

# 33<sup>rd</sup> Annual Health Law Forum

October 21-22, 2021 – Virtual Forum



**Program Producer:** Amanda Busby, Anderson Busby

**Total Credits:** 12 General; 3 Dual

Recognized as one of the premier health law programs in the country, this annual forum addresses key issues impacting our practice area. Sessions will provide insight from health law providers, practitioners and regulators. This year's forum will feature a virtual format designed with your time, the topics you have been asking for and an esteemed list of panelists and health law experts from right here in Tennessee.

## **Thursday, Oct. 21**

7:45 – 8 a.m. CDT

### **Chair's Welcome**

Amanda Busby, Anderson Busby

8 – 9:30 a.m.

### **Regulatory Fraud and Abuse Update**

This session will provide an update of the latest Fraud and Abuse developments, including federal case law and settlements under the FCA, and OIG and CMS activity.

Kristin Bohl, Baker Donelson Bearman Caldwell & Berkowitz

Patsy Powers, Waller Lansden Dortch & Davis LLP

Sandy Teplitzky, Baker, Donelson, Bearman, Caldwell & Berkowitz

Travis Lloyd, Bradley Arant Boult Cummings LLP

9:30 – 10:30 a.m.

### **Keynote Address**

This session will provide an update on hot topics such as consolidation practices, workforce issues, revenue model changes, site of care movements, disruptors, emerging technologies and more.

Dr. Lynn Massingale M.D., TeamHealth

10:30 – 10:45

### **Break**

10:45– 11:45 a.m.	<p><b>Lessons Learned in the Time of COVID-19: How Employers Can Learn from the Past to Ensure Better Practices Going Forward</b></p> <p>Labor and employment lawyers Rebecca Wells Demaree and Martha Boyd will discuss topics pertaining to COVID-19 as it impacts health care providers as employers, to include the current status of the OSHA Emergency Temporary Standard for Healthcare, and ensuing inspections; workplace violence; health care providers' obligations respecting employees who request accommodations from vaccination and mask requirements due to religious or medical/disability reasons, and the vaccination rules issued by CMMS for long-term care facilities, as well as other hot topics.</p> <p><b>Martha Boyd, Baker Donelson Bearman Caldwell &amp; Berkowitz</b>  <b>Rebecca Wells Demaree, Cornelius &amp; Collins</b></p>
11:45 – 12:15 p.m.	<b>Lunch</b>
12:15 – 1:15 p.m.	<p><b>Health Care Fraud Enforcement in Tennessee</b></p> <p>The presenters will share the latest in federal and state health care fraud enforcement actions in 2021, including settlements, court decisions, and trends.</p> <p><b>Ellen Bowden McIntyre, US Attorney's Office M.D. of Tenn.</b>  <b>Rob McConkey, US Attorney's Office E.D. of Tenn.</b>  <b>Stuart Canale, US Attorney's Office W.D. of Tenn.</b>  <b>Tony Hullender, Deputy Atty Gen., Medicaid Fraud and Integrity Div.</b></p>
1:15 – 2:15 p.m.	<p><b>Private Equity Investments in Health Care</b></p> <p>Private equity investments in U.S. health care show few signs of abating. Firms familiar with the space continue to be bullish on the possibility of short-term returns through consolidations, while new entrants eager to deploy uninvested capital seek to capitalize on ever increasing healthcare spending and disruptions brought on by the COVID-19 pandemic. The presentation will address the private equity-backed transactions, including an overview of current activity in the market; common and trendy deal structures, valuation methodologies, rollovers, reps/warranties insurance, etc.; identifying attractive (and unattractive) prospects, discussion of popular sectors/physician specialties; understanding and resolving common motivations, challenges, risks and pitfalls in these transactions; pros and cons of PE investment in health care; short and long-term developments and implications for patient care and impact on competition.</p> <p><b>Jed Roebuck, Chambliss Bahner &amp; Stophel</b>  <b>Michael Burcham, Shore Capital Partners</b>  <b>Stephen Scott, Bailey Southwell &amp; Co.</b></p>
2:15 – 2:30 p.m.	<b>Break</b>

2:30 – 4 p.m.

**Tennessee Legislative Update and State Case Review**

The Tennessee Legislative Update and State Case Review panel will provide a synopsis of legislation enacted in 2021 and state cases of importance to lawyers representing health care clients.

Jerry Taylor, Thompson Burton

Trammel Hoehn, Butler Snow

Yarnell Beatty, Tennessee Medical Association

4 – 5 p.m.

**DUAL**

**It's Not the Shark; It's the Water: A Deeper Dive into Health Disparities**

An empirically based exploration of health disparities and other inequities beyond the surface; key domains include the concepts of vulnerability; systemic inequities; and specific hard, soft, and firm barriers to care.

Catherine Hammack-Aviran, Vanderbilt University Medical Center

**(7 General; 1 Dual)**

**Friday, Oct. 22**

8 – 10 a.m. CDT

**DUAL**

**Ethics**

Last year, we thought we'd be past COVID and its related ethical issues by now. However, given the continuation of remote and hybrid work for lawyers, as well as the return to a "real office" for others, things are still complicated. We will explore new developments, as well as the application of the existing rules to our "new normal." Join us for the updates, hypotheticals, and general good-natured debate as our panel looks at the past and predicts the future.

Lucian Pera, Adams and Reese LLP

Phil Pomerance, Best Practices Inpatient Care Ltd.

Sheree Wright, Vanderbilt University

10 – 10:15 a.m.

**Break**

10:15 – 11:15 a.m.

**HIPAA and Related Privacy Law Developments**

This presentation will focus on recent HIPAA developments, including recent changes to the Privacy Rule, patient right of access issues, and other privacy law developments, including issues raised by the Information Blocking Rule issued pursuant to the 21st Century Cures Act. The presenters will provide an overview of legal developments along with practical advice on tackling HIPAA questions related to the issues discussed.

Cal Marshall, Chambliss Bahner & Stophel

Elizabeth Warren, Bass Berry & Sims

11:15 a.m. – 12:15 p.m.	<p><b>Health Care Fraud and Enforcement</b></p> <p>Three experienced healthcare fraud litigators will provide updates on government enforcement and qui tam litigation. Panelists will also cover the most important healthcare fraud developments from the past year.</p> <p>Brian Roark, Bass Berry &amp; Sims  JD Thomas, Waller Lansden Dortch &amp; Davis  Richard Rose, Miller &amp; Martin</p>
12:15 – 1:15 p.m.	<p><b>Lunch – Section Business Lunch (12:30 p.m.)</b></p>
1:15 – 2:15 p.m.	<p><b>Human Subjects Research: Law, Contracting and a COVID-19 Vaccine Trial</b></p> <p>After lawyers review biomedical research regulation in the United States and discuss related key contracting issues, a physician-investigator will describe how these concepts play out in practice through the example of a Phase III, Blinded, Placebo-Controlled, COVID-19 Vaccine Clinical Trial.</p> <p>Kathy Steuer, St. Jude Children's Research Hospital  Cara Baer, Butler Snow  Dr. Patricia Flynn M.D., St. Jude Children's Research Hospital</p>
2:15 – 2:30 p.m.	<p><b>Break</b></p>
2:30 – 3:30 p.m.	<p><b>Legal Considerations and Common Pitfalls Related to Claims Coding and Billing</b></p> <p>This presentation will provide an overview of important legal issues related to claims coding and billing. The discussion will include telemedicine considerations post-COVID, common risk areas, and the potential options available to payors if coding and billing issues are identified.</p> <p>Amy Garner, West Tennessee Healthcare  Anna Grizzle, Bass Berry &amp; Sims  Linda Thacker, TeamHealth</p>

3:30 – 4:30 p.m.

**Physician Discipline through the Medical Staff Corrective Action and Licensure Board Processes**

This one-hour program will provide an overview of physician discipline through the hospital medical staff and state licensure board processes. Specifically, the program will focus on (i) medical staff corrective action and fair hearing procedures; (ii) the obligation of hospitals to report certain discipline to the National Practitioner Data Bank and Tennessee Board of Medical Examiners; and (iii) Tennessee Board of Medical Examiner investigations and disciplinary proceedings.

**Amy Hampton, Vanderbilt University Medical Center**

**David Steed, Cornelius & Collins**

**Kyle Simonton, Buerger, Moseley & Carson**

**(5 General; 2 Dual)**