

# 35<sup>th</sup> Annual Health Law Forum

November 2 & 3 – Music City Center, Nashville

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

**Producer:** Mark Ison, Sherrard Roe Voigt & Harbison



Recognized as one of the premier health law programs in the country, the annual forum will address key issues impacting the practice area. Sessions will provide insight from health law providers, practitioners and regulators, giving you the info you need to stay on top of key advancements.

## Thursday, Nov. 2

7 – 8 a.m. CDT

### **Registration**

8 – 8:15 a.m.

### **Chair's Welcome**

Mark Ison, Sherrard Roe Voigt & Harbison

8:15 – 9:45 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.

Andrew VanLandingham, OIG, Dept. of Health and Human Services

Kristin Bohl, Bass Berry & Sims

Travis Lloyd, Bass Berry & Sims

9:45 – 10: 45 a.m.

### **The Science of Chance: Preparing for the Next Pandemic One Pathogen at a Time**

In this session, Dr. Creech will discuss relevant past pandemics, including COVID-19, with the goals of describing lessons learned, advances made, and what we can do to prepare more fully for future threats.

C. Buddy Creech MD, Vanderbilt University Medical Center

10:45 – 11 a.m.

### **Break**

11 a.m. – 12 p.m.

### **Federal Antitrust Enforcement Updates**

This session will cover changes to FTC/DOJ Merger and collaboration policies; proposed changes HSR filings, proposed new merger guidelines; healthcare guidance repealed by FTC and DOJ merger enforcement updates; and PE Involvement in healthcare and the related antitrust risks.

Adam Cella, Senior Special Counsel, House Judiciary Committee

Ashley Fischer, McDermott Will & Emery

Derek Kelley, K&L Gates

12 – 12:15 p.m.

### **Grab Lunch**

12:15 - 1:45 p.m.

**Tennessee Legislative Update & State Case Review**

This annual update will focus on hot topics impacting health care law from the 2022 special and 2023 regular sessions of the General Assembly and will also recap significant Tennessee state civil court cases and Attorney General opinions affecting health care from the past year.

Jerry Taylor, Thompson Burton

Mandy Young, Butler Snow

Yarnell Beatty, Tennessee Medical Association

1:45 - 2:45 p.m.

**False Claims Act Update: Significant Cases from 2023 That Every Healthcare Lawyer Should Know**

Experienced FCA litigators will discuss recent major FCA decisions and consider the implications for healthcare counsel, including the Supreme Court's decisions in U.S. ex rel. Schutte v. SuperValu Inc. (clarifying the scienter standard) and U.S. ex rel. Polansky v. Executive Health Resources, Inc. (involving the government's right to dismiss declined qui tam cases), and the Sixth Circuit's decision in U.S. ex rel. Martin v. Hathaway (describing the proof required to prove causation in an AKS case).

Jackie Papish, Barnes & Thornburg

Brian Roark, Bass Berry & Sims

Kathryn Sasser, HCA Healthcare

2:45 - 3 p.m.

**Break**

3 - 4 p.m.

**Telehealth: Policy Considerations, Practical Realities & Recent Updates**

This session will provide a short history of telehealth, along with legal framework and issues. Topics addressed include waivers; DEA prescribing policy post PHE; regulatory updates; quantifying the policy benefits and risks of telehealth expansion; how to quantify telehealth events & activity; models for telehealth that improve care without breaking the bank.; specialty-specific models; and how to avoid potential audit risks.

Cal Marshall, Chambliss Bahner & Stophel

Chip Hutzler, HMS Valuation Partners

4 - 5:30 p.m.

**Ethics Update: What's happening besides AI?**

AI has been a hot topic for ethics and legal updates this year. Before you learn about that on Friday, join us for an update on all the other interesting developments in the ethics arena. Everything you need to know all at once!

Brian Faughnan, Faughnan Law

Phil Pomerance, Best Practices Inpatient Care

Sheree Wright, Tennessee Bar Association

5:30 - 6:30 p.m.

**Reception**

Friday, Nov. 3

8 – 9 a.m.

**Post-Dobbs: Adapting and Seeking Clarity In Changing Environment**

This presentation will cover current legislative changes regarding and their impact on abortion care , status of current litigation involving challenges to abortion statutes in Tennessee and elsewhere, as well as the cases involving Mifepristone and challenge to the FDA's authority and administrative processes.

Amy Pepke, Butler Snow

Anna Grizzle, Bass Berry & Sims

Julia Morris, Vanderbilt University Medical Center

9 – 10 a.m.

**HIPAA/Burgeoning State Privacy Issues**

This session will provide an overview of HIPAA and covered entities. Panelists will discuss reportable data breaches, enforcement trends, reproductive health guidance, information blocking, AI and other concerns.

Elizabeth Warren, Bass Berry & Sims

Stephen Page, K&L Gates

10 – 10:15 a.m.

**Break**

10:15 – 11:15 a.m.

**Fireside Chat: Practically Applying Joint Commission Standards In 2023**

In this session, panelists will provide a discussion of hot topics concerning the Joint Commission and practical application of its regulatory standards.

Imad Abdullah, Regional One Health

Lisa Vandecaveye, General Counsel for The Joint Commission

Kathy Steuer, St. Jude Children's Research Hospital

11:15 a.m. – 12:15 p.m.

**Healthcare Fraud Enforcement across Tennessee: A Year in Review**

Panelists will describe the major health care fraud case settlements and decisions from across Tennessee in the last year. They will also discuss trends in health care fraud and what providers should be watchful for in 2024.

Alan McGonigal, Asst. United States Attorney, E.D. of Tenn.

Ellen Bowden McIntyre, Dep. Civil Chief, Aff. Civil Enforcement, M.D. Tenn

Nate Casey, Tennessee AG's Office, Managing Attorney - Civil Medicaid Fraud

12:15 – 1:15 p.m.

**Lunch** (on your own)/**Section Business Lunch** (RSVP required)

1:15 – 2:15 p.m.

**Hospital Charges under the Microscope: Impact of the Price Transparency Rule and No Surprises Act**

The session will discuss the implications of the HHS Price Transparency Rule, as well as the multi-agency No Surprises Act. It will encompass the history of both programs, the fundamental rules for compliance, and the implications for hospital operations.

Andy Ruskin, K&L Gates

Holley Lutz, Dentons

2:15 – 2:30 p.m.

**Break**

2:30 – 4 p.m.

**Artificial Intelligence, ChatGPT & Ethical Issues in Health Law**

Artificial Intelligence and ChatGPT is accelerating in both in healthcare and the practice of health law. This discussion will provide background on AI, selected uses in Healthcare, and ethical considerations for lawyers using AI.

A.J. Bahou, Bradley Arant Boult & Cummings

Kim Looney, K&L Gates