

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

October 17 & 18 – Embassy Suites, Franklin

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

**Producer:** Ian Hennessey, Alliance for Multispecialty Research



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, Oct. 17

7 – 8 a.m. CDT

### **Registration**

8 – 8:15 a.m.

### **Chair's Welcome**

Ian Hennessey, Alliance for Multispecialty Research

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.

Kristin Bohl, Bass Berry & Sims

Travis Lloyd, Bass Berry & Sims

9:45 – 10: 45 a.m.

### **Keynote Presentation: Demystifying AI – Essentials for Healthcare Leaders**

This year's keynote presentation will cover AI essentials for health care leaders. The session will provide a layman's overview of AI, strategic advantages of implementation in medicine and its expected trajectory over the next two – five years.

David Higginson, Exec. VP, CIO, Phoenix Children's Hospital

10:45 – 11 a.m.

### **Break**

11 a.m. – 12 p.m.

### **Private Equity: It Ain't Private Anymore**

This session will cover the current state of private equity investment in health care. Key enforcement actions and cases will be addressed as well as what really matters to the government. States are also beginning to scrutinize private equity investment in health care and several have enacted statutes require disclosure and/or approval of those transactions. Some tips for how to comply with these requirements will also be discussed.

John Kelly, Barnes & Thornburg

Kim Looney, K&L Gates

12 – 12:15 p.m.

### **Grab Lunch**

12:15 - 1:45 p.m.

**Tennessee Legislative Update and Case Review**

This annual update focuses on new laws impacting health care lawyers from the 2024 session of the General Assembly and will also recap significant Tennessee state civil appellate 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.

**Navigating Digital Health: Legal Considerations in Hospital at Home, Telemedicine and Remote Patient Monitoring**

This presentation will explore multiple aspects of corporate models and organizational structures in digital health; Hospital at Home regulatory considerations; and risk issues and considerations in remote monitoring, telehealth, and hospital at home.

Elisa Harris, Barnes & Thornburg

Julia Morris, Vanderbilt University Medical Center

Stephen Page, K&L Gates

2:45 - 3 p.m.

**Break**

3 - 4 p.m.

**Code Red: Healthcare Cybersecurity**

Join this panel of three veteran healthcare privacy and security attorneys as they delve into the lessons learned from the Change Healthcare incident. The panel will explore cyber threats, regulatory enforcement, contracting, and risk mitigation strategies for protecting health information in an increasingly connected digital world.

Amy Leopard, Bradley Arant Boult Cummings

Lynn Sessions, BakerHostetler

Elizabeth Warren, Bass Berry & Sims

4 - 5 p.m.

DUAL

**Ethical Uses of Ambient Devices & Technology in the Doctor-Patient Interaction**

This session will cover the scope of consent on oral recordings (e.g. HIPAA), what happens if a patient does not want to use the recording device, liability issues regarding accurate medical notes, how long are recordings maintained and if clinicians have devices like Siri and Alexa currently listening in the doctor-patient interaction.

A.J. Bahou, Bradley Arant Boult Cummings

Ann Lundy, Butler Snow

5 - 6 p.m.

**Reception**

Friday, Oct. 18

8 – 9 a.m.

**Healthcare Antitrust Enforcement in the Biden Administration and Beyond**

Speakers will discuss topics including the antitrust enforcement climate in healthcare during the Biden administration, HSR form guidelines and updates, updated antitrust agency merger guidelines, recent enforcement actions in the healthcare space, state merger filings, and expectations for healthcare enforcement after the 2024 election.

Lindsey Bohl, Simpson Thacher & Bartlett

Derek Kelley, K&L Gates

9 – 10 a.m.

**Health Care Transactions: Regulatory Considerations for Structuring Deals, Minimizing Reimbursement Delays, and Maintaining Provider/Supplier Enrollments**

This presentation focuses on certain health care regulatory issues implicated in health care provider transactions, and provides recommendations for structuring transactions to avoid interruptions to Medicare enrollments and minimize payment delays. While the presentation provides a brief overview of the health care transaction landscape, a majority of the content addresses specific regulatory issues in detail, including a case study on a particular type of hospital transaction.

Gabe Scott, K&L Gates

Doug Wolford, Holland & Knight

10 – 10:15 a.m.

**Break**

10:15 – 11:15 a.m.

**Trends in Commercial Provider/Payor Disputes**

This panel will discuss operational aspects of payor disputes and ways to avoid these disputes; the increasing use of automation in claim adjudication and related implications; payor audits and recoupment demands; and other recent trends in payor disputes including out-of-network claims, DRG downgrades, E/M down-coding, and allegedly not-separately reimbursable line items.

David King, Polsinelli

Jennifer Monroe, KOC

Stephen Barham, Chambliss Bahner & Stophel

11:15 a.m. – 12:15 p.m.

**The Latest Health Care Enforcement across Tennessee: A View from U.S. Attorney's Offices**

This panel will discuss recent health care enforcement actions across Tennessee in the last year, including both civil and criminal actions. The panelists will also discuss trends for 2025.

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

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

Sarah Pazar Williams, Asst. United States Attorney, W.D. of Tenn.

- 12:15 - 1:15 p.m.      **Lunch** (on your own)/**Section Business Lunch** (RSVP required)
- 1:15 - 2:15 p.m.      **Hot Topics in Responding to Government Investigations and Litigating Enforcement Actions**  
This session will cover current issues in healthcare fraud investigations and the litigation of enforcement actions.  
Brian Roark, Bass Berry & Sims  
JD Thomas, Barnes & Thornburg
- 2:15 - 2:30 p.m.      **Break**
- 2:30 - 4:30 p.m.  
DUAL      **Ethical Considerations of Using AI and Updates (yes, there were developments other than AI)**  
It was an active year for ethics! Join the panel for an update on developments in this area as well as a deep dive into the ethics of using Generative AI in your practice. Learn more about recent guidance and how you can best serve your clients effectively while avoiding hallucinations about ethical violations.  
Justice Sarah Campbell, Tennessee Supreme Court  
Brian Faughnan, Faughnan Law  
Kim Looney, K&L Gates  
Sheree Wright, Tennessee Bar Association (Moderator)