



**Tennessee Bar Association Health Law Section
28th Annual Health Law Forum
October 20 - 21, 2016
Embassy Suites Cool Springs - Hotel Conference Center**

Thursday, October 20, 2016

- 7:15 a.m. Registration**
- 8:00 a.m. Chairs Welcome and Introductions**
Denise Burke, TBA Health Law Section Chair, Waller
- 8:15-9:30 a.m. Update on Fraud and Abuse Developments**
[1.25 General]
The 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.
Julie Kass, Ober/Kaler
Sanford (Sandy) V. Teplitzky, Ober/Kaler
- 9:30-10:15 a.m. Keynote Address: Addressing the Substance Abuse Epidemic in Tennessee**
[0.75 General]
Dr. Dreyzehner will address the disturbing prescription drug addiction and overdose rates in Tennessee and well as statewide strategies to prevent and treat prescription drug abuse.
Dr. John Dreyzehner, Tn. Commissioner of Health
- 10:15-10:30 a.m. Break**
- 10:30-11:30 a.m. Practitioner Assistance Programs**
[1 Dual]
Medical and legal professionals suffering chemical dependence, mental or emotional illness have resources to assist with recovery and effective return to practice. This session will address these valuable resources as well as associated peer review and ethical issues.
Dr. Roland Gray, Tennessee Medical Foundation
Dr. Mary Yarbrough, Executive Director Faculty and Physician Wellness Program, Associate Professor of Medicine, Vanderbilt University Medical Center
Laura McClendon, TLAP

11:30- 12:30 p.m.

[1 General]

Bundled Payments

The rapid movement toward value-based reimbursement will impact most providers. The panel will consider regulatory guideposts and implementation challenges in defining, measuring and rewarding value in healthcare delivery systems.

Brooks Daverman, *Tennessee Health Care Finance & Administration*

Tami Horton, *Illinois Bone and Joint*

12:30-1:30 p.m

Lunch (on your own/Section Lunch Business Meeting)

1:45 – 2:45 p.m.

[1 General]

Tennessee Healthcare Fraud Enforcement Update: Government and Defense Perspectives

In this highly interactive panel, government and defense counsel will exchange views on recent False Claims Act developments, including the Supreme Court's Escobar decision and the Sixth Circuit's recent decisions involving False Claims Act pleading standards. The panel will also discuss recent high-profile False Claims Act cases being litigated in the Middle District of Tennessee and the Eastern District of Tennessee, noteworthy False Claims Act settlements from each District, as well as a preview of enforcement priorities and trends to expect in the coming year.

Moderator: Jennifer Weaver, *Waller*

Ellen Bowden McIntyre, *U.S. Attorney Office for the Middle District of Tn.*

Rob McConkey, *U.S. Attorney Office for the Eastern District of Tn.*

Richard Rose, *Miller Martin*

2:45 – 3:45 p.m.

[1 General]

Dr. Ticker's Broken Heart – a Healthcare Fraud Hypothetical

Hear differing perspectives on healthcare fraud enforcement as a panel consisting of an Assistant U.S. Attorney, relator's counsel, in-house counsel, and outside defense counsel work through a hypothetical scenario.

Moderator: Brian Roark, *Bass Berry & Sims PLC*

David Garrison, *Barrett Johnston Martin & Garrison, LLC*

Steve Petrovich, *Ardent Health Services*

Stuart Canale, *U.S. Attorney Office for the Western District of Tn.*

3:45-4:00 p.m.

Break

4:00 – 5:15 p.m.

[1.25 General]

Tennessee Health Law and Legislative Updates 2016

This annual update will focus on hot topics impacting health care law from the 2016 session of the General Assembly as well as recent Tennessee case law and Attorney General Opinions. The 2016 legislative session resulted in several important changes in state law about which health lawyers need to know. There were significant changes to laws addressing certificate of need, nursing home bed tax, telehealth, pain management clinic licensure, the dispensing of contraceptives, and documentation in hiring practices, to name just a few. During the first segment, the panel will highlight the new laws affecting health care professional practice compliance, scope of practice, health insurance, and facility compliance and operations. The panel will also provide a brief look into the future as to what issues the 2017 Tennessee Legislature will likely take up. The second segment of the presentation will focus on major Tennessee case

law decisions from Tennessee state courts since the last quarter of 2015 through the summer of 2016. The panel will inform health lawyers how these decisions affect their clients and provide some insight into lessons learned. It will highlight important litigation results, examine regulatory challenges of note, and look at how some intriguing case results will affect health care compliance. During the final segment, the panel will provide a survey of Tennessee Attorney General Opinions filed in 2015 of which health lawyers need to be aware. Participants will gain valuable insight into the positions the State would take on issues impacting their clients' health care practices.
Yarnell Beatty, Tennessee Medical Association
John P. Williams, Tune, Entrekin & White PC

Total hours for Thursday: 6.25 General, 1 Dual

Friday, October 21, 2016

7:30 a.m.

Registration

8:15-9:00 a.m.

[0.75 General]

Managing Disruptive Conduct in an Era of Disruption

This session will explore the meaning of disruption in today's healthcare; traditional and "unique" concepts of disruptive behavior; legal governance for disruptive conduct; and tools and resources to shape possible solutions.

Sidney Welch, Polsinelli

9:00-10:00 a.m.

[1 General]

Community Approaches to Address Health

While Tennessee is a great place to work, live and raise a family, the overall health of our population is very poor. Our communities and state as a whole continually place low in national rankings related to health. If left unaddressed, these poor outcomes will impact our state's economic vitality. With an awareness of the critical nature of this issue, many Tennessee communities are launching collaborative efforts to create a culture of health and wellbeing, to open dialogues, align resources and build smart strategic partnerships to form dynamic plans to improve health. This panel session will highlight these efforts in Nashville, Memphis and through the Governor's Foundation for Health and Wellness.

Caroline Young, NashvilleHealth

Barry-Lewis Harris II, MD, Common Table Health Alliance

John Chobanian, Governor's Foundation for Health and Wellness

10:00-10:15 a.m.

Break

10:15- 11:15 a.m.

[1 General]

The Art of Self Disclosure: When, Where, How

Self-disclosure has become an increasingly important part of the health care regulatory landscape. Decisions about whether, when, and how to self-disclose require a careful assessment of the facts and the law, as well as consideration of the various "paths to redemption" available. An AUSA, compliance consultant, and private practitioner will describe their perspectives on the self-disclosure process,

including what to disclose, who to contact, what to expect in terms of penalties and timeframes for resolution, and tips for achieving a successful outcome.

Steve Spargo, *Compliance Concepts*

Jason Ehrlinspiel, *U.S. Attorney's Office, Middle District of Tn.*

Katie Dunn, *Waller*

11:15-12:15 p.m.

[1 General]

Negotiating Compliant Physician Arrangements - FMV in Employment, Acquisition and Divestitures

The compliance risks continue to increase with hospital alignment and consolidation. The panel will address the practical risks and associated with hospitals acquiring physician practices, employing physicians, fair market value appraisals, as well as good and bad documentation.

Patsy Powers, *Waller*

Chris Carnahan, *The Carnahan Group*

12:15-1:15 p.m.

[1 General]

No Joke- HIPAA Really Has Teeth!

The presenters will engage in a detailed discussion of recent HIPAA enforcement actions, as well as cover the new Individual Rights HIPAA guidance.

Christie Burbank, *Miller Martin*

Shannon Hoffert, *Butler Snow*

(Lunch WILL be provided & Sponsored by Miller & Martin PLLC)

1:15-2:15 p.m.

[1.0 General]

Practical Issues for Physician Practice Acquisitions

This session is intended to highlight the key areas of negotiation pertaining to the purchase of a physician practice by a hospital system, academic medical center or private equity group. The speakers will discuss the Buyers' and Sellers' chief expectations and state regulatory concerns around the purchase price, diligence process, transaction documents and subsequent employment and management agreements between the parties.

John Voigt, *Sherrard & Roe*

Cory Brown, *Aspire Health*

Julia Morris, *Vanderbilt*

2:15-2:30 p.m.

Break

2:30 – 4:30 p.m.

[2 Dual]

The Ethics of the Distracted Lawyer

Every day, lawyers are bombarded with information and demands from clients, colleagues, friends and family. A "timely" response is measured in minutes, not days and we are all accessible all the time. Our ethical obligations also don't take a break. Join us for a look at the evolving practice of law and how we can best deal with the distractions of life in the electronic age.

Moderator: Sheree Wright, *Vanderbilt University*

Brian Faughnan, *Lewis Thomason*

William R. Hannah, *Chambliss, Bahner & Stophel, P.C.*

Total hours for Friday: 5.75 General, 2 Dual