RAVES: Recognizing Volunteer Involvement 2008-2009

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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 included in the Health Lawyers News included the following:

July 2008: The Rise of Deferred Prosecution Agreements: What We Can Learn from the Government's Increasing Use of DPA's
By Tommy P. Beaudreau, Beth C. McClain, and Karen S. Bloom, Fried Frank Harris Shriver & Jacobson LLP, Washington, DC (Fraud and Abuse Practice Group)

August 2008: Physician Incentive Compensation and Revenue Sharing: What Will the IRS Do Next?
By Travis L.L. Blais, Mintz Levin Cohen Ferris Glovsky & Popeo PC, Boston, MA, and Sarah L. Whipple, Boston, MA (Tax and Finance Practice Group)

September 2008: Unclean Hands: As Dangerous in the Boardroom as in the Operating Room?
By Gary M. Brown, Baker Donelson Bearman Caldwell & Berkowitz PC, Nashville, TN (Business Law and Governance Practice Group)

October 2008: The Rise of the Personal Health Record: Panacea or Pitfall for Health Information
By Robert L. Coffield, Flaherty Sensabaugh & Bonasso PLLC, Charleston, WV, and Gerald “Jud” E. DeLos, Gray Pant Mooty, Minneapolis, MN (Health Information and Technology Practice Group)

November 2008: Collision Course: The Intersection of Employment Cases and Peer Review Information
By Maria Green Danaher, Ogletree Deakins Nash Smoak & Stewart PC, Pittsburgh, PA (Medical Staff, Credentialing, and Peer Review Practice Group)

December 2008: When Disaster Strikes a Residency Program
Dawn R. Crumel, Children's National Medical Center, Washington, DC (Teaching Hospitals and Academic Medical Centers Practice Group)

January 2009: The Future of Physician In-Office Diagnostic Testing
By Julie Kas, OBER | KALER (Physician Organizations Practice Group)

February 2009: A Series of Unfortunate Events: Is This the End of the Physician/Hospital Joint Venture?
By C. Mitchell Goldman and Matthew C. Jones, Duane Morris LLP, Philadelphia, PA (Hospitals and Health Systems Practice Group)

March 2009: Enabling Research Using Human Biological Specimens in the Absence of Informed Consent
By Mary Ellen Allen, Laura Kavanagh, and William Pignato Sr., Genentech Inc., South San Francisco, CA (Life Sciences Practice Group)

May 2009: Current Trends in False Claims Act Enforcement Require More Robust Compliance Programs for Medicaid Providers and Payors
By Clifford E. Barnes & Nisha P. Shab, Epstein Becker & Green PC, Washington, DC (In-House Counsel Practice Group)

June 2009: Considering the Antitrust Consequences of Full-Service Hospitals' Strategies for Dealing (or Not) with Physician-Owned Specialty Hospitals
By Christina L. White, Crowell & Moring LLP, New York, NY and David Maro Jr., McDermott Will & Emery LLP, Chicago, IL (Antitrust Practice Group)

Health Lawyers News Analyses

The monthly magazine also included an Analysis – an in-depth discussion of some issues in health law that had an impact on members’ practices. Articles included the following:

July 2008: Design and Implementation of Incentive Based Wellness Programs
By Lucinda Jesson, Hamline University School of Law, St. Paul, MN

September 2008: Retail Clinics-Coming Soon to a Store Near You
By Nancy LeGros and Adam Robison, King & Spalding LLP

October 2008: Hospital Systems Today- Valuable Integration or Is It Time to Cut the Cord
By J. Mark Waxman and Janice A. Anderson, Foley & Lardner LLP

November 2008: Protecting Hospital Managed Care Rates as Trade Secrets
By Salvatore G. Rotella Jr., Cozen O’Connor PC, Philadelphia, PA

December 2008: Patient Emails: Are Providers Ready for This Growing Trend?
By Mark C. Rogers, The Rogers Law Firm, Boston, MA
By David Lewis, Husch Blackwell Sanders LLP, Chattanooga, TN

March 2009: Achieving a Nationwide Health Information Infrastructure: A New Approach
By Deborah L. Drexler, Center for Health Law and Economics, University of Massachusetts Medical School, Charlestown, MA

By Michael Biehl, Foley & Lardner LLP, Milwaukee, WI

FDA and Health IT- As Role of Health IT Gains New Significance, Regulators Will Be Keeping Watch
By M. Elizabeth Bierman and Michele L. Buenafe, Morgan Lewis & Bockius LLP, Washington, DC

June 2009: Stormy Seas: Navigating the Cross-Currents of the Medicare Marketing Guidelines and the HIPAA Marketing Rules
By Jennifer S. Gettet and Anne W. Hance, McDermott Will & Emery LLP
Health Lawyers Weekly Analyses

The Health Lawyers Weekly also provided opportunities for members to share their expertise with their colleagues. The Weekly included analyses written by the following contributing authors:

- Gregory D. Anderson, CPA/ABV, CVA
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Journal of Health and Life Sciences Law

The Journal of Health and Life Sciences Law is published four times a year in coordination with LexisNexis, and contains in-depth, professionally reviewed articles of interest to healthcare attorneys—including those who represent researchers, board members, institutions, practitioners, employers, and multi-state entities.

Volume 1, Number 4 (July 2008)

- Today’s Conflict of Interest Compliance Challenge: How Do We Balance the Commitment to Integrity with the Demand for Innovation?
  By Bernadette M. Broccolo and Jennifer S. Geetter
- Limited Provider Panels: Their Promise and Problems in an Individual Health Insurance Market
  By William H. Pitsenberger
- FTC v. Evanston: Antitrust Enforcement of Hospital Mergers Receives a Shot in the Arm
  By Chul Pak and Kashana Cauley
- Medical Devices: The Obvious, the Readily-Accepted, and the Surprising
  By Deborah E. Tolomeo and Laurie A. Clarke
- Having Your Cake and Eating It Too—The (Un)Enforceability of Releases on Future Qui Tam Claims
  By Todd P. Photopulos and Graham W. Askew
- Practice Resource: Union Organizing in Assisted Living
  By Allison M. Woodall

Volume 2, Number 1 (October 2008)

- Patient Tailored Medicine, Part One: The Impact of Race and Genetics on Medicine
  By American Health Lawyers Association’s Advisory Council on Racial and Ethical Diversity
- Limitations on the Use of False Claims Act to Enforce Quality of Care Standards
  By John T. Brennan, Jr. and Michael W. Paddock
- The Ins and Outs of Independent IRBs
  By Janet M. Lis and Melinda G. Murray
- Implementing Donation After Cardiac Death Protocols
  By Suzanne A. Filder
- Physician-Vendor Marketing and Financial Relationships Under Attack
  By John R. Washlick and Sidney Summers Welch
- Practice Resource: Disparate Treatment of Employees with Caregiving Responsibilities: Examples of Unlawful Discrimination
  By Elena D. Marcus and Simona F. Cole

Volume 2, Number 2 (January 2009)

- Patient Tailored Medicine, Part Two: Personalized Medicine and the Legal Landscape
  By American Health Lawyers Association’s Advisory Council on Racial and Ethical Diversity
- Patient Access to Unapproved Therapies: The Leading Edge of Medicine and Law
  By Leah Voigt Romano and Peter D. Jacobson
- Enforcement Related to Off-Label Marketing and Use of Drugs and Devices: Where Have We Been and Where Are We Going?
  By John N. Joseph, David Deaton, Houman Ehsan, and Mark A. Bonanno
- Protecting Yourself from Your Assertions: Navigating Multiple Regulatory Schemes and Disclosure
  By Alicia Griffin Mills and Ross D’Emanuelle
- Notes and Comments: A Better Approach to Medical Malpractice Claims? The University of Michigan Experience
  By Richard C. Boothman, Amy C. Blackwell, Darrell A. Campbell, Jr., Elaine Commiskey, and Susan Anderson
- Notes and Comments: Physician Ownership and Use of In-Office Advanced Diagnostic Imaging Equipment: Are IDTF Standards a Meaningful Response to Overutilization, Quality, and Costs?
  By Markus P. Cicka
- Practice Resource: Hospital-Physician Joint Ventures in a Changing Regulatory Environment: Planning for an Unwind
  By Beth Connor Guest
The Legacy of Jay Katz: The Abiding Relevance of the “Obligation for Conversation” in the Physician-Patient Relationship
Introduction by Alexander Morgan Capron

Healthcare Reform: A Discussion with Tom Daschle and Tom Scully
Introduction by John R. Holdenried

All Together Now? Evolving Antitrust Approaches to Bundled Discounting
By Christine L. White and Heather Good

Getting Healthy: Issues to Consider Before Implementing a Wellness Program
By Anita K. Chancey

Disability and Accommodation in the Healthcare Workplace
By Robert R. Niccolini and Nina Basu

Practice Resource: Negotiating Clinical Trial Agreements: Bridging the Gap Between Research Institutions and Companies
By Robert R. Niccolini and Nina Basu
Legal Publications 2008-2009

The Association’s publishing program continued to be strong with the following new titles in 2008-2009.

Enterprise Risk Management Handbook for Healthcare Entities
Ellen Barron, Profit Management Group;
Ellen Barton, JD, CPCU, ERM Strategies LLC;
India K. Brim, Fulbright & Jaworski LLP;
Roberta Carroll, Aon Healthcare;
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Nestor Rivera, Carlson Fields;
Ila Rothschild, The Joint Commission;
Fay A. Rozovsky, The Rozovsky Group Inc/RMS

Corporate Governance Implications of Nonprofit Executive Compensation, First Edition
Douglas K. Anning, Polsinelli Shalton Flanigan Suelhaus PC;
John B. Beard, Baker Donelson Bearman Caldwell & Berkowitz PC;
Ralph DeJong, McDermott Will & Emery LLP;
Susan G. Duffy, Davis Wright Tremaine LLP;
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Thomas C. Schroeder, Davis Wright Tremaine LLP;
Michael J. Stewart, Sullivan Cotter and Associates

Healthcare Finance: A Primer, First Edition
By Deborah Gordon, Seyfarth Shaw LLP; Stephen J. Brown, Seyfarth Shaw LLP

Editors: Cynthia F. Reaves, Deloitte & Touche LLP and Robert M. Keenan III, King & Spalding LLP

By Matthew P. Amodeo, Drinker Biddle & Reath LLP;
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Fifty State Survey of Certificate of Need and Licensure: Nursing Homes, Assisted Living, Home Health, and Hospice

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Public Interest: Conversations with Policymakers
Teleconference Series

The Conversations with Policymakers Teleconference Series offers convenient, one-hour discussions followed by a Q&A session on topics of interest regarding major health policy issues.

The Sneeze Heard 'Round the World: Pandemic Influenza Preparedness Strategies to Adopt Now (October 22, 2008)
Speakers: Melissa L. Markey, Hall Render Killian Heath & Lyman PC; Michael T. Osterholm, Center for Infectious Disease Research and Policy; Richard L. Shackelford, King & Spalding LLP
Moderator: Elisabeth Belmont, MaineHealth

Honoring Our Patients and Capturing Lost Opportunities: The Financial, Legal, and Practical Benefits of Advance Planning (April 8, 2009)
Speakers: Nathan A. Kottkamp, McGuireWoods LLP; Lisa D. Vandecaveye, Botsford Health Care Continuum
Moderator: Thomas W. Coons, OBER | KALER

Public Information Series

The Public Information Series is one of many ways through which AHLA shares its expertise with the healthcare community and the community at large. Resources published this year include:

Loving Conversations: One Family's Story About the Importance of Advance Directives (video)
Actors: Louise M. Joy, Joy & Young LLP; Lisa D. Vandecaveye, Botsford Health Care Continuum; Nathan A. Kottkamp, McGuireWoods LLP; Gregory J. Glover, MD, Pharmaceutical Law Group PC

Commentary: Louise M. Joy, Joy & Young LLP; Lisa D. Vandecaveye, Botsford Health Care Continuum; Nathan A. Kottkamp, McGuireWoods LLP

Original Script: Thomas Wm. Mayo, Haynes & Boone LLP, Southern Methodist University Dedman School Of Law; Louise M. Joy, Joy & Young LLP; Richard H. Sanders, Vedder Price Kaufman & Kammholz PC; Thomas W. Coons, OBER | KALER
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(Law firms and organizations supporting the Association’s Public Interest mission) (As of May 12, 2009)

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July 24, 2008: Managing the Spotlight—Crisis Communications for In-House Healthcare Attorneys
Co-sponsored by the Business Law and Governance, Healthcare Liability and Litigation, Hospitals and Health Systems, In-House Counsel, and Physician Organizations Practice Groups

August 7, 2008: Medicare Improvements for Patients and Providers Act of 2008
Co-sponsored by the Hospitals and Health Systems; Payors, Plans, and Managed Care; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups; and the Medicare Part D Task Force

August 13, 2008: How to Remain Compliant When Physician Recruitment Arrangements Go Awry
Co-sponsored by the Healthcare Liability and Litigation, Hospitals and Health Systems, In-House Counsel, and Physician Organizations Practice Groups

August 14, 2008: A Stark Reality: New Rules We Need to Know Part I
Co-sponsored by the Fraud and Abuse; Hospitals and Health Systems; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups

August 21, 2008: A Stark Reality: New Rules We Need to Know Part II
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Sponsored by the Long Term Care, Senior Housing, In-Home Care, and Rehabilitation Practice Group
October 30, 2008: Health Plan Contracting: Hot Topics and Contracting Strategies for Payors and Providers Part I
Co-sponsored by the Hospitals and Health Systems and Payors, Plans, and Managed Care Practice Groups, and the Healthcare Financial Management Association

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November 19, 2008: Health Plan Contracting: Hot Topics and Contracting Strategies for Payors and Providers Part II
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Co-sponsored by the Fraud and Abuse; Physician Organizations; and Regulation, Accreditation, and Payment Practice Groups

November 21, 2008: Healthcare Reform and the 2008 Presidential Election, Part II
Co-sponsored by the Healthcare Reform Task Force and the Healthcare Financial Management Association

December 5, 2008: Immigration Law: The Alphabet Soup Affecting Researchers and Other Healthcare Professionals
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December 9, 2008: Professional Liability in Long Term Care: Current Issues, Trends, and Commentary
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Co-sponsored by the Business Law and Governance, Hospitals and Health Systems, In-House, and Tax and Finance Practice Groups

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May 5, 2009: Exclusionary Conduct Part II: The Current Landscape of Provider vs. Hospital Litigation
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Co-sponsored by the In-House Counsel Practice Group and its Children's Hospitals Affinity Group, and the Hospitals and Health Systems, Life Sciences, and Teaching Hospitals and Academic Medical Centers Practice Groups
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June 17, 2009: False Claims Act Amendments and New Anti-Fraud Provisions: Important Changes to Know About
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