

Tennessee Bar Association Health Law Section  
26th Annual Health Law Forum  
October 9 - 10, 2014  
Embassy Suites Cool Springs - Hotel Conference Center

**Thursday, October 9, 2014 (All times are central standard)**

- 7:15 a.m. Registration**
- 8:00 a.m. Chair's Welcome and Introductions**  
**Christie Burbank, TBA Health Law Section Chair, (Miller & Martin PLLC)**
- 8:15 – 9:15 a.m. Selected Topics and Trends in Medicaid**  
**[TAB 1]** *This presentation will describe the evolution of the TennCare Medicaid system from its inception to its current operations. It will include several current initiatives that are being implemented along with discussing several emerging Medicaid trends across the country.*  
**Deputy Commissioner Darin Gordon (Health Care Finance & Administration)**
- 9:15 – 10:15 a.m. Fraud and Abuse Update**  
**[TAB 2]** *The session will provide an update of settlements and decisions relating to the Federal False Claims, the Federal Anti-kickback Statute, 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)**
- 10:15 – 30 a.m. BREAK (Sponsored by: Horne LLP)**
- 10:30 – 11:30 a.m. Hospital/Physician Integration in a New Health Care World**  
**[TAB 3]** *This session we will discuss the factors that are causing health systems and physicians to explore new relationships. We will discuss emerging models of health system affiliation and physician-hospital alignment.*  
**Dr. Russell (Rusty) Holman (LifePoint Hospitals)**  
**David Lewis (Miller & Martin PLLC)**  
**Kim Looney (Waller)**
- 11:30 – 12:30 p.m. Lunch (on your own/Section Lunch Business Meeting)**  
**(Sponsored by: Carnahan Group)**
- 12:30 – 1:15 p.m. Update on the Affordable Care Act**  
**[TAB 4]** *This segment will address: Tennesseans are purchasing health insurance in the federal exchange. Will they renew? Will more purchasers seek ACA coverage? The Halbig decision has put ACA tax credits for Tennesseans in jeopardy. Should Tennessee reconsider a state-run insurance exchange? The failure to expand Medicaid means Tennessee is losing \$2 million per day in federal funds. Is there a "Third Way"? and "Tennessee Plan"? How are other Republican states in the South facing the political and economic dilemma?*  
**Richard Cowart (Baker Donelson Bearman Caldwell & Berkowitz PC)**  
**Monica Wharton (Regional Medical Center)**

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- 1:15 –**  
**2:00 p.m.**  
**[TAB 5]**                    **HIPAA & HITECH Update**  
*This presentation will discuss recent HIPAA/HITECH developments, including 2013 rule changes, steps necessary to respond to the 2013 regulations, and enforcement trends.*  
**Stephen Page** (Regional Care)  
**Elizabeth Warren** (Bass Berry & Sims PLC)
- 2:00 –2:15 p.m. BREAK (Sponsored by: Decosimo)**
- 2:15 –**  
**3:15 p.m.**  
**[TAB 6]**                    **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*  
**Moderator: J.D. Thomas** (Office of U.S. Attorney)  
**Stuart Canale** (Asst. U.S. Attorney for U.S. Department of Justice)  
**Tim Harlan** (Tennessee Attorney General's Office)  
**Ellen Bowden McIntyre** (Office of U.S. Attorney)  
**Elizabeth Tonkin** (Office of U.S. Attorney)
- 3:15 –**  
**4:15 p.m.**  
**[TAB 7]**                    **Defense Counsel Perspectives on Healthcare Fraud**  
*This panel will review recent trends in healthcare fraud enforcement and FCA litigation, including issues relating to self-disclosures.*  
**Brian Roark** (Bass Berry & Sims PLC)  
**Richard Rose** (Miller & Martin PLLC)  
**Jennifer Weaver** (Waller)
- 4:15 –**  
**5:15 p.m.**  
**[TAB 8]**                    **Risky Business: Provider and Vendor Perspectives on EMR and Similar Vendor Contracts**  
*This panel will discuss the prevailing risk areas in current EMR/vendor contracts and how to mitigate such risks. Vendor and practice perspectives will be presented from an operational and legal viewpoint. The panel will use electronic medical record (EMR) contracts as the touchstone for the discussion, but also explore problems with other common vendor relationships.*  
**Mark Cunningham** (Chambliss, Bahner & Stophel P.C.)  
**Kelly Davies** (Zotec Partners, LLC)  
**Tom Stearns** (State Volunteer Mutual Insurance Company)

**Total Hrs: 7.5 General**

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- 7:30 a.m.           Registration**
- 8:00 -**  
**9:00 a.m.**  
**[TAB 9]**           **Anatomy of a Claim: Risk Management and Legal Perspectives**  
*This presentation will analyze an incident through the investigation and risk management assessment of a claim, the legal and regulatory issues raised, and the perspective and evaluation and defending the malpractice action.*  
**Sandra Bledsoe** (Vanderbilt University)  
**Julia Morris** (Vanderbilt University)  
**Tom Wiseman** (Wiseman Ashworth Law Group)
- 9:00 -**  
**10:00 a.m.**  
**[TAB 10]**       **Tennessee Health Law and Legislative Updates 2014**  
*This annual update will focus on hot topics impacting health care law from the 2014 session of the General Assembly as well as recent Tennessee caselaw and Attorney General Opinions.*  
**Yarnell Beatty** (Tennessee Medical Association)  
**Jerry Taylor** (Stites & Harbison, PLLC)  
**Amanda (Mandy) Young** (Butler Snow)
- 10:00 -**  
**10:15 a.m.**       **BREAK (Sponsored by: Miller & Martin PLLC)**
- 10:15-**  
**11:15 a.m.**  
**[TAB 11]**       **Navigating the Medical Staff Fair Hearing Process**  
*Using a memorable case study, this presentation will review the key processes and decision points that arise during a medical staff corrective action and fair hearing, from the initial investigation through appellate reviews and database reporting.*  
**Jeff Moseley** (Buerger, Moseley & Carson, PLC)  
**Scott Richardson** (LifePoint Hospitals, Inc.)  
**Kyle Simonton** (Buerger, Moseley & Carson, PLC)
- 11:15 -**  
**12:30 p.m.**  
**[TAB 12]**  
**[1 Dual]**       **Campaign 2014: Keeping Tennessee Courts Fair and Impartial**  
*The Tennessee judiciary faced an unprecedented attack in 2014 as campaign spending reached nearly \$2 million. This historic event will have far-reaching effects on judicial selection and retention.*  
**Supreme Court Justice Gary Wade**  
**(Lunch WILL be provided & Sponsored by: Waller/FTI Consulting)**
- 12:30 -**  
**1:30 p.m.**  
**[TAB 13]**       **The State's Plan for Healthcare Payment Reform**  
*Beginning January 1, 2015, the State of Tennessee plans to implement the first phase of its Health Care Innovation Initiative, which is designed to transform how health care providers across the state are paid for the care they deliver. The first half of this presentation will be an overview of the nuts and bolts of the Initiative. The second half will cover the various types of health care arrangements necessary to implement the Initiative and potential legal issues that are likely to arise as a result of these new value-based payments and care delivery models.*

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**Katie Dageford** (*Tennessee Medical Association*)

**Cindy Reisz** (*Bass, Berry & Sims PLC*)

1:30 –  
1:45 p.m.

**BREAK**

1:45 –  
3:45 p.m.  
(2.0 Dual)  
[TAB 14]

**Life Imitates Scenarios: Ethics Update**

*The ethics session kicks off with an update of the past year's developments. Learn which predictions came true! The spirited panel discussion follows, during which tough and timely issues will be raised.*

**Sheree Wright** (*Vanderbilt University*) - **Moderator**

**Brian Faughnan** (*Lewis Thomason*)

**Barbara Holmes** (*Harwell Howard Hynes Gabbert & Manner PC*)

**Phil Pomerance** (*Best Practices Inpatient Care, Ltd.*)

3:45 –  
4:00 p.m.

**BREAK (Sponsored by: Cicayda)**

4:00 –  
4:30 p.m.  
[TAB 15]

**Practical perspectives from a Hospital System on Co-Management Arrangements**

*This session will present an overview by an experienced General Counsel of the co-management arrangement at issue in OIG Advisory Opinion 12-22, as well as a retrospective review of how this arrangement has worked in practice.*

**Bruce Toppin** (*North Mississippi Health System*)

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