (repeat)

Adjournment

Thursday, November 14, 2019

12:30-5:45 pm
Registration and Information
1:00-1:15 pm General Session
Welcome and Introductions <i>Holden, Goel, Hathaway</i>
1:15-2:00 pm General Session
Keynote Speaker: Empowering Patients to Drive Value in Medicare <i>Kouzoukas</i>
2:15-3:45 pm General Session
Update on Federal Commercial Health Insurance Regulation <i>Kolber, Schwartz, Turner</i>
3:45-4:00 pm
Break, sponsored BRG Healthcare LLC
4:00-5:15 pm General Session
Digital Health and Health Care Disrupters <i>Broccoli</i>
5:15-6:15 pm
Networking and Diversity+Inclusion Reception, hosted by AHLA's Diversity+Inclusion Council, sponsored by BRG Healthcare LLC <i>(This event is included in the program registration. Attendees and faculty are welcome)</i>

7:00 am-4:15 pm		
Registration and Information		
7:00-8:00 am		
<p>Continental Breakfast, sponsored by BRG Healthcare LLC <i>(This event is included in the program registration. Attendees and faculty are welcome)</i></p>		
8:00-9:00 am		
<p>A. Getting Technical: Negotiating Your Way through the Legal Documents for Telehealth Platforms, Mobile Apps, and Other Tools (not repeated)</p> <p>Kopans Tomlinson</p>	<p>B. Cutting Edge Antitrust Issues for Health Plan Counsel: Offense and Defense</p> <p>Ettinger Kessler</p>	<p>C. Value-Based Contracting: Will It Blow Up Fee-for-Service?</p> <p>Clements Earl</p>
9:15-10:45 am Extended Sessions		
<p>D. Litigation Trends in the Era of Health Care Reform: Lessons and Opportunities for Health Plans in Understanding, Avoiding, and Resolving Disputes</p> <p>Durkin Rajendra</p>	<p>E. Navigating Compliance Challenges for Integrated Payor-Provider Systems</p> <p>Miyazaki-Grant Seigel</p>	<p>F. Balancing Opportunity, Innovation, and Risk: Changes on the Horizon for Medicare Advantage and Part D in 2020 (Advanced)</p> <p>Deangelis Kastner Susott</p>
11:00 am-12:00 noon		
<p>G. Legal Ethics: Strengthening the Attorney-Client Partnership: Candid Conversation between In-house and Outside Counsel (not repeated)</p> <p>Ellenbogen Herman</p>	<p>H. Drug Pricing Reforms: The Impossible, Possible and Probable</p> <p>Eiting Margulies</p>	<p>C. Value-Based Contracting: Will It Blow Up Fee-for-Service? (repeat)</p> <p>Earl Clements</p>
12:00 noon-1:15 pm		
<p>Lunch on your own or attend the luncheon, hosted by the Payers, Plans, and Managed Care Practice Group, sponsored by Ankura Topic: Addressing Member Social Determinants <i>Fisk, Michael</i> <i>(This event is not included in the program registration fee. There is an additional fee; limited attendance; pre-registration required. Continuing Education Credits are not available for the lunch.)</i></p>		

Friday, November 15, 2019 continued

1:30-3:00 pm Extended Sessions		
<p>I. Payer Provider Disputes: Current Challenges and Developments (not repeated)</p> <p>Gallant Selby Wey</p>	<p>E. Navigating Compliance Challenges for Integrated Payor-Provider Systems (repeat)</p> <p>Miyazaki-Grant Seigel</p>	<p>F. Balancing Opportunity, Innovation, and Risk: Changes on the Horizon for Medicare Advantage and Part D in 2020 (Advanced) (repeat)</p> <p>Deangelis Kastner Susott</p>
3:15-4:15 pm		
<p>B. Cutting Edge Antitrust Issues for Health Plan Counsel: Offense and Defense (repeat)</p> <p>Ettinger Kessler</p>	<p>H. Drug Pricing Reforms: The Impossible, Possible and Probable (repeat)</p> <p>Eiting Margulies</p>	

Planning Committee

Ankur J. Goel, *Program Planning Co-Chair*
McDermott Will & Emery LLP
Washington, DC

Lisa A. Hathaway, *Program Planning Co-Chair*
Vice President and Chief Medicare Counsel
Aetna Inc
Bethesda, MD

Beth Connor Guest
Associate Chief Counsel, US Business Law
Cigna
Nashville, TN

Jane Susott
Assistant General Counsel
Humana Inc
Louisville, KY

Bernadette M. Broccolo
McDermott Will & Emery LLP
Chicago, IL

Christine M. Clements
Sheppard Mullin Richter & Hampton LLP
Washington, DC

Dorothy Deangelis
Senior Managing Director
Ankura
Phoenix, AZ

Sandra J. Durkin
Strategic Health Law
Chicago, IL

Jeremy Earl
McDermott Will & Emery LLP
Boston, MA

Paul Eiting
Director, Value-Based Policy
Office of Policy and Representation, Blue
Cross Blue Shield Association
Washington, DC

David Ellenbogen
General Counsel
Scott & White Health Plan
Temple, TX

David A. Ettinger
Honigman Miller Schwartz and Cohn LLP
Detroit, MI

Mark H. Gallant
Cozen O'Connor PC
Philadelphia, PA

Jonathan M. Herman
Herman Law Firm
Dallas, TX

Elizabeth A. Kastner
Bricker & Eckler LLP
Columbus, OH

Daniel P. Kessler
Professor
Stanford University's Business and Law
Schools
Stanford, CA

Michael S. Kolber
Manatt Phelps & Phillips LLP
New York, NY

David E. Kopans
Jones Day
Columbus, OH

Demetrios Kouzoukas
Principal Deputy Administrator & Director of
the Center for Medicare
Centers for Medicare & Medicaid Services
Baltimore, MD

Ross D. Margulies
Foley Hoag LLP
Washington, DC

Marianna Miyazaki-Grant
SVP, Chief Compliance & Privacy Officer
Visiting Nurse Service of New York
New York, NY

Archana Rajendra
Senior Associate General Counsel
Henry Ford Health System, Health Alliance
Plan of MI
Detroit, MI

David Schwartz
Head of Global Public Policy
Cigna
Washington, DC

Randi Erin Seigel
Manatt Phelps & Phillips LLP
New York, NY

Myra C. Selby
Ice Miller LLP
Indianapolis, IN

Jessica Tomlinson
Senior Corporate Counsel
NURX Inc
San Francisco, CA

Vivian Turner
Groom Law Group Chartered
Washington, DC

Emily Wey
Wey West Legal LLC
Denver, CO



American Health Lawyers Association

1620 Eye Street, NW, 6th Floor • Washington, DC 20006-4010
(202) 833-1100 • Fax (202)833-1105 • www.healthlawyers.org