Program at a Glance

Join attorneys and physicians June 14-15, 2012 in downtown Chicago for this annual conference to explore cutting-edge issues unique to physicians and their counsel in today’s healthcare environment. The ABA Health Law Section and the Chicago Medical Society have partnered together to bring you the most important, up to date topics facing lawyers and physicians, featuring a diverse faculty made up of the best in the industry. The conference will include practical sessions on physician practice options and the legal documents that accompany each option. Attendees will obtain the latest information regarding criminal and civil actions affecting physicians; strategies for preventing billing and coding from turning into civil and/or criminal cases; issues in dealing with impaired physicians; medical staff trends; and HIPAA privacy breaches.

Thursday, June 14, 2012

7:00am-8:00am Continental Breakfast
Membership Informational Session
An Update from the U.S. Department of Health & Human Services and U.S. Surgeon General’s Office

8:00am-8:30am Opening Remarks From Leadership

8:30am-10:15am Putting Pen to Paper: Service Line Co-Management Agreements, Models and Practicalities

10:30am-11:30am Medical Staff Best Practices: What’s New, What’s Old and What’s Not Going Away

11:45am-12:45pm Luncheon
State of the Physician

1:00pm-2:00pm Summary of Criminal & Civil Actions Affecting Physicians

2:15pm – 3:45pm From Clicking the Box to Handcuffs: A Case Study in How Billing & Coding Issues Can Become Criminal, False Claims Act and Civil Monetary Penalties Act Cases

4:00pm-5:30pm Staying the Course: Maintaining a Physician Group Practice in Today’s Healthcare

5:30pm-7:00pm Welcome and Diversity Reception
Racial Disparities in Healthcare

Friday, June 15, 2012

7:00am-8:00am Continental Breakfast
Roundtable discussion
Can We Talk? Dialogue between Physicians, the Government & Their Lawyers

8:00am-9:30am Doctor Heal Thyself? Practical & Ethical Realities of Getting from Accurate Diagnoses to Constructive Relationships

9:45am-11:30am Physician for Sale? An Exploration of Hospital Acquisition and Employment

11:45am-12:45pm Physicians and HIPAA Breaches: Unexpected Challenges

12:45 pm Program Adjourns

Thank you to our Conference Supporters

Arnauld Golden Gregory, LLP
Brown McCarroll, L.L.P.
CMS Insurance Agency
JAMS
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Pacific West Law Group, L.L.P.
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Chicago Medical Society Planning Committee Disclosures:
The following planning members of the Chicago Medical Society’s CME Planning & Executive Committee have disclosed that they do not have any relevant financial relationships with commercial interests: Thomas M. Anderson, MD, Chairman, Howard Ave, MD, Vice Chairman and Course Director, Kenneth G. Busch, MD, Philip B. Drag, MD, David A. Loefferman, MD, Robert W. Paxton, MD, Kathy Vrun, MD, Theodore Kandekal, Executive Director, and Cecilia Merrino, Director of Education.
This program is targeted at Physicians and Lawyers who work with Health related cases. Whether you are an experienced health law Lawyer or Physician, or just entering the field, this program will provide thoughtful insight and valuable information that you can put to use immediately.

Identified Professional Practice Gap On March 23, 2010, President Obama signed into law the Patient Protection and Affordable Care Act (PPACA). This legislation, along with the Health Care and Education Reconciliation Act of 2010, is considered the most significant legislation since the establishment of Medicare and Medicaid in 1965. The new law promises to significantly transform the U.S. healthcare delivery system and culture of medicine.

In addition to the Act, other forces are already reshaping medical practice. They include a changing physician workforce and shift from private practice to large group practice.

This program will give a medical-legal overview of changes and challenges in health care delivery and their impact on the practice of medicine.

Global Desired Learning Outcomes: At the completion of this conference, participants should be able to:

• Understand the purpose of co-management agreements between hospitals and physicians, the various models, and the documents reflecting the responsibilities of each party, including the need to set performance objectives.
• Describe priority issues for medical staffs, recent litigation, and resolve conflicts in the medical staff setting.
• Identify recent criminal and civil actions and settlements pertaining to Physicians and Implications for hospital-physician relationships, employment arrangements, personal services contracts, and recruitment arrangements.
• Describe steps physicians can take to avoid billing and coding errors and related litigation. Identify effective strategies for resolution.
• Identify the practical and legal considerations involved in maintaining an independent physician practice in the current healthcare marketplace.
• Recognize effective avenues for communication between government and the medical community in the wake of increased regulatory and enforcement efforts.
• Identify issues for physicians’ clinical impairment and effective means of dealing with these issues, including accurate assessment of effective treatment and any appropriate protections.
• Explain the physician’s role in avoiding the wrongful use and disclosure of protected health information.

THURSDAY, JUNE 14, 2012

7:00am-8:00am
Continental Breakfast & An Update from the U.S. Department of Health & Human Services and U.S. Surgeon General’s Office
Sponsored By: Pacific West Law Group, LLP, San Francisco Bay Area, California

Speaker:
Rear Admiral James M. Galloway, M.D., FACP, FACC, FAHA, Chair, Federal Executive Committee and Assistant U.S. Surgeon General, USPHS Regional Health Administrator, U.S. Department of Health and Human Services, Region V, Chicago, IL.

8:00am-8:30am
Opening Remarks from Leadership
Featured Speakers:
David H. Johnson, Esq., Chair, American Bar Association Health Law Section, Bannerman & Johnson, P.A., Albuquerque, NM
Howard Axe, M.D., President-Elect, Chicago Medical Society, Chicago, IL
Peter Angood, M.D., Chief Executive Officer, American College of Physician Executives, Tampa, FL
Peter W. Carmel, M.D., President, American Medical Association, Chicago, IL

Professor Lawrence E. Singer, Director, Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law, Chicago, IL.

8:30am-10:15am
Putting Pen to Paper: Service Line Co-Management Agreements, Models and Practicalities

Service line co-management agreements have become critical mechanisms for the management of patient care in our increasingly integrated clinical world. This session will analyze the patient care and operational reasons why hospitals and physicians use co-management agreements. There will also be a discussion of the general regulatory concerns raised by the agreements. From a practical perspective, our faculty will present typical provisions found in co-management agreements and the various responsibilities of each party. Finally, there will be a how-to discussion on the important issues of establishing performance objectives that align parties’ interests and ensure that the agreements actually improve quality and efficiency of care.

Speakers:
Todd P. Kelly, Esq., Partner, Fulbright & Jaworski LLP, Dallas, TX
Cynthia V. Reisz, Esq., Member, Bass, Berry and Sims PLC, Nashville, TN

10:15am-10:30am
Break
10:30am-11:30am
Medical Staff Best Practices: What’s New, What’s Old and What’s Not Going Away

Lawyers and their MD/DO clients still tangle with credentialing and other peer review problems, “disruptive” administrators and physicians, medical staff governance, and exclusive hospital reimbursement arrangements, among other challenges. ACOs and hospital employment of physicians hardly are removing those sources of tension. Joint Commission and other accreditation programs’ updated standards and revisions to the Medicare Conditions of Participation keep the medical staff a moving target. Two seasoned practitioners will address how to resolve conflict resolution, recent hospital/medical staff/physician litigation and other complications.

Speakers:
Brian D. Johnston, M.D., Chair, Dept. of Emergency Medicine, White Memorial Medical Center, Los Angeles, CA
Elizabeth “Libby” Snelson, Esq., Legal Counsel for the Medical Staff PLLC, St. Paul, MN

11:30am-11:45am
Break

11:45am-12:45pm
The State of the Physician

This luncheon address will include an update on the state of the healthcare industry from the physician perspective. This changing landscape includes regulatory limitations on physician-driven enterprise, challenges associated with limited access to capital, inherent contradiction between a push to bigger and better and a goal of decreased healthcare costs, and innovative solutions. The presentation will include perspectives from private practice, the American Medical Association, and government health policy.

Speakers:
Catherine Hanson, Esq., VP Private Sector Advocacy & Advocacy Resource Center, American Medical Association, Chicago, IL
David W. Hilgers, Esq., Partner, Brown McCarroll, L.L.P., Austin, TX
Stephen L. Ondra, M.D., Senior Vice President and Chief Medical Officer, Northwestern Medical Hospital, Chicago, IL

12:45pm-1pm
Break

1:00pm-2:00pm
Summary of Criminal & Civil Actions Affecting Physicians

This session will review recent civil enforcement actions and settlements as they relate to physicians and will distill practical advice from these cases for physicians and their legal counsel. Discussion will include implications for hospital-physician relationships, employment arrangements, personal-services agreements, recruitment arrangements, and valuations.

Speakers:
Sanford Teplitzky, Esq., Principal, Ober Kaler, Baltimore, MD

2:00pm-2:15pm
Break

2:15pm – 3:45pm
From Clicking the Box to Handcuffs: A Case Study in How Billing & Coding Issues Can Become Criminal, False Claims Act and Civil Monetary Penalties Act Cases

This session will explore real world examples of how billing and coding issues within a physician practice can quickly become more than a repayment matter, entering into the criminal, False Claims Act or Civil Monetary Penalties Act arena. The panelists will explore the different vantage points from the provider perspective and defense to the government position and effective strategies for resolution. The session will also explore the role of mediation in resolving stalled negotiations between providers and the government. Finally, the session will include discussion of the practical and legal issues involved in intra-practice disputes about billing and coding and practice/facility disputes regarding the same and their impact in and leading to an investigation or prosecution.

Speakers:
David L. Douglass, Esq., Partner, Shook, Hardy & Bacon LLP, Washington, DC
R. Wayne Thorpe, Esq., Mediator/Arbitrator, JAMS, Atlanta, GA
Sidney S. Welch, J.D., M.P.H., Partner, Arnall Golden Gregory LLP, Atlanta, GA
Moderator: Dennis P. H. Mihale, M.D., MBA, Partner & Chief Medical Officer, Sunera-Parses, LLC, Tampa, FL

3:45pm-4:00pm
Break

4:00pm-5:30pm
Staying the Course: Maintaining a Physician Group Practice in Today’s Healthcare

The current healthcare marketplace is witnessing rapid acquisition of physician practices by hospitals, hospital systems, and in some cases, health insurers. However, some physicians are making the decision to remain independent by staying the course or growing their own practice footprint. This session will include practical and legal information describing how physicians may continue to operate independently, covering essential topics such as: physician practice strategic planning; the dynamics of generational differences within the practice; physician leadership and partnership; key corporate documents, including buy-in/buy-out provisions and restrictive covenants; dispute resolution; compensation formulas; governance; and decision-making.

Speakers:
Kathleen L. DeBruhl, J.D., Kathleen L. DeBruhl & Associates, LLC, New Orleans, LA
Barbara J. Grant, CPA, AIBA, CV, Principal, Pershing Yoakley & Associates, Atlanta, GA
FRIDAY, JUNE 15, 2012

7:00am-8:00am  Continental Breakfast & Roundtable Discussion  Can We Talk? Dialogue between Physicians, the Government & their Lawyers

Communication between government and the medical community has become critically important as regulatory and enforcement efforts have increased significantly recently. Our roundtable discussion will begin with presentations from staff from CMS's Center for Program Integrity (CPI) and the American Medical Association about the dialogue that has developed between the agency and the medical community. The presentations will be followed by a roundtable discussion among attendees on the issue of clinical input for CPI's work going forward.

Featured Speakers:  Shantanu Agrawal, M.D., Chief Medical Officer, Center for Program Integrity, Center for Medicare and Medicaid Services, Washington, DC  Cybil Roehrenbeck, Esq., Senior Attorney, American Medical Association, Washington, DC

8:00am-9:30am  Ethics  Doctor Heal Thyself? Practical & Ethical Realities of Getting from Accurate Diagnoses to Constructive Relationships

Across the country there have been recent increases in complaints from patients and the public in general regarding physicians' professional and ethical behavior. A physician's professional behavior can be impacted by their medical or psychiatric condition, alcohol or substance abuse, or situational crises. This session will explore the potential relevant diagnoses and characteristics physicians may carry and the ethical challenges of working with or representing potentially impaired physicians. Issues addressed by the panelists will include correctly assessing the physician for clinical impairments, the provision of adequate treatment and rehabilitation for those impairments, protection of patients and the public from impaired providers, and the practical issues their attorneys face as they navigate through these issues.

Ethics Credit has been requested for this session.

Speakers:  Andris Antoniskis, M.D., Associate Medical Director, Chemical Dependency Program, Providence Portland Medical Center, Portland, OR

5:30pm-7:30pm  Welcome & Diversity Reception  Racial Disparities in Healthcare  Sponsored By: JAMS

Please join fellow attendees and speakers for an excellent opportunity to network after the first day of programming.

Featured Speaker  William McDade, M.D., Ph.D., Deputy Provost for Research and Minority Issues, The University of Chicago, Chicago, IL

Presented by the ABA HLS Coordinating Committee on Diversity

9:30am-9:45am  Break

9:45am-11:30am  Physician for Sale? An Exploration of Hospital Acquisition and Employment

This session will focus on the trend of hospital acquisition of physician practices and employment of their doctors. Discussions will include, from both the physician and hospital perspective, information impacting the decision to acquire/be acquired; various acquisition models; documents and important document provisions governing the acquisition and employment; due diligence issues; compensation models and considerations; practical challenges for the acquisition and employment; and coming to consensus within the practice and creating a successful collaboration with the hospital.

Speakers:  Benjamin L. Armstrong, Director, Physician Services, Advocate Illinois Masonic Medical Center, Chicago, IL  R. Michael Barry, Esq., Partner, Arnall Golden Gregory LLP, Atlanta, GA  Richard F. Kehoe, M.D., F.A.C.C., Vice Chairman, Department of Medicine and Chief, Section of Cardiology, Advocate Illinois Masonic Medical Center, Chicago, IL

11:30am-11:45am  Break

11:45am-12:45pm  Physicians and HIPAA Breaches: Unexpected Challenges

Since HIPAA regulations were originally adopted in 2003, the Government has expanded its authority and increased its enforcement activity. Although physicians initially were mainly concerned about patient privacy and whether their notices of privacy practices were adequate, today they must also worry about their roles in wrongful use and disclosure of protected health information as well as possible severe financial and civil penalties. This presentation will alert physicians and their lawyers about the unexpected challenges surrounding HIPAA breaches in the current enforcement environment.

Speaker:  Almeta E. Cooper, Esq., Associate General Counsel, Wexner Medical Center at The Ohio State University, Columbus, OH

12:45pm  Program Adjourns

2012 Physician Legal Issues Conference
2012 Physician Legal Issues Conference
Advance Registration
To ensure your name is included on the distributed registration list, register by June 7, 2012, online or by mail. Registration will be accepted only when accompanied by check, money order, VISA, American Express or MasterCard information. Registrations will not be held without payment. Online: ambar.org/PhysicianIssues
US Mail: American Bar Association
Health Law Section
Registrations
321 N. Clark St., MS 18.1
Chicago, IL 60654

On-Site Registration
Please call (312) 988-5146 by June 12, 2012, to ensure space availability. On-site registration will only be accepted when accompanied by check, money order, VISA, American Express, or MasterCard information.

Cancellation Policy
Tuition, less a $50 handling charge for each registration, will be refunded upon written cancellation received no later than June 7, 2012. 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.

Registration Fee
Your payment will cover admission to the program, continental breakfasts, coffee breaks, lunch, reception and program course materials on flash drive.

Conference Location
The Physician-Legal Issues Conference will take place at the Radisson Blu Aqua Hotel located at 221 N. Columbus Drive in downtown Chicago.

Hotel Information
A block of rooms has been reserved at the Radisson Blu Aqua at the rate of $229 single/double. The Radisson Blu Aqua Hotel is located at 221 N. Columbus Drive, Chicago, IL. You can reserve your room by calling (800) 333-3333 or going online to ambar.org/DocLawHotel. Please refer to the ABA Physician-Legal Issues Conference when making your reservation. The room block expires on Tuesday, May 22, 2012.

Airline Information
The hotel is approximately 18 miles (30 minutes) from O’Hare International Airport (ORD) and 13 miles (25 minutes) from Chicago Midway Airport (MDW). Discounted airfares are available from ABA Orbitz for Business, including ABA negotiated discounts on American and United. To book online go to www.abanet.org/travel, click the link to log in under the Orbitz for Business logo at the top right of the page, and then click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free (877) 222-4185.

Discounts can also be obtained directly from the carrier. For American Airlines call (800) 433-1790 with the code A1911SS. For United Airlines call (800) 521-4041 with the code 5781G.

CLE Credit
CLE has been requested from every state with general mandatory continuing education requirements for lawyers. States with lawyer specialization programs have not been requested.

American Bar Association
Health Law Section
Chicago Medical Society

Registrations will not be held without payment.
to certify this conference. For information on the approved number of credit hours to be awarded by each state, please contact the ABA Health Law Section at (312) 988-5532 after June 1, 2012.

**CME Information:** Physicians that attend this conference may earn up to 10 CME credits in Category 1. For additional information about this CME activity, including any updates regarding faculty members and/or commercial support disclosures, please visit the Chicago Medical Society’s (CMS) website at www.cmsdocs.org. You can also contact the Education Department of the CMS Office via email at: cms@cmsdocs.org or via phone at: 312-670-2550.

This activity has been planned and implemented in accordance with the Essential Areas and Policies of the Accreditation Council for Continuing Medical Education (ACCME) through the joint sponsorship of the Chicago Medical Society and the American Bar Association’s Health Law Section. The Chicago Medical Society is accredited by the ACCME to provide continuing medical education for physicians.

The Chicago Medical Society designates this live activity for a maximum of 10 AMA PRA Category 1 Credit(s)™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

**Health Law Section Membership**
As an added bonus to new members, the member’s tuition rate will be available to registrants who become members of the ABA Health Law Section by completing the attached registration form. Membership dues are not deductible as charitable contributions for federal income tax purposes, but such dues may be deductible as a business expense.

**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 submit your request in writing to Health Law Section, American Bar Association, 321 N. Clark St., Chicago, IL 60654 or fax to (312) 988-5814.

**Dress Code**
Business and business casual attire is appropriate for the program.

**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-served basis. To apply, send a letter outlining the basis for your request of a fee reduction to Amy Alder, Senior Meeting Planner, ABA Health Law Section, 321 N. Clark Street, Chicago, IL 60654. Deadline for receipt is May 7, 2012.
## PROGRAM REGISTRATION FORM

### ONLINE
ambar.org/PhysicianIssues

### BY PHONE
800-285-2221

### BY MAIL
ABA Health Law Section Registration 321 N. Clark St., MS 18.1 Chicago, IL 60654

Name
First Name for Name Badge
Company/Firm Name
Address
City, State, Zip
Phone
Email Address
ABA ID # (if applicable)
States in which you are licensed (please list all)

### REGISTRATION FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Early Bird Discount</th>
<th>After May 16, 2012</th>
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<tr>
<td>General Attendee:</td>
<td>$650 $625</td>
<td>$750 $625</td>
</tr>
<tr>
<td>ABA Member, Non-Health Law Section Member:</td>
<td>$525</td>
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<tr>
<td>Law Student, Medical Student, Resident, Fellow:</td>
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### COURSE MATERIALS & EVENTS

- Complimentary Flash Drive
- Paperback Book $75
- Complimentary Welcome & Diversity Reception, Thursday, 6/14/12, 5:30-7:00pm

### SECTION MEMBERSHIP

- YES! Enroll me in the Section of Health Law. I am a member of the ABA. By joining today, I am able to pay the Section Member Registration Fee cost. $50 ABA ID# ___________

### TOTAL FEES

- Registration Fee $ __________
- Course Materials (Paperback) $ __________
- Section Membership $ __________

### AMOUNT DUE $ __________

### METHOD OF PAYMENT

- Check enclosed (payable to American Bar Association)
- American Express
- VISA
- MasterCard

Card # ____________________________
Exp. Date __________________________
Cardholder Signature __________________________
Physician - Legal Issues Conference
June 14-15, 2012, Chicago, IL

Upcoming events
Washington Health Law Summit
December 3–4, 2012
Washington, DC

Conference on Emerging Issues in Healthcare Law
February 20–23, 2013
Miami, FL

Registrations
US Mail: American Bar Association
Online: ambar.org/PhysicianIssues
Registrations will not be held without payment.
when accompanied by check, money order, VISA,
registration list, register by June 7, 2012, online
T o ensure your name is included on the distributed
Advance Registration
Conference
accompanied by check, money order,
2012, to ensure space availability. On-site
Please call (312) 988-5146 by June 12,
On-Site Registration
Chicago, IL 60654
but substitutions are encouraged. The
written cancellation received no later
for receipt is May 7, 2012.
Senior Meeting Planner, ABA Health Law Section,
for your request of a fee reduction to Amy Alder,
but such dues may be deductible as a
business expense.

American Medical Association Member:
Must be Full time
American Bar Association Member:
ACPE Member:
Chicago Medical Society Member:
ABA Member, Non-Health Law Section Member:
General Attendees:

REGISTRATION FEES   Early Bird Discount After May 16, 2012

$125
$150
$450
$550
$450
$550
$650
$625
$750

Tuition Assistance
Tuition rate will be available to registrants who
credit commensurate with the extent of their
AMA PRA Category
Program

CME Information
The Chicago Medical Society is accredited by the
American Bar Association's Health Law Section.
the program.

American Bar Association Health Law Section
321 N. Clark St., MS 18.1
Chicago, IL 60654