Emerging Issues in Healthcare Law

21st ANNUAL CONFERENCE

MARCH 11-14 2020

Manchester Grand Hyatt Hotel SAN DIEGO, CA

Presented by:

PROGRAM CO SPONSORS
Section of Science & Technology Law
The Young Lawyers Division

Choose from 21 CLE programs!
The ABA Health Law Section’s Conference on Emerging Issues in Healthcare Law covers the most compelling topics facing the healthcare bar. As the healthcare and legal industries undergo changes and continue to evolve, EMI presents an incredible opportunity to stay ahead of the trends.

Here’s what past attendees have to say about the Emerging Issues in Healthcare Law Conference:

“The networking is amazing. The programs are strong and informative. The administrative staff is awesome and incredibly helpful. Very smoothly run.”

“The sessions were specific and delved deep on the topics rather than skimming the surface.”

“Interesting topics that are not usually addressed.”

Join our faculty of leading healthcare experts as they lead you through an insiders’ view of cutting-edge topics and timely issues affecting the healthcare industry today. Our speakers will guide you through key topics including value-based care initiatives, private equity, fraud and abuse enforcement, and digital health. Speakers will bring practical, real-world improvement strategies to help you work more efficiently and effectively with your clients.

PLANNING COMMITTEE

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Hartford, CT

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Westborough, MA

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Waller, Nashville, TN

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Trucker Huss APC, San Francisco, CA
American Bar Association Health Law Section

THE HEALTH LAW SECTION ACKNOWLEDGES THE GENEROUS SUPPORT OF OUR CONFERENCE SPONSORS

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REGISTER: ambar.org/emi2020
### WEDNESDAY, MARCH 11, 2020

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<td>8:30 AM – 5:00 PM</td>
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<td>3:15 – 4:15 PM</td>
<td>BREAKOUTS</td>
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<td>New Developments in Nondiscrimination Law: ACA Section 1557</td>
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<td>What is Health Law?</td>
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<td>4:30 – 5:30 PM</td>
<td>Disruption in Legal Industry</td>
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<td>5:30 – 6:30 PM</td>
<td>Networking Reception Honoring the 2020 Champion of Diversity and Inclusion Award Winner</td>
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### THURSDAY, MARCH 12, 2020

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<td>Transforming Primary Care Through CMS’s Primary Cares Initiative</td>
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<td>What If EHR Meaningful Use Certifications Were Misleading?: False Claims Act Rising</td>
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<td>Whose Data is it Anyway? Privacy, Patient Engagement, HIPAA and Beyond</td>
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<td>11:20 AM – 12:35 PM</td>
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<td>More Data, Please: Privacy Challenges of Artificial Intelligence in Health Care</td>
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<td>The Expanding Role of Nurse Practitioners: Challenges, Tensions, and Patient Care Impacts</td>
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<td>Health Reform is Alive and Well</td>
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<td>2:45 – 3:45 PM</td>
<td>BREAKOUTS</td>
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<td>#LOL, #SMH, #OIG: The New World of Physicians and Social Media</td>
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<td>How In-House Counsel and MLPs Can Work Together to Treat Opioid Patients</td>
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<td>4:00 – 5:00 PM</td>
<td>IPA Task Force Beer Tasting Reception (limited ticket event)</td>
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### SATURDAY, MARCH 14, 2020

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<th>Time</th>
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<tr>
<td>8:00 – 10:30 AM</td>
<td>Health Law Section Governing Council Meeting</td>
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<td>10:30 AM – 8:00 PM</td>
<td>21st Annual Margarita Cup Golf Tournament Social Activities (ticketed event)</td>
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<td>10:00 AM – 5:00 PM</td>
<td>USS Midway Museum Tour (ticketed event)</td>
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<tr>
<td>8:30 – 8:00 PM</td>
<td>Chair Reception hosted by John H. McEniry IV</td>
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**WEDNESDAY, MARCH 11, 2020**

**8:30 AM – 5:00 PM**

**Registration**

**9:00 AM – 12:00 PM**

**Cancer Legal Advocacy Workshop (Non-CLE)**

Gain an understanding of the issues families face when confronted with uncertainties and questions related to insurance coverage, medical costs, treatment, and employment security. Learn how you can help by volunteering in your community through support organizations or working directly with families and caregivers through medical-legal partnerships. We will walk you through the key relevant laws and practices, so you are equipped to provide legal assistance to people with cancer and other life-threatening illnesses, as well as support their family members, caregivers, or friends attempting to support a loved one with their diagnosis and treatment.

**1:00 – 2:00 PM**

**Fundamentals - Key Questions and Answers for Launching a Telehealth Service**

The dizzying array of laws applicable to telehealth providers can be a barrier to extending services or using a new modality for serving patients. What are the state and federal laws that apply? What else should be considered? This session will issue spot a proposed business model and talk through the possible solutions, challenges, and strategies to implement a compliant telehealth program.

**SPEAKERS:**
Lisa G. Han, Jones Day, Columbus, OH
Roger W. Logan, Bon Secours Mercy Health, Cincinnati, OH
Katea Ravega, Quarles & Brady LLP, Indianapolis, IN

**2:00 – 3:00 PM**

**Fundamentals - The Nuts & Bolts of APMs: Alternative Payment Model Workshop**

The forced march toward value-based reimbursement is resulting in a paradigm shift in the healthcare delivery system. In response, care delivery organizations are exploring new relationships and implementing technology to drive the transformation. The session will review practical requirements of Alternative Payment Models (APMs), by discussing the “nuts and bolts” of starting or participating in a private, non-governmental APM. The session would also assess how an APM can drive metrics and consequently, revenue, for a healthcare organization.

**SPEAKERS:**
Barry S. Herrin, Herrin Health Law, P.C., Atlanta, GA
Todd Zigrang, Health Capital Consultants, St. Louis, MO

**3:00 – 3:15 PM**

**Break**

**3:15 – 4:15 PM**

**BREAKOUT**

◆ **New Developments in Nondiscrimination Law: ACA Section 1557**

This session will address key regulatory activity and new cases relating to Section 1557 of the ACA, which prohibits discrimination based on race, color, national origin, sex, age, or disability by any health program or activity that receives federal financial assistance, is administered by an executive agency, or is an entity established under the Act. The panelists will highlight issues such as protected versus non-protected statuses, specific legal requirements applicable to covered entities, trends in enforcement, and interaction with existing federal antidiscrimination laws. Areas of anticipated developments in the coming year will also be predicted.

**SPEAKERS:**
Brietta R. Clark, Loyola Law School, Los Angeles, CA
Elizabeth Pendo, St. Louis University School of Law, St. Louis, MO

**4:30 – 5:30 PM**

**Disruption in Legal Industry**

A panel of a researcher and co-founder of a legal technology company will discuss how technology is being developed and implemented to change the practice of law. The disruption will impact what services attorneys will continue to provide and what clients may attempt to handle without assistance. Being aware of these trends will enable attendees to educate their peers and better work with clients.

**SPEAKERS:**
Beverly Rich Ingersoll, PhD Candidate, USC Marshall School of Business, Los Angeles, CA
Thomas Suh, Legalimation, Orange County, CA

**MODERATOR:**
Michelle Skipper, American Arbitration Association, Charlotte, NC

**5:30 – 6:30 PM**

**Networking Reception Celebrating Diversity, Young Lawyers and Law Students**

All registered conference attendees are invited to catch up with old friends and make new ones! Cocktails and hors d’oeuvres will be served.
### Program Agenda

**THURSDAY, MARCH 12, 2020**

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<th>Time</th>
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<tr>
<td>6:30 – 8:00 AM</td>
<td><strong>Annual EMI Cancer Advocacy Fun Run/Walk</strong></td>
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<td><strong>TICKETED EVENT - $25</strong></td>
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<td>Take a leisurely walk with your friends and new acquaintances or join a group of joggers around this 1-mile course. Net proceeds will be donated to the Health Law Section Program Support Fund 501(c)(3) fund.</td>
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<td><strong>CONFERENCE CO-CHAIRS:</strong></td>
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<td>Matthew R. Fisher, Mirick O’Connell, DeMallie &amp; Lougee, LLP, Westborough, MA</td>
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<td>Brian D. Nichols, Robinson &amp; Cole LLP, Hartford CT</td>
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<td><strong>HEALTH LAW SECTION CHAIR:</strong></td>
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<td>John H McEniry IV, Fagron North America, Fairhope, AL</td>
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<td>Physicians and health systems continue to explore new ways to come together with the hopes of creating cost-efficiency and improving quality and patient satisfaction. This session will discuss the critical components in structuring cutting-edge affiliations and value-based care. Models will be dissected to evaluate tactical and strategic considerations, legal/regulatory implications, affiliation inhibitors and economic aspects.</td>
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<td><strong>SPEAKERS:</strong></td>
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<td>Denise Glass, Norton Rose Fulbright, Dallas, TX</td>
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<td>James (Max) Reiboldt, President/CEO, Coker Group, Alpharetta, GA</td>
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<td><strong>The Meaning of “Materiality”: Challenges, Opportunities, and Pitfalls in Escobar’s 4th Year</strong></td>
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<td>Courts continue to grapple with the Supreme Court’s “materiality” standard after the Escobar decision. Some key trends are starting to emerge among district courts, although significant areas of disagreement and uncertainty remain. Meanwhile, False Claims Act litigants are adapting to Escobar in new and creative ways, such as taking more aggressive discovery against the government to disprove materiality, and attempting to harness DOJ’s “Granston Memo” policy. A private practitioner and an AUSA will provide their takes on the current state of affairs.</td>
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<td><strong>SPEAKERS:</strong></td>
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<td>Glen F. Dorgan, Assistant US Attorney, Southern District of California, San Diego, CA</td>
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<td>Chandra Westergaard, Norton Rose Fulbright, Denver, CO</td>
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<td>Complex or problematic physician compensation arrangements present unique challenges. This session will cover the following topics: (i) how counsel and valuators evaluate physician compensation as part of transaction diligence process, (ii) when problems arise with physician compensation, how are they addressed and resolved in sufficient time to meet transaction deadlines, (iii) examination of some common recurring types of physician compensation issues, (iv) what are the options, and are there any creative ways to resolve recurring problems, and (v) real-life examples with questions and answers.</td>
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<td><strong>SPEAKERS:</strong></td>
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<td>Mandy Hayes-Chandler, Regional General Counsel, SSM Health, Oklahoma City, OK</td>
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<td>Albert (Chip) Hutzler, Boca Raton, FL</td>
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11:35 – 12:35 pm

**BREAKOUTS**

- **Making the Marriage Work: What Happens After A Private Equity Deal Closes**
  
  This session will explore the relationships of private equity firms and health care clinicians post-closing. An exploration of items to be negotiated during the deal that most impact how the parties will conduct themselves post-closing will frame the discussion. The speakers will share tips and tricks of the trade on how to address the parties’ relationship in management service organization governing documents, employment agreements and regulatory submissions to government agencies. The session will then explore regulatory challenges in the context of these deals with war stories from the trenches.

  **SPEAKERS:**
  - Glenn Prives, McElroy, Deutsch, Mulvaney & Carpenter LLP, Morristown, NJ
  - Stephanie Willis, Crowell & Moring LLP, Washington, DC

12:40 – 1:40 pm

**Lunch**

Join the Practice Area Interest Groups for one of two lunchtime forums designed to provide opportunities to network with new and old acquaintances, while interacting and sharing best practices with peers.

1:45 – 3:00 pm

**Rural Health Challenges, The Closure Crisis, and Actions for a Better Future**

Rural healthcare faces constant challenges, including why so many rural hospitals struggle, why some ultimately close, and the impact of closure on the community. This presentation will discuss the current rural hospital closure crisis and provide updates and discussion on how to increase the odds of surviving in the current environment, including rethinking and re-evaluating how care is provided. Consideration will be given to what Congress and the states are doing and what can be done in the future to help stop the financial bleeding at rural hospitals.

  **SPEAKERS:**
  - Maggie Elehwany, Vice President of Government Affairs, National Rural Health Association, Washington, DC
  - Robert Spurck, Reed, Claymon, Meeker & Hargett, PLLC, Austin, TX

3:00 – 4:00 pm

**BREAKOUT**

- **Beware the Flashing Lights: Hot Button Issues in EMS Agreements**
  
  A discussion on payment for transports, legal structure, and compliance concerns for contractual agreements with EMS suppliers, including: different types of contractual arrangements between hospital/health systems and EMS suppliers; hot button issues when hospitals/SNFs/EMS companies interact; examples of FCA and criminal prosecutions; best practices for how to structure these arrangements/important safeguards to keep them clean; valuation insight; and common pitfalls to avoid during the valuation process.

  **SPEAKERS:**
  - Pamela Johnston, Foley & Lardner LLP, Los Angeles, CA
  - Nicole Montanaro, VMG, Dallas, TX

3:00 – 4:00 pm

**BREAKOUT**

- **New Prosecutorial Targets: DOJ’s Focus on Private Equity**
  
  Focus and scrutiny of private equity in healthcare fraud prosecutions is increasing. Building off a recent civil qui tam case involving the role of a private equity group in promoting a compound pharmacy, panelists will discuss the emerging role of private equity in general, DOJ’s increasing concern with these groups as possible conduits for alleged fraud, and how the government views the capitalization and subsequent realization and depletion of healthcare start-ups. Attendees will learn about new areas of scrutiny, new actors in the healthcare space, and new prosecution theories.

  **SPEAKERS:**
  - Jonathan E. Ferry, Assistant US Attorney, Charlotte, NC
  - Amy Garrigues, General Counsel, 21st Century Oncology, Fort Myers, FL
  - Jason P. Mehta, Bradley Arant Boult Cummings LLP, Tampa, FL
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<td><strong>BREAKOUT</strong>&lt;br&gt;◆ Transforming Primary Care Through CMS’s Primary Care Initiative&lt;br&gt;On April 22, 2019, the Centers for Medicare and Medicaid Services (CMS) announced five new payment models as part of the CMS Primary Cares Initiative under two new tracks: Direct Contracting and Primary Care First. This session will discuss how these new payment models work and the likely impact on the delivery of primary care. Specifically, the presentation will address program eligibility criteria, financial incentives available to primary care physicians, the application process, and relevant deadlines. Discussion around physician compensation and incentives under these new models will focus on assessing fair market value, commercial reasonableness, and incentive plan design.&lt;br&gt;SPEAKERS:&lt;br&gt;Bobby Stamper, MBA, CVA, Pinnacle Healthcare Consulting, Nashville, TN&lt;br&gt;Mark Watson, Hancock, Daniel &amp; Johnson, PC, Richmond, VA</td>
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<td><strong>BREAKOUT</strong>&lt;br&gt;◆ Medical Staff Leadership in the Age of Social Media and Real Crime Podcasts&lt;br&gt;The confidentiality of peer review proceedings has long been a rock bed of medical staff leadership and provider discipline. Today’s challenge is meeting the needs of provider due process and secrecy while the patients and the general public expect transparency, exemplified by The Dr. Death podcast. This panel will speak to the medical staff ethical challenges and legal solutions in this new environment, including National Practitioner Data Bank reporting requirements and the limits of that system for public accountability, challenges of disclosure between peer review organizations about suspected impaired or simply concerning physicians, public discourse obligations and limitations, and efforts to resolve disruptive physician problems.&lt;br&gt;SPEAKERS:&lt;br&gt;Marc Domsky, DO, MBA, St John’s Medical Chief of Staff, Jackson, WY&lt;br&gt;Julian Rivera, Husch Blackwell, Austin, TX</td>
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<td>4:15 – 5:15 pm</td>
<td><strong>BREAKOUT</strong>&lt;br&gt;◆ Telehealth Update – Legal Issues Impacting Operations and Finance&lt;br&gt;Telehealth policy and reimbursement is evolving and expanding to provide greater recognition of the value and potential impacts of telehealth. The exploration of changes will include how traditional practice patterns are changing to take advantage of new opportunities and how the changes impact patients. Further, the expanding use of telehealth presents other challenges around data, security, and applying traditional obligations to a new means of care delivery.&lt;br&gt;SPEAKERS:&lt;br&gt;Saira Haque, PhD, MHSA, FAMIA, Telehealth Research and Senior Health Informaticist, Research Triangle Park, NC&lt;br&gt;Richard Romero, Coker Group, Brentwood, TN&lt;br&gt;Clay Wortham, Dentons, Chicago, IL</td>
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<td>5:15 – 5:45 pm</td>
<td><strong>Reception: In-House Counsel</strong>&lt;br&gt;A wonderful networking opportunity for all registered attendees to continue to make connections and strengthen relationships with people of diverse backgrounds.</td>
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<td><strong>Community Service Project</strong>&lt;br&gt;SPONSORED BY&lt;br&gt;MIRICK O’CONNELL&lt;br&gt;ATTORNEYS AT LAW</td>
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<td>◆ What If EHR Meaningful Use Certifications Were Misleading?: False Claims Act Rising</td>
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<td>◆ More Data, Please: Privacy Challenges of Artificial Intelligence in Health Care</td>
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<td>11:20 AM – 12:35 PM</td>
<td>Breakout</td>
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<td>◆ Whose Data is it Anyway? Privacy, Patient Engagement, HIPAA and Beyond</td>
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</table>

### Disruption in Healthcare

Healthcare is undergoing changes on many fronts, including fundamental shifts of how care is delivered and reimbursed. Panelists from diverse backgrounds will discuss digital health, artificial intelligence, new care models, and other developments from a practical, on the ground perspective. The discussion will focus on actual ideas being implemented from a non-legal perspective, including ideas that can be brought back to clients of attendees.

**SPEAKERS:**
- Michael Hatfield, Carium, Petaluma, CA
- Edwin Miller, Aledade, Washington, DC
- Joy Rios, Chirpy Bird Inc., San Diego, CA

**MODERATOR:**
- Kathy Watts, Horne, Jackson, TN

### Breakout: What If EHR Meaningful Use Certifications Were Misleading?: False Claims Act Rising

The U.S. spent billions in subsidies to advance the “meaningful use” of electronic health records systems. In the fast paced environment to obtain the subsidies organizations submitted attestations without necessarily paying close attention to the details. Since late 2017 multiple whistleblowers have settled claims that providers or technology developers lied concerning EHR capabilities and compliance with MU requirements. Others cases are in the pipeline. This session will discuss potential liability for the return of Medicare/Medicaid subsidies, damage multipliers, penalties, and other impacts.

**SPEAKERS:**
- Jessica Colarusso, Managing Director, Berkeley Research Group LLC (BRG), Dallas, TX
- Sarah Frazier, Law Office of Sarah Frazier, PLLC, Houston, TX
- Karen Mulroe, Chief Legal Officer, Greenway Health, Tampa, FL

### Breakout: Whose Data is it Anyway? Privacy, Patient Engagement, HIPAA and Beyond

2019 saw proposed federal rules to discourage “information blocking” and encourage free exchange of health data among clinicians and other actors to promote interoperability. At the same time, state governments are implementing stringent new privacy laws. The drive to develop new technologies, including medical apps, creates a need to gather large amounts of data to enable data analytics and product development. Corporations not subject to HIPAA are gathering and monetizing health data through their products. This session will cover the latest developments regarding the tension between evolving patient privacy rights, corporations seeking to establish rights in their analytical products, and the push to encourage data sharing.

**SPEAKERS:**
- Heather B. Deixler, Latham & Watkins, San Francisco, CA
- Shannon B. Hartsfield, Holland & Knight LLP, Tallahassee, FL

### Breakout: More Data, Please: Privacy Challenges of Artificial Intelligence in Health Care

Explore the challenges of using health data to build and use artificial intelligence (AI) in the health care sector, including: (i) properly characterizing the purpose of AI development for purposes of the Privacy Rule; (ii) privacy pros and cons of each potential purpose; (iii) particular challenge of the minimum necessary standard; (iv) tension between navigating the Privacy Rule and focusing on IP development; and (v) additional restrictions on sensitive conditions. Attendees will leave the session with practical tips for navigating transactions involving AI development.

**SPEAKERS:**
- Joanne Charles, Healthcare, Data Privacy and Regulatory Counsel, Microsoft, Redmond, WA
- Adam Greene, Davis Wright Tremaine LLP, Washington, DC
11:20 am – 12:35 pm

**BREAKOUT**

◆ *The Expanding Role of Nurse Practitioners: Challenges, Tensions, and Patient Care Impacts*

As states across the country change the scope of practice for nurse practitioners and supervision regulations to improve access to quality healthcare, questions arise as to whether these changes are having the intended effects on patient care. This session will examine the reasons for changes in NP scope of practice and supervision regulations, national trends relating to physician oversight of NPs, and the resulting impact on the patient care environment. The session will include case studies of four different states with varying NP supervision regimes, and will examine the challenges in devising appropriate NP supervision regulations, as well as the inherent tensions between NPs and physicians that can surface as changes are made.

**SPEAKERS:**

- Garrett K. Chan, PhD, RN, APRN, FAEN, FCNS, FNAP, FAAN, President & CEO, HealthImpact, Oakland, CA
- Katherine M. Dru, Hooper, Lundy & Bookman, P.C., Los Angeles, CA

12:45 - 1:45 pm

Lunch

Join the Practice Area Interest Groups for one of two lunchtime forums designed to provide opportunities to network with new and old acquaintances, while interacting and sharing best practices with peers.

1:45 – 2:45 pm

**Health Reform is Alive and Well**

More than a decade after the passage of the Affordable Care Act, its viability remains in doubt. Thus far, the Affordable Care Act has survived two seminal U.S. Supreme Court decisions, which mostly upheld the law’s constitutionality, legislative efforts to repeal and replace and, most recently, a lower court decision striking the entirety of the Act because the constitutionality of the individual mandate is no longer sustainable. With Texas v. Azar likely still unsettled, this panel will provide a thoughtful discussion on the “health” of the ACA. The check-up will cover: (i) the status of the ACA, with a particular focus on any updates from Texas v. Azar, (ii) federal legislative proposals to fix or stabilize the ACA, and (iii) the range of government-run health care solutions offered by Democratic Presidential candidates to possibly supplant the ACA.

**SPEAKERS:**

- Brietta Clark, Associate Dean for Faculty, Professor of Law and J. Rex Dibble Fellow at Loyola Law School, Los Angeles, CA
- Andrew J. Demetriou, Lamb and Kawakami LLP & BRG Healthcare, Los Angeles, CA
- Denise Hanna, Locke Lord LLP, Washington, DC

2:45 – 3:45 pm

**BREAKOUT**

◆ *#LOL, #SMH, #OIG: The New World of Physicians and Social Media*

Social media outlets can be effective marketing and patient education tools for physicians. Those same outlets can provide opportunities for HIPAA breaches, avenues for attacks on physician reputations, and even invitations for regulatory scrutiny. Online phenomena like #ItsMyLane have involved physicians in speaking out on public policy issues, with views that sometimes conflict with existing law. This session will provide an overview of legal and ethical considerations surrounding physician involvement with social media, including:

- Medical ethics and social media
- Responding to negative social media
- Privacy, confidentiality and patient communications
- When social media becomes telemedicine
- Online public policy advocacy

**SPEAKERS:**

- William W. Horton, Jones Walker LLP, Birmingham, AL
- Shashita Inamdar, M.D., Ph.D., DABPN, Clinical Director, Achieve Concierge, San Diego, CA
- Manish Sheth, M.D., Ph.D., DABPN, DABAM, Medical Director, Achieve TMS Centers, San Diego, CA

1:45 – 2:45 pm

**BREAKOUT**

◆ *How In-House Counsel and MLPs Can Work Together to Treat Opioid Patients*

The record number of patient care issues stemming from public health issues (especially the opioid epidemic) has resulted in an added burden on both in-house counsel and legal aid organizations who must contend with health-harming legal issues. This session will discuss collaboration strategies between in-house counsel/hospitals and medical-legal partnerships (MLPs) and potential approaches to solving common and recurring patient care issues, which will ultimately improve the lives of patients, reduce hospital expenditures, and lighten the burden for both hospital counsel and MLP attorneys.

**SPEAKERS:**

- Clay Countryman, Breazeale, Sachse & Wilson, LLP, Baton Rouge, LA
- Sheryl Tatar Dacso, Seyfarth Shaw LLP, Houston, TX
4:00 – 5:00 pm
IPA Task Force Beer Tasting Reception (limited ticketed event)
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ATTORNEYS AT LAW

REGISTER: ambar.org/emi2020

SATURDAY, MARCH 14, 2020

8:00 – 10:30 AM
Health Law Section Governing Council Meeting

10:30 AM – 6:00 PM
Optional Social Activities

21st Annual Margarita Cup Golf Scramble
Supporting Military and Veteran’s Health

TICKETED EVENT - $199 INCLUDES 18 HOLES, LUNCH AND GOLF CART.
TRANSPORTATION IS ADDITIONAL AND IS NOT PROVIDED.

Join your fellow healthcare professionals for a day of golf and camaraderie you’ll never forget!
The world-renowned Torrey Pines North Course, renovated by Tom Weiskopf in 2016, will host the 21st Annual Margarita Cup. Perched above the cliffs overlooking the Pacific Ocean, Torrey Pines is Southern California’s most iconic golf course and is the host of the PGA Tour’s Annual Farmers Insurance Open. Beginners and more seasoned golfers alike are welcome to participate in this spirited tournament!

10:00 AM – 5:00 PM
USS Midway Museum Tour

TICKETED EVENT - $26. PURCHASE TICKETS IN ADVANCE. TICKETS WILL NOT BE SOLD AT THE HOTEL. TRANSPORTATION IS NOT PROVIDED. THE LAST TOUR BEGINS AT 4:00 PM.

Join the adventure! The USS Midway was the longest-serving aircraft carrier in the 20th century. Named after the climatic Battle of Midway of June 1942, Midway was commissioned on September 10, 1945 and decommissioned April 11, 1992. It remained in storage in Bremerton, Washington until 2003 when it was donated to the 501(c)3 nonprofit San Diego Aircraft Carrier Museum organization. It opened as the USS Midway Museum in June 2004.

6:30 – 8:00 pm
Chair Reception hosted by John H. McEniry IV

ALL ATTENDEES AND THEIR GUESTS ARE WELCOME!

Enjoy cocktails and hors d’oeuvres during this final celebration hosted by the ABA Health Law Section Chair, John H. McEniry IV. We will recap the highlights of the conference and award the Margarita Cup trophy to this year’s winning golf team.
More Data, Please: Privacy Challenges of Artificial Intelligence in Health Care

Explore the challenges of using health data to build and use artificial intelligence (AI) in the health care sector, including: (i) properly characterizing the purpose of AI development for purposes of the Privacy Rule; (ii) privacy pros and cons of each potential purpose; (iii) particular challenge of the minimum necessary standard; (iv) tension between navigating the Privacy Rule and focusing on IP development; and (v) additional restrictions on sensitive conditions. Attendees will leave the session with practical tips for navigating transactions involving AI development.

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#LOL, #SMH, #OIG: The New World of Physicians and Social Media (CLE Ethics Credit)

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REGISTRATION OPENS FEBRUARY 10TH! PLEASE GO TO HTTPS://WWW.AMERICANBAR.ORG/GROUPS/HEALTH_LAW/EVENTS_CLE FOR ADDITIONAL INFORMATION!
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President & CEO
HealthImpact
OAKLAND, CA

Joanne Charles
Healthcare, Data Privacy
and Regulatory Counsel
Microsoft Corporation
REDMOND, WA

Brietta Clark
Associate Dean for Faculty, Professor of Law and J. Rex Dibble Fellow
Loyola Law School
LOS ANGELES, CA

Jessica C. Colorusso
Managing Director
Berkeley Research Group LLC (BRG)
DALLAS, TX

Clay Countryman
Brenanze, Sachse & Wilson, LLP
Baton Rouge, LA

Sheryl Tatar Dacso
Seyfarth Shaw LLP
HOUSTON, TX

Heather B. Deixler
Latham & Watkins
SAN FRANCISCO, CA

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JACKSON, WY

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Hooper Lundy & Bookman, PC
LOS ANGELES, CA

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Vice President of Government Affairs
National Rural Health Association
WASHINGTON, DC

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Assistant US Attorney
CHARLOTTE, NC

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Law Office of Sarah Frazier, PLLC
HOUSTON, TX

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General Counsel
21st Century Oncology
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Register by February 17, 2020 to receive the early bird registration rates, by US Mail or online. Registration will be accepted only when accompanied by a check, money order, Visa, American Express or MasterCard information. Registrations will not be held without payment.

Your payment will cover admission to the program, continental breakfasts, coffee breaks, conference luncheon, and one set of program course materials.

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Chicago, IL 60654

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CANCELLATION POLICY
A refund will be issued upon written cancellation received no later than February 24, 2020, minus a $75 handling charge for each registration. Cancellations received after this date cannot be refunded but substitutions are encouraged. The ABA reserves the right to cancel any program and assumes no responsibility for personal expenses.

HOTEL INFORMATION
The conference will be held at the Manchester Grand Hyatt San Diego, 1 Market Pl, San Diego, CA 92101. When making reservations by phone or online, please mention the ABA Health Law Section Emerging Issues Conference to secure the group rate of $289 single/double. This special rate expires Monday, February 17, 2020. A limited number of government rate rooms have been reserved on a first available basis. Please note the GSA may change the government rate at any time, so please confirm the rate with the hotel when booking.

VIA PHONE CALLS
Call the reservations center at (619) 232-1234 and reference the conference name (ABA Health Law Section Emerging Issues Conference).

ONLINE
Book your hotel room online at https://www.hyatt.com/en-US/group-booking/SANRS/G-AMBR

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CLE CREDIT
The ABA will seek 15.25 hours of CLE credit, including 1.0 hour of ethics credit, in 60-minute states, and 18.3 hours of CLE credit, including 1.2 hours of ethics credit, in 50-minute states for this program. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at ambar.org/emi2020 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

HEALTH LAW SECTION MEMBERSHIP
As an added bonus, the member’s tuition rate will be available to registrants who become new members of the ABA Health Law Section. Membership dues are not deductible as charitable contributions for federal income tax purposes, but such dues may be deductible as a business expense. American Bar Association membership is required to become a member of the Health Law Section.

TAX DEDUCTION FOR EDUCATIONAL EXPENSES
An income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes registration fees, travel, meals, and lodging expenses. (See Treas. Reg. 1.162-5) (Coughlin vs. Commissioners, 203 F. 2d 307).

SERVICES FOR PERSONS WITH DISABILITIES
If special arrangements are required for an individual with a disability to attend this program, please contact the Health Law Section staff at (312) 988-5146 or HLSevents@americanbar.org.

DRESS CODE
Resort casual attire is appropriate for all meetings, CLE programs and social events during the program. Please note, the meeting rooms tend to be cool, please carry a sweater or light jacket.

SPECIAL TUITION ASSISTANCE
A limited number of registration fee reductions are available for government employees, academics, law students, and public interest lawyers employed with nonprofit organizations. No full tuition waivers are available. The fee-reductions will be determined on a one-time only, case-by-case, first-come first-serve basis. To apply, send a letter outlining the basis for your request of a fee reduction to Daryl C. Taylor, CMP, Senior Meeting Planner, ABA Health Law Section, 321 N. Clark St., Chicago, IL 60654. Deadline for receipt: February 24, 2020. No cases will be considered after the deadline, and all standard registration fee rates will apply after February 24, 2020.
American Bar Association Health Law Section
21st Annual Conference on Emerging Issues in Healthcare Law
March 11-14, 2020 | Manchester Grand Hyatt Hotel | San Diego, CA

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CONFERENCE LUNCHEON

Your registration fee includes a ticket to the Thursday and Friday Interest Group & Task Force Lunches. To assist us in our planning, please let us know if you plan to attend:

☐ I will attend the Thursday Interest Group & Task Force Lunch
☐ I will attend the Friday Interest Group & Task Force Lunch

Please share any dietary restrictions:

☐ Vegetarian  ☐ Kosher  ☐ Lactose Intolerant  ☐ Food
☐ Food Allergies ______________________________________________________

REGISTRATION FEES

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21st Annual Margarita Cup Golf Scramble $199
Annual EMI Cancer Advocacy Fun Run/Walk $25
USS Midway Museum Tour $26
I would like to make a gift to the Health Law Section’s Program Support Fund 501(c)(3) $25/$50

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CHICAGO, IL

DECEMBER 7-8, 2020
18TH ANNUAL
WASHINGTON HEALTH
LAW SUMMIT
THE RITZ-CARLTON HOTEL | WASHINGTON, D.C.

MARCH 10-13, 2021
22ND ANNUAL EMERGING
ISSUES IN HEALTHCARE
LAW CONFERENCE
LOEWS HOLLYWOOD HOTEL | LOS ANGELES, CA

Contact the Health Law Section at (312) 988-5176
or HLSevents@americanbar.org for more information.