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Online reservations can be made at www.texhealthlaw.org/lawconf.

A limited number of rooms are available. Ask for the "2017 Texas Health Law Conference" room block rate of \$199 (plus taxes). The **cut-off date** for room reservations is **Saturday, Oct. 7, or earlier if the block sells out.** Act early to ensure room and rate availability.

CONTINUING EDUCATION

This course has been submitted for minimum continuing legal education to the State Bar of Texas Committee on MCLE for up to **13.0 contact hours** (includes **1.5 hours of ethics credit**), plus an additional **3 contact hours (0.5 hours of ethics)** for the pre-conference optional Sunday session.

The Health Law Section has registered with the Texas State Board of Legal Specialization to meet the requirements of the continuing professional education rules covering maintenance of attendance records, retention of program outlines, qualifications of instructors, program content, physical facilities and length of class hours. This registration agreement does not constitute an endorsement by the board as to the quality of the program or its contribution to the professional competence of the licensee.

Attendance Policy: Participants seeking continuing education credit should claim credit commensurate with only those sessions attended in their entirety. Conference registration also is required for verification of continuing education.

CONFERENCE PLANNING COMMITTEE

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Gregory N. Etzel, J.D., The University of Texas Medical Branch, Galveston

Jennifer Henderson, J.D., Driscoll Children's Hospital, Corpus Christi

Wilson Jones, J.D., Thompson & Knight LLP, Dallas

Nathaniel Kummerfeld, J.D., U.S. Attorney's Office, Tyler

Nancy LeGros, J.D., CHRISTUS Health, Irving

Sean McKenna, J.D., Greenberg Traurig LLP, Dallas

Lisa Smith, J.D., Brown & Fortunato P.C., Amarillo

Kelly Walla, J.D., Texas Medical Association, Austin

Kristi Ward, J.D., UMC Health System, Lubbock

Agenda

***SUNDAY, OCT. 22**

1:45 - 4:30 p.m. Registration

2:30 - 5:30 p.m. Optional Pre-Conference Session

***Be sure to select on registration form (additional fee applies).**

Top Operational Issues Every In-House Counsel Should Re-Examine This Year

Maria Roman Ganson, J.D., vice president and litigation counsel, CHRISTUS Health, Irving; **Michael W. Peregrine, J.D.,** partner, McDermott Will & Emery, Chicago; **Adam Robison, J.D.,** partner, King and Spalding, Houston; and **Brenda Strama, J.D.,** counsel, Beatty Bangle Strama, Austin

A panel discussion of the most pressing issues facing in-house counsel, including a deep dive conversation on:

- Internal Investigations
- Patient Consent and Rights Issues
- Risk Management Issues
- Board Governance, and
- Medical Staff Issues

MONDAY, OCT. 23

7:00 - 8:00 a.m. Registration and Breakfast

8:00 - 8:45 a.m.

A Changing Insurance Marketplace: Trends in Payer Initiatives and Payment Models

Nicholas J. Gettas, MD, senior VP and chief medical officer, CareAllies, Inc, Richmond, VA

Commercial health insurance payors continue to see the benefit of value-based payment models, such as bundled payments, population health management, and capitated payments, that shift risk to healthcare delivery organizations in order to increase their accountability for the cost and quality of the care they provide. The Center for Medicare and Medicaid Innovation has created several bundled payment initiatives that are intended to better coordinate care by providing a bundled Medicare payment for an episode of care involving one or more providers. Other trends include payors using narrow networks to target certain coverage populations. This session will include a discussion on: payment models and initiatives in the insurance marketplace; the role of the ACA on payor alignment strategies; and payment programs and initiatives with providers.

8:45 - 10:00 a.m.

Keynote: It's Complicated! The Current State of Healthcare Reform

Susan Feigin Harris, J.D., partner, BakerHostetler, Houston; and **Jeff J. Wurzburg, J.D.,** attorney, U.S. Department of Health and Human Services, Office of the General Counsel, CMS Division, Washington, D.C.

This session will review Executive and Congressional actions since President's Trump's inauguration, including Medicaid reform, individual market stabilization, the Budget Blueprint for the Department of Health and Human services, CMMI grants and the future of the ACA demonstration programs and initiatives, and actions by the Administration to change the face of healthcare in the wake of legislative failures in Congress. The speakers will address these issues from the perspective of CMS and the provider and insurer industry, and will address important initiatives and

deadlines looming for the health industry, such as CHIP reauthorization, as we head into the final quarter of 2017.

10:00 - 10:15 a.m. Break

10:15 - 11:15 a.m.

Enforcement 2017 - Perspectives From DOJ and the Defense

Nathaniel C. Kummerfeld, J.D., assistant United States attorney, U.S. Attorney's Office – Eastern District of Texas, Tyler; **John J. LoCurto, J.D.,** deputy chief, civil division, U.S. Attorney's Office – Western District of Texas, San Antonio; and **Sean McKenna, J.D.,** shareholder, Greenburg Traurig LLP, Dallas

Despite the change in administrations, healthcare fraud enforcement remains a significant priority. To that end, the U.S. Department of Justice has committed substantial resources to investigating and prosecuting such cases. This panel includes two federal prosecutors who handle complex civil and criminal healthcare fraud cases throughout the state and the country. They will address the key issues at the forefront of enforcement. Learn how DOJ works closely with the federal and state law enforcement agencies and health care benefit programs, while seeking to preserve assets for recoveries and bring successful actions against providers and executives. Also hear from a former prosecutor, OIG, and CMS attorney, now in private practice, regarding the defenses, tactics, and considerations at issue when clients face government enforcement actions.

11:15 a.m. - Noon

Stark/Anti-Kickback Law Update

Donna S. Clark, J.D., partner, Baker & Hostetler LLP, Houston

This session will cover the latest administrative and regulatory developments relating to the Stark and Anti-Kickback Laws. Recent case law and enforcement actions will also be discussed.

Noon - 1:15 p.m. Networking Lunch

1:15 - 2:00 p.m.

To Create, or Participate, That is the Question – MSSP and Commercial Opportunities

Walter Coleman, MBA, healthcare consulting manager, Dixon Hughes Goodman LLP, Richmond, VA

This session will focus on the ever increasing number of Accountable Care Organizations (ACO's) being formed each year and the programs these groups serve as the structural vehicle in which to participate. With the impending Advanced Alternative Payment Model (APM) incentive payment on the horizon, healthcare providers need to assess their risk capability of forming and joining these voluntary programs. As the shift from volume to value of care along with increased spending efficiency continues, ACO's will enable healthcare providers to deliver high-quality care while proficiently managing expenditures.

2:00 - 3:00 p.m.

An Update from the Pink Dome

Jennifer Banda, J.D., vice president of advocacy, public policy & HOSPAC, Texas Hospital Association, Austin; **Melissa Eason, J.D.,** regulatory counsel, Texas Association of Health Plans, Austin; and **Kelly Walla, J.D.,** LLM, deputy general counsel, Texas Medical Association, Austin

MONDAY, OCT. 23 continued

Hear an overview of the regular and special session of the 85th Texas Legislature with an emphasis on health care legislation. This discussion will address new legislation related to insurance, telemedicine, health agency continuation, public health, and a host of other issues that may affect your practice and clients.

3:00 - 3:15 p.m. Break

3:15 - 4:15 p.m.
Payor Relations: Litigation Trends and Key Contracting Terms
Jonathan M. Herman, J.D., managing member, Herman Law Firm, Dallas; and **Frank B. Stevens**, MBA, managing director, Berkeley Research Group, Los Angeles

This session will explore current trends in reimbursement litigation between payers and providers, and practical ways to apply those developments to head off controversies in payer-provider contracts.

4:15 - 5:15 p.m.
The Healthcare Trifecta: Information, Technology and Clinical Delivery
Rick Peters, MD, CIO, Dell Medical School, The University of Texas at Austin, Austin

Healthcare and technology are changing rapidly. New payment and delivery models, increasing focus on consumers and patient engagement, and technology enabled solutions are likely to be pillars of the evolving healthcare industry. This session will highlight the current trends transforming health care, identify developments in technology that could help reshape the healthcare industry, and provide examples of successful technology-driven innovations to meet the escalating demands for affordability, accessibility and quality.

5:15 - 6:00 p.m.
Individual Criminal Liability In a Post-Yates World
Ashlee Caligone McFarlane, J.D., assistant deputy chief, fraud section, U.S. Department of Justice – Criminal Division, Houston

This session will address the Department of Justice’s continued focus on criminal individual liability in health care fraud cases as well as corporate compliance initiatives to mitigate potential problems. The Department of Justice’s adoption of the Yates Memo, promising new enforcement initiatives against individuals implicated in corporate wrongdoing, creates new considerations for management and counsel investigating and resolving alleged criminal conduct. This session will discuss strategies and tips handling these types of fraud investigations.

6:00- 6:45 p.m. Reception

TUESDAY, OCT. 24

7:30 - 8:00 a.m. Breakfast

8:00- 9:00 a.m.
Annual Liability Update
Yvonne K. Puig, J.D., partner and head of life sciences and healthcare, Norton Rose Fulbright, Austin

Hear about the key cases that affected healthcare during the past year, and new and developing legal issues and theories in health law. Key regulatory issues will be covered and attendees will be provided a comprehensive paper that can be used as a resource guide throughout the year.

9:00 - 10:00 a.m.
A New Era of Immigration Policy and Its Effect on the Healthcare Industry
Mehron Azarmehr, J.D., managing attorney, Azarmehr Law Group, Austin; and **Kelli Stout**, J.D., associate, Husch Blackwell, Kansas City, MO

TUESDAY, OCT. 24 continued

The President has issued multiple executive orders on immigration, calling for a travel ban, reform of the H-1B visa program, and increased immigration enforcement efforts. Some provisions have resulted in swift policy changes, while other provisions remain the subject of closely-watched litigation. This panel will discuss these new immigration policy changes and their effect on healthcare organizations, outline the potential for immigration-related worksite enforcement efforts by Immigration and Customs Enforcement, and provide strategies for healthcare organizations to prepare for different types of immigration-related worksite enforcement actions.

10:00 - 10:45 a.m.
Surviving a HIPAA Security, Privacy and Breach Notification Audit
Robert V. Shaffer, Jr., CISSP, director of information security, UTMB, Houston; and **Stephen E. Stein**, J.D., partner, Thompson & Knight, Dallas

In 2012 Health and Human Services, Office of Civil Rights initiated a pilot program to assess HIPAA compliance efforts within covered entities and their Business Associated. This presentation will cover how the HIPAA audit program works, who is affected, and the steps needed to prepare for a possible audit.

10:45 - 11:00 a.m. Break

11:00 - 11:45 a.m.
Research and Product Development Programs – One Size Does Not Fit All
BethLynn Maxwell, J.D., Ph.D., chief health research officer, The University of Texas System - Office of Health Affairs, Austin; and **Angela R. Charboneau Wishon**, J.D., vice president for research administration, UT Southwestern Medical Center, Dallas

Traditional legal, regulatory and ethical standards continue to apply to clinical research and product development. The increased interest in technology and innovation in the delivery of care and patient experience, and limited barriers to entry, have resulted in providers of all types playing a greater role in the development of new products and standards of care. Academic medical centers, hospitals, and medical groups are experiencing high levels of entrepreneurship and innovation within their organizations. This session will cover traditional legal, regulatory and ethical guidelines that apply to research and development, situations when new products and innovation trigger traditional research compliance, and current challenges in managing and monitoring technology based product development and innovation in care delivery.

11:45 a.m. - 1:00 p.m.
Making Legal Ethics Great Again: Professional Responsibility and the “Challenging” Client
William W. Horton, J.D., partner, Jones Walker LLP, Birmingham, AL

Ethics and professional responsibility issues can be tough, and they can be even more challenging with a client pursuing a risky course or where there is a disconnect between client and lawyer. In the nuanced world of healthcare regulation and enforcement, issues like those can present serious dangers for both lawyer and client. This session will explore some of those challenges, including ethics dilemmas when the client seeks forgiveness rather than permission, the client with too many lawyers, professional responsibility and public statements, and privilege, confidentiality and advice of counsel.

1:00 p.m. Adjourn

TEXAS HEALTH LAW CONFERENCE

REGISTRATION FORM

PRE-CONFERENCE SESSION
Sunday, Oct. 22

Optional Sunday Afternoon Session

EARLY (by Sept. 29)	REGULAR (Sept. 30 - Oct. 3)	LATE (after Oct. 3)
\$95	\$120	\$145

2017 TEXAS HEALTH LAW CONFERENCE
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TEXAS HEALTH LAW CONFERENCE
Monday – Tuesday, Oct. 23-24 (Please check one)

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<input type="checkbox"/> Optional Printed Course Binder	\$25	\$25	—
<input type="checkbox"/> Health Law Section Member	\$540	\$590	\$640
<input type="checkbox"/> Non-Member	\$590	\$640	\$690
<input type="checkbox"/> Government Employee	\$295	\$345	\$395
<input type="checkbox"/> Student*	\$240	\$290	\$340

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All attendees must register. Standard registration includes Monday and Tuesday programming, and online access to course materials. It also includes online access to presentation videos and course materials at TexasBarCLE.com 6-8 weeks after the event. In order to be eligible for discounted pricing, payment must be received by the corresponding deadline. Should you elect to purchase a printed course binder, please designate that above.

+A discounted registration fee is available for legal or hospital administration students. After registering either online or by mail, students should email (texhealthlawconf@gmail.com) or fax (888/975-2461) a copy of their student ID to secure the special rate.

Vendor attendance is limited to those companies/firms participating in the conference as a sponsor. Contact Jeff Bell at 210/837-2147 or texhealthlawconf@gmail.com for more information.

SPECIAL NEEDS
 We are happy to try to accommodate any special needs (physical, dietary or otherwise) you might have. Please be sure that your needs is communicated to texhealthlawconf@gmail.com well in advance of the event. Should you have a need for a specialized (vegetarian or gluten-free) meal, please be sure to let us know. We are unable to serve specialized meals without advance notice.

CANCELLATIONS AND SUBSTITUTIONS
 Registrants unable to attend may designate an alternate. Please notify us no later than Oct. 13 if possible. Transfer from one education program to another is not permitted, and no financial credit will be granted. If a registrant cancels, the registration fee, less a 20 percent service charge, is refundable only if we receive notice in writing by 5 p.m. on Friday, Oct. 13. (Send notification via email to texhealthlawconf@gmail.com). No refunds will be made for no-shows or cancellations made after 5 p.m. on Friday, Oct. 13. Refunds will be processed after the event; please allow 4-6 weeks. We reserve the right to cancel or reschedule programs as determined necessary. If a program is cancelled, full registration refunds will be issued. We are not responsible for nonrefundable airline tickets or other travel expenses.

REGISTER

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QUESTIONS

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