

Tennessee Bar Association Health Law Section  
25th Annual Health Law Forum  
October 3 - 4, 2013  
Embassy Suites Cool Springs - Hotel Conference Center

**Thursday, October 3, 2013 (All times are central standard)**

- 7:15 a.m. Registration**
- 8:00 a.m. Chair's Welcome and Introductions**  
*Angela Youngberg, TBA Health Law Section Chair, (Rainey, Kizer, Reviere & Bell, PLC)*
- 8:15 – 9:00 a.m. Bundled Payments: Practical Realities and Contract & Governance Issues**  
*This presentation will debunk some common confusions about bundled payment arrangements and will elucidate issues both in the payor-provider contract and among the participating providers that have to be addressed if these programs are to work effectively.*  
**Alice Gosfield** (Alice Gosfield and Associates, PC)
- 9:00 – 10:00 a.m. Fraud and Abuse Update**  
*The session will provide an update of settlements and decisions relating to the Federal False Claims, the Federal Anti-kickback Statue, and the Stark Self-referral Law. Additionally, the session will provide a summary of settlements under the CMS Stark Voluntary Disclosure Protocol, as well as recent OIG Advisory Opinions.*  
**Julie Kass** (Ober/Kaler)  
**Sanford (Sandy) V. Teplitzky** (Ober/Kaler)
- 10 – 10:30 a.m. 25th Anniversary of the Health Law Forum - Changes in the Healthcare Landscape over 25 Years**  
**George Bishop** (Waller)  
**David Lewis** (LifePoint) - **Moderator**  
**Sanford (Sandy) V. Teplitzky** (Ober/Kaler)
- 10:30 – 45 a.m. BREAK (Sponsored by: Decosimo)**
- 10:45 – 11:45 a.m. Hospital/Physician Integration in a New Health Care World**  
*Our panel will discuss hospital/physician integration trends, including practice acquisitions and physician employment; clinically integrated networks; Accountable Care Organizations; and franchise models.*  
**Thomas Brabyn** (Methodist Le Bonheur Healthcare)  
**Charles Crawford** (Butler Snow)  
**Deborah Farringer** (Belmont University College of Law)
- 11:45 – 1:00 p.m. Lunch (on your own/Section Lunch Business Meeting)**  
**(Sponsored by: Waller & CBIZ Valuation Group)**

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- 1:00 –**  
**1:30 p.m.**  
**[TAB 5]**                    **Medicaid Expansion**  
*This segment will address the impact of National Federation of Independent Business v. Sebelius on Medicaid Expansion and ACA Implementation, Regional activities in Medicaid expansion, Prospects for expansion in Tennessee, & Framework for a Tennessee Plan.*  
**Richard Cowart** (Baker Donelson Bearman Caldwell & Berkowitz PC)
- 1:30 –**  
**2:00 p.m.**  
**[TAB 6]**                    **Aspects of the Affordable Care Act that go into effect in 2014**  
*Amidst on-going changes and additional regulatory guidance, this session will provide a status update on selected provisions of the Affordable Care Act affecting employers, employees and providers.*  
**Monica Wharton** (Regional Medical Center)  
**Michael Sheridan** (Butler Snow)
- 2:00 –**  
**3:00 p.m.**  
**[TAB 7]**                    **HIPAA & HITECH Update**  
*This presentation will discuss recent HIPAA/HITECH developments, including 2013 rule changes, steps necessary to respond to the 2013, and enforcement trends.*  
**Stephen Page**, (Regional Care)  
**Elizabeth Warren** (Bass Berry & Sims PLC)
- 3:00 –3:15 p.m. BREAK**
- 3:15 –**  
**4:15 p.m.**  
**[TAB 8]**                    **Using Quality Measures in Co-Management Arrangements**  
*In this session presenters will provide the basic legal construct and context for a Co-management agreement. In that context presenters will discuss how to find, determine and establish the measures of the Co-management agreement.*  
**Randy Cook** (AmpliPHY Physician Services)  
**Tracy Powell** (Sherrard & Roe PLC)  
**Richard Romero** (CBIZ Valuation Group)
- 4:15 –**  
**5:15 p.m.**  
**[TAB 9]**                    **Buyer Beware: Acquisitions, Due Diligence and Self-Disclosures**  
*This informative session will cover the changing transactional landscape and the increasing importance of thorough due diligence. The program will also discuss how pre-closing self-disclosures can help protect new owners from buying other provider's problems and describe how the changing regulatory landscape has impacted the drafting and negotiation of transactional documents and the filings that must be made in connection with the acquisition of a healthcare provider.*  
**Gregg Gerken** (HCA)  
**Michelle Marsh** (SpecialtyCare Cardiovascular Resources, Inc.)  
**Brandon Schirg** (Waller)

**Total Hrs: 7.5 hrs. General**

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- 7:30 a.m.                   Registration**
- 8:00 -**  
**8:30 a.m.**  
**[TAB 10]**                   **Health Insurance Exchanges**  
*Health Care Reform legislation (both federal and state) impacts ALL employers and ALL employees. What you need to know about PPACA and how your clients and the marketplace will be impacted by this legislation as we approach the 2014 implementation date. Special emphasis on Insurance Exchanges, Communication requirements and dealines.*  
**Philip Johnson** (Regions Insurance)
- 8:30 –**  
**9:30 a.m.**  
**[TAB 11]**                   **2013 Tennessee Health Law and Legislative Updates**  
*This annual update will focus on hot topics impacting health care law from the 2013 session of the General Assembly as well as recent Tennessee caselaw and Attorney General Opinions. The panel will provide a quick survey of Tennessee Attorney General Opinions filed in 2013 of which health lawyers need to be aware.*  
**Yarnell Beatty** (Tennessee Medical Association)  
**Scott Richardson** (LifePoint Hospitals)  
**Amanda (Mandy) Young** (Butler Snow)
- 9:30–**  
**10:30 a.m.**  
**[TAB 12]**                   **Government Perspectives on Healthcare Fraud and Enforcement**  
*The panelists will discuss healthcare fraud and enforcement in Tennessee over the past year and give their perspectives on current enforcement trends.*  
**Stuart Canale** (Asst. U.S. Attorney for U.S. Department of Justice)  
**Peter Coughlan** (Office of Tennessee Attorney General)  
**Ellen McIntyre** (Office of U.S. Attorney)  
**Elizabeth Tonkin** (Office of U.S. Attorney)
- 10:30 –**  
**10:45 a.m.**                   **BREAK (Sponsored by: Miller & Martin PLLC)**
- 10:45 –**  
**11:45 a.m.**  
**[TAB 13]**                   **Defense Counsels' Perspectives on Healthcare Fraud and Enforcement**  
*Defense counsel offer practical tips on handling healthcare fraud investigations and litigating False Claims Act lawsuits.*  
**Brian Roark** (Bass Berry & Sims, PLC)  
**Richard Rose** (Miller and Martin PLLC)  
**Jennifer Weaver** (Waller)
- 11:45 –**  
**1:00 –**  
**[TAB 14]**                   **Ethical Dilemmas: The Lawyers' Roles and Responsibilities When Lamar Alexander was Sworn In As Governor Three Days Early**  
*In 1979, a federal investigation into the sale of pardons by members of Governor Ray Blanton's staff prompted the United States Attorney to recommend that Governor-elect Lamar Alexander take the oath of office early to prevent the imminent release of more prisoners suspected of buying their way out of prison. (Lunch WILL be provided & Sponsored by: Rainey Kizer)*  
**Supreme Court Justice William "Bill" Koch**

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- 1:00 –**  
**2:00 p.m.**  
**[TAB 15]**
- Are We Overthinking? Legal Ethics in the Wireless World**  
*Put Down Your Devices and Learn About New Developments and New Ways of Thinking About the Old Rules.*  
**Phil Pomerance** (Best Practices Inpatient Care, Ltd.)  
**Sheree Wright** (Vanderbilt University)
- 2:00 –**  
**3:00 p.m.**  
**(1.0 Dual)**
- Are We Overthinking? Legal Ethics in the Wireless World (continued)..**  
**Sheree Wright**, (Vanderbilt University) - **Moderator**  
**Phil Pomerance**, (Best Practices Inpatient Care, Ltd.)  
**Matt Curley** (Bass Berry & Sims, PLC)  
**Richard Westling** (Waller)  
**Kim Looney** (Waller)
- 3:00 –**  
**3:15 p.m.**
- BREAK (Sponsored by: Horne LLP)**
- 3:15 –**  
**4:15 p.m.**  
**[TAB 16]**
- Information Governance – Help Yourself and Help Us All**  
*Courts and regulators expect corporations to know what information they have and where it is stored, along with the capability to identify, collect, retain, and produce such information in a timely fashion and useful format. hear two very different perspectives of these challenges from an attorney and a senior information security expert, who certainly agree on one thing related to this problem; the solution.*  
**Jason Barnett** (Ingenuity Associates)  
**Marc Jenkins** (Cicayda)

**Total Hrs. 4.5 General, 3 Dual**