

36TH ANNUAL



Conference Agenda

October 9 – 10, 2023

MONDAY | October 9th

7:00 – 8:00 am Registration and Breakfast

8:00 – 8:45 am Annual Liability Update

Learn about key cases that impacted the healthcare industry and your practice during the past year, including emerging legal issues and theories in health law. Key regulatory changes will be covered, and attendees will be provided with a comprehensive paper for use as a “go to” resource guide throughout the year. **MCLE: .75 hrs**

Yvonne K. Puig, Chief Integration Partner, Norton Rose Fulbright, Austin

8:45 – 9:45 am Enforcement Update for the Healthcare Industry

Federal and state enforcement agencies continue to investigate and litigate healthcare fraud cases, payment recoveries, and other enforcement matters across all sectors of the industry. This session will discuss an overview of the latest trends in enforcement and analyze what the new theories mean for 2023 and beyond. **MCLE: 1.0 (.50 ethics)**

James Gillingham, Civil Chief, U.S. Attorney’s Office for the Eastern District of Texas, Tyler

Wilson G. Jones, Chair, Bracewell’s Healthcare Practice Group, Bracewell LLP, Dallas

B. Scott McBride, Partner, Morgan, Lewis & Bockius LLP, Houston

9:45 – 10:30 am Criminal Healthcare Enforcement Update and a Look Ahead

This panel will focus on recent trends in criminal healthcare cases, including how the AKS, EKRA, and the Travel Act are being used (or not used), and the enforcement trends surrounding laboratory and COVID investigations. Offering perspectives from both the government and the defense bar, this panel will explore recent criminal enforcement trends and discuss what lies ahead for the future. The panel will discuss recent charging decisions, recent court opinions, and the current state of drug diversion enforcement. **MCLE: .75 hrs (.25 ethics)**

Anand Varadarajan, AUSA, United States Attorney’s Office, Eastern District of Texas, Plano

Ryan Meyer, Partner, Katten, Muchin, Rosenman, LLP, Dallas

Arianna Goodman, Shareholder, Vedder Price, Dallas

10:30 – 10:45 am Break

10:45 – 11:30 am Cybersecurity Threats and Compliance

FBI Agent and Federal Prosecutor discuss current cyber threats and discussions on compliance within the healthcare industry. **MCLE: .75 hrs (.25 ethics)**

Suzanne Elmilady, Deputy Chief, Fraud Section SDTX, United States Attorney’s Office, Houston
FBI Agent

11:30 – 12:30 pm An Update on Legislative and Congressional Health Care Policy Priorities

The Texas Legislature had an active regular session related to health care policy and budget matters. And many similar issues are being debated today in the halls of Congress in Washington, D.C. Led by experts for health care policy, this session will explore the legislation that impacts health care budgets, regulatory requirements, transparency and payments from both a state and federal perspective. **MCLE: 1.0 hrs**

Jennifer Banda, Senior Vice President Advocacy and Public Policy, Texas Hospital Association, Austin

Kelly Walla, General Counsel, Texas Medical Association, Austin

Missy Apodaca, Managing Partner, Apodaca Advocacy Group

12:30 – 1:30 pm Networking Lunch

1:30 – 2:30 pm The Sustainability of Medicaid Funding Mechanisms in Texas and Beyond – A Rocky Romance

- Marriage; Is it community property? – the story of how the federal/state financing works.
- The Extended family – Providers’ history with Medicaid.
- Divorce? The alternative to State appropriation; The story of the supplemental payment system.
- What does the future hold?is there a solution?

MCLE: 1.0 hrs

Sue Harris, Partner, Co-head of Healthcare Practice Group, Norton Rose Fulbright, US, LLP, Houston

Stacy Wilson, President, Children’s Hospital Association of Texas, Austin

Lanora Pettit, Principal Deputy Solicitor General, Office of the Texas Attorney General, Austin

MONDAY | October 9th ...continued

2:30 - 3:15 pm **Understanding the No Surprises Act: Practical Application for Legal Practitioners**

The No Surprises Act has been in the news and through the court system since before its implementation and many are familiar with the intent of the law. The purpose of this session is to dig deeper in the nuts and bolts to get a first-hand account of the processes from two individuals who have represented providers through all stages of the mediation and appeal process. The session will also address how the Act has affected the healthcare delivery landscape and the impact it has had on providers of all sizes. **MCLE: .75 hrs**

Nasir Pasha, Managing Attorney, Pasha Law, Houston
Scott Nichols, Partner, Nichols, Brar, Weitzner & Thomas, LLP

3:15 - 3:30 pm **Break**

3:30 - 4:15 pm **Hot Tracks: Legal and Industry Developments in Provider Reimbursement**

This session will include an update of the legal and regulatory changes affecting payment for health care service. The presenters will discuss recent case law and regulatory developments as well as industry trends, including the continued growth of innovative payment models in the managed care landscape. **MCLE: .75 hrs**

Greg Eztel, Partner, Morgan, Lewis & Bockius, LLP, Houston
Janet Walker, Deputy General Counsel, SCAN Group & Health Plan, Austin

4:15 - 5:00 pm **Alternative Care Delivery Models and Arrangements**

The presenters will examine the requirements and operational challenges of implementing alternative care delivery models and offer practical tips and lessons learned. **MCLE: .75 hrs**

Serina Rivela, Associate General Counsel, University of San Antonio, San Antonio
Laura Wilson, General Counsel, Med Arrive, Dallas
Jeff Wurzburg, Senior Counsel, Norton Rose Fulbright, San Antonio

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TUESDAY | October 10th

7:30 - 8:00 am **Breakfast**

8:00 - 8:45 am **Stand Tall for Small - Rural Health**

John Henderson (CEO of TORCH) and Jason Wren (CEO at Wise Health System) will provide a rural health update. The session will include federal and state advocacy priorities, challenges facing rural Texas providers, innovation occurring in rural Texas, and practical thoughts around the path forward. **MCLE: .75 hrs**

John Henderson, CEO, Texas Organization of Rural and Community Hospitals, Austin
Jason Wren, CEO, Wise Health System, Decatur

8:45 - 9:30 am **Contrasting Perspectives on Peer Review Advice: A dialogue between counsel for physicians and medical staff**

Join Sherri Alexander and Karin Zaner for a lively dialogue on the various aspects of medical peer review from the hospital/medical staff perspective and that of the individual physician. Various topics of discussion include federal and state reporting requirements (including a notable, recently-passed Texas reporting law), physician self-reporting, the imposition of suspensions and other adverse actions, collegial efforts and agreements, protecting the peer review privilege, complying with HIPAA, and general thoughts on how to conduct effective peer review. Peer review continues to be a hot topic in Texas, so don't miss this dynamic discussion. **MCLE: .75 hrs (.25 ethics)**

Sherri Alexander, Shareholder, Polsinelli, PC, Dallas
Karin Zaner, Principal, Zaner Law PC, Dallas

9:30 - 10:15 am **Hiding in Plain Sight – Compliance in Retail Medicine**

Retail medicine has challenged the healthcare industry as laws have historically been misunderstood or ignored. This presentation will spotlight physician issues related to retail medicine including medical spas, IV hydration, "weight loss" drugs, and how telemedicine can be used (and misused) for the good faith exam. Additionally, this presentation will explore basic legal rules for ownership, diagnosis and treatment, and supervision and delegation. **MCLE: .75 hrs (.25 ethics)**

D. Wade Emmert, Partner, Carrington, Coleman, Sloman & Blumenthal, LLP, Dallas
Bradford E. Adatto, Partner, ByrdAdatto, Dallas

10:15 - 10:30 am **Break**

TUESDAY | October 10th ...continued

10:30 - 11:30 am

Conversation with CMS – An update on provider survey and certification

This discussion between healthcare attorney Hilary H. Young and David R. Wright, Director of the CMS Quality, Safety, and Oversight Group, will cover the latest developments and current trends in CMS survey and certification of providers, including hospitals, ambulatory surgical centers, and long-term care facilities. Now that the public health emergency is over, hear the latest from CMS about lessons learned, the current enforcement landscape, and new developments that providers and their counsel should know.

MCLE: 1.0 hrs

David Wright, Director, Quality Safety & Oversight Group, Centers for Medicare & Medicaid Services, Baltimore, MD
Hilary Young, Partner, Joy & Young, LLP, Austin

11:30 - 12:15 pm

From Drugs to Dog Treats: What Every Lawyer Should Know About FDA Law

This session provides a practical overview of U.S. Food and Drug Administration (FDA) law, including the structure of FDA, how and what FDA regulates, and FDA enforcement activities. It also provides practical insights into how FDA issues can arise in various healthcare practice settings, from compliance operations to transactions, and strategies to manage potential risks for your clients or organizations.

MCLE: .75 hrs

Nick Diamond, Partner, Jackson Walker LLP, Austin
Paula Denney, Associate General Counsel, Parkland Center for Clinical Innovation, Dallas

12:15 - 1:00 pm

Good-bye Non-Competes? What We Know & What Is Still Unknown

Premised on its position that an employer's use of non-compete clauses in employment agreements constitute an unfair method of competition in violation of Section 5 of the FTC Act, the Federal Trade Commission's January 5 proposed rule effectively banning employers from using non-competes remain top of mind for most employers. This panel discussion aims to unpack the good, the bad and the ugly about non-competes in light of the proposed rule and the myriad of state legislation around this issue, and to assist employers in understanding the current legal landscape and what is on the horizon.

MCLE: .75 hrs (.25 ethics)

Wendy Arends, Partner, Husch Blackwell, Madison, WI
Jamila Brinson, Partner, Jackson Walker, Houston

1:00 - 1:45 pm

More Value, Less Volume: Developing Health Care Value-Based Models

This session will provide a practical overview of how to structure health care value-based financial models. Panelists will discuss models that incentivize coordination of care, quality and cost containment and that are defensible under Anti-Kickback, Stark and federal Civil-Monetary Penalty requirements. The panel will also discuss opportunities for re-structuring current arrangements as value-based models.

MCLE: .75 hrs

Jennifer Skeels, Attorney, Hall Render, Indianapolis, IN

CONTINUING EDUCATION

This course has been approved for minimum continuing legal education to the State Bar of Texas Committee on MCLE for up to 13 contact hours (includes 1.75 hours of ethics credit).

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.

If you need credit in other states, please check the MCLE authority in your jurisdiction for the current rules regarding online learning to make sure you will be able to self-report your MCLE credit upon completion.

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

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