Reserve Your Space at the
26th Annual National Institute on Health Care Fraud

May 11-13, 2016
The Miramonte Resort & Spa
Indian Wells, CA

Save when you register before April 13, 2016
Program Description

The 26th Annual National Institute on Health Care Fraud provides a rewarding educational experience for health care attorneys, regulators, compliance professionals, prosecutors, criminal defense attorneys, and *qui tam* relators’ counsel. This National Institute draws panelists, facilitators, and participants from each of these significant groups and offers unique opportunities to meet and share experiences and concerns in a non-adversarial setting. The program planning committee is committed to creating a program that advances education, communication, professionalism, and discussion of current legal and ethical issues that arise in the health care fraud practice. These issues are addressed in panel discussions and small workshop formats designed to maximize audience participation.
Register Now and Save!
Join the conversation with #ABAHCF16

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<th>Rates Effective April 13, 2016</th>
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<td>Government Lawyers/Employees</td>
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Fees do not include travel or lodging.

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Presented by
Criminal Justice Section
Health Law Section
Young Lawyers Division
National Association on Medicaid Fraud Control Units

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U.S. Attorney’s Office  
Northern District of Georgia  
Atlanta, GA

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Of Counsel  
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Washington, DC

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Skadden Arps  
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Chief Healthcare Investigative Counsel  
U.S. Senate Finance Committee  
Washington, DC

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Office of the Attorney General, Medicaid Fraud Control Unit  
Orlando, FL

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Banner Health  
Phoenix, AZ

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Office of Counsel to the Inspector General  
U.S. Department of Health and Human Services  
Washington, DC

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Office of Counsel to the Inspector General  
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Carlton Fields  
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Vice President, Chief Compliance Officer  
Ardent Health  
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Craig Holden  
Ober, Kaler, Grimes & Shriver  
Baltimore, MD

Christopher Ideker  
Alvarez & Marshall  
Atlanta, GA

*Institute Co-Chairs

Faculty subject to change without notice.
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<thead>
<tr>
<th>Name</th>
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<td>David H. Johnson</td>
<td>Montgomery and Andrews</td>
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<td>Managing Director, Health Solutions</td>
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<td>Tim Renjillian</td>
<td>FTI Consulting</td>
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Day One — Wednesday, May 11, 2016

10:00 A.M.  REGISTRATION OPENS

11:00 A.M. – 12:30 P.M.  A CANDID CONVERSATION WITH THE GOVERNMENT: LESSONS LEARNED FROM RECENT TRIALS
Panelists, comprised of Assistant U.S. Attorneys from the Criminal Division and defense attorneys, will discuss recent trials targeting Anti-Kickback violations committed by corporate executives and health care fraud committed by physicians. Defense counsel will discuss their perspective on these trials, the impact of the Yates Memorandum (and other recent DOJ guidance) on future prosecutions, and the thin line between civil and criminal enforcement.

GOVERNMENT
Valerie Chu, Michael Collyer

DEFENSE
Andrew S. Feldman, Marissel Descalzo

MODERATOR
Robin E. Kaplan

2:00 P.M.  THE FOUNDATIONS OF HEALTH LAW
This session is intended to serve as both an introduction to and a review of current aspects of public and private health care programs to understand the context in which health care fraud and abuse occurs and to examine the key aspects of the health care delivery and regulatory system which subjects providers to the most scrutiny.

Moderator: David H. Johnson
Panelists: Anthea Daniels, Andrew J. Demetriou

4:00 P.M.  BREAK

4:15 P.M.  INTRODUCTION TO FRAUD AND COMPLIANCE FOR INDUSTRY GROUPS
These breakout sessions are designed to introduce the basic fraud and abuse and compliance issues associated with the designated industry sectors, but are also intended to be a forum for dialog and networking between experienced practitioners.

A. PROVIDERS (HOSPITAL AND PHYSICIANS)
   Kevin McAnaney, Kristen A. Williams

B. MANUFACTURERS AND SUPPLIERS (PHARMACEUTICAL AND MEDICAL DEVICE)
   Jennifer Bragg, Edward Crooke

C. COMMERCIAL PAYORS AND MANAGED CARE ORGANIZATIONS
   Jerrett D. Brock, James Rose, Elysia Solomon

5:30 P.M.  ADJOURN
Day Two — Thursday, May 12, 2016

8:45 A.M.  GENERAL REGISTRATION AND WELCOMING REMARKS
Gabriel L. Imperato, Program Chairman

9:10 a.m.  Keynote Speaker: Matthew Axelrod, Principal Associate Deputy Attorney General, Department of Justice

9:45 A.M.  ENFORCEMENT LIABILITY FOR INDIVIDUALS — EXECUTIVES IN THE HOT SEAT
This panel will discuss criminal and civil enforcement actions against individuals and credit for organization cooperation in connection with employees.
Moderator:  Kirk Ogrosky
Panelists:  Benton Curtis, Barry Sabin, Sara Winslow, Stephanie Yonekura

10:45 a.m.  BREAK

11:00 A.M.  HEALTH CARE FRAUD WORKSHOPS
Workshops have been planned to cover a variety of interesting and current topics. Facilitators experienced in the subject matter of each workshop will lead the discussions, with the goal of eliciting the views and knowledge of the participants, many of whom have a vast amount of practical experience. The number and subject matter of the workshops may be determined by registration and thus are subject to change.

A. TRANSACTIONAL DUE DILIGENCE AND COMPLIANCE
   Ted Lotchin, Tony Maida

B. MANAGED CARE FRAUD AND ENFORCEMENT
   Edward Crooke, Michael Yount

C. MEDICAID FRAUD ENFORCEMENT
   Joseph Burby, Douglas Thoren

12:00 P.M.  LUNCH
Keynote Speaker — Gregory Demske, Chief Counsel, Office of Counsel to the Inspector General, U.S. Department of Health and Human Services

1:30 P.M.  FALSE CLAIMS ACT DEVELOPMENTS — PANEL
This panel will discuss important legal developments and current litigation and settlements in False Claims Act cases.
Moderator:  Jonathan Diesenhaus
Panelists:  Jack Boese, Michael Granston, Christopher Miller, Jennifer Verkamp

3:00 P.M.  BREAK
### 3:15 P.M.  
**LITIGATING FALSE CLAIMS ACT CASES**
This panel will examine the key considerations, strategies and timing involved in motion practice, discovery, and procedural issues when it becomes necessary to litigate a health care False Claims Act case.

**Moderator:** Enu Mainigi  
**Panelists:** Laurence Freedman, Janet Goldstein, Michael Granston

### 4:15 P.M.  
**BREAK**

### 4:30 P.M.  
**HEALTH CARE FRAUD WORKSHOPS**

**A. FEDERAL ADMINISTRATIVE SANCTIONS: EXCLUSION AND CIVIL MONEY PENALTIES**  
Susan Gillin, Julie E. Kass

**B. DAMAGES AND AMOUNT OF LOSS**  
Christopher Rohn, Jack W. Selden

**C. NEGOTIATING FALSE CLAIMS ACT SETTLEMENTS AND CORPORATE INTEGRITY AGREEMENTS**  
Robert K. DeConti, Steve Hinkle, Harold Malkin

### 5:30 P.M.  
**ADJOURN**

### 6:00 – 8:00 P.M.  
**WELCOME RECEPTION**

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Waller Lansden Dortch & Davis, LLP

### Day Three – Friday, May 13, 2016

### 8:30 A.M.  
**TRIAL PRACTICE DEMONSTRATION —  
U.S. ex rel. DRAKEFORD V. TUOMEY (DIST. SC.)**
This case involved hospital/physician financial arrangements which were found to violate the Stark law after a jury trial resulting in a $237 million dollar judgement for damages and penalties under the False Claims Act. The facts include Tuomey Hospital’s determined efforts to pay physician referral sources despite conflicting legal advice. The case is an example of how a hospital organization established highly questionable arrangements with physician referral sources despite predictable liability under the False Claims Act. The United States ultimately settled for $72.4 million dollars with Tuomey Hospital, which was sold to another health system in South Carolina.

**Moderator:** Joe Whitley  
**Panelists:** G. Norman Acker, Joseph P. Griffith, Sandra Miller

### 10:00 A.M.  
**BREAK**
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<tr>
<th>Time</th>
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<tr>
<td>10:15 A.M.</td>
<td><strong>HEALTH CARE FRAUD WORKSHOPS</strong></td>
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<tr>
<td></td>
<td><strong>A. PUBLIC DISCLOSURE, ORIGINAL SOURCE AND FIRST TO FILE</strong></td>
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<td></td>
<td>Jonathan H. Ferry</td>
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<td><strong>B. OVERPAYMENT LIABILITY AND VOLUNTARY DISCLOSURE</strong></td>
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<td></td>
<td>Katherine Lauer, Lisa Re</td>
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<td><strong>C. FRAUD AND ABUSE IN LONG TERM CARE (Nursing Homes)</strong></td>
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<td>Glenn Baker, Veronica E. Bindrim-MacDevitt, Amy Easton</td>
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<td>11:15 A.M.</td>
<td><strong>BREAK</strong></td>
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<td>11:30 A.M.</td>
<td><strong>HEALTH CARE FRAUD WORKSHOPS</strong></td>
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<td><strong>A QUALITY OF CARE, MEDICAL NECESSITY AND ENFORCEMENT AND COMPLIANCE</strong></td>
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<td>Jeffrey Dickstein, Laurence Freedman</td>
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<td><strong>B. HOSPICE ENFORCEMENT AND COMPLIANCE</strong></td>
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<td>Clayton A. Dabbs, Adam Schwartz</td>
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<td><strong>C. RESPONDING TO PRIVATE CONTRACTOR ACTIONS AND SANCTIONS: SUSPENSION; REVOCLATION OF ENROLLMENT, AUDITS AND OVERPAYMENTS</strong></td>
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<td>Kimberly Brandt, Lester Perling</td>
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<td>12:45 P.M.</td>
<td><strong>SPECIALTY WORKSHOPS — BOX LUNCH</strong></td>
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<td>These workshops are designed to be confidential sessions where defense, government and relator’s counsel can discuss matters unique to their roles in criminal and civil health care fraud cases.</td>
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<td><strong>A. WORKSHOP FOR DEFENSE AND IN-HOUSE COUNSEL</strong></td>
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<td>Christopher Ideker, Paul B. Murphy</td>
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<td><strong>B. WORKSHOP FOR GOVERNMENT COUNSEL</strong></td>
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<td>Kimberly Brandt, Susan Gillin</td>
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<td><strong>C. WORKSHOP FOR QUI TAM/RELATORS AND OTHER PLAINTIFFS COUNSEL</strong></td>
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<td>Jeffrey Dickstein, Amy Easton</td>
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<td>2:00 P.M.</td>
<td><strong>PANEL DISCUSSIONS</strong></td>
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<td><strong>A. ENFORCEMENT AND COMPLIANCE: CHALLENGES AND STRATEGIES FOR ORGANIZATION COUNSEL AND COMPLIANCE PROFESSIONALS</strong></td>
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<td>Moderator: Gabriel L. Imperato</td>
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<td>Panelists: Anne Sullivan Daly, Gary Keilty, Nicholas Surmacz, Richard W. Westling</td>
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<td><strong>B. ANTI-KICKBACK AND STARK LAW DEVELOPMENTS</strong></td>
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<td>Moderator: Craig Holden</td>
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<td>Panelists: Ralph J. Caccia, Jonathan H. Ferry, James Hearty</td>
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<td>3:15 P.M.</td>
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<td>3:30 P.M.</td>
<td><strong>DECISIONS IMPACTING PRIVILEGE PROTECTIONS DURING INTERNAL INVESTIGATIONS</strong></td>
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<td>This session will examine factual scenarios and discuss the application of privilege, ethical rules and considerations in health care fraud compliance and case matters.</td>
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<td>Moderator: David L. Douglass</td>
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<td>Panelists: Eric Havian, Robert T. Rhoad, Howard R. Thomas</td>
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Step 2: Health Care Fraud Workshops — Please check one workshop for each day and time slot.

**Wednesday, May 11, 2016**
- A Candid Conversation with the Government: Lessons Learned from Recent Trials – 11:00 a.m.
- Introduction to Fraud and Compliance for Industry Groups – 4:15 p.m.
  - A. Providers (Hospital and Physicians)
  - B. Manufacturers and Suppliers (Pharmaceutical and Medical Device)
  - C. Commercial Payors and Managed Care Organizations

**Thursday, May 12, 2016**
- Health Care Fraud Workshops – 11:00 a.m.
  - A. Transactional Due Diligence and Compliance
  - B. Managed Care Fraud and Enforcement
  - C. Medicaid Fraud Enforcement
- Health Care Fraud Workshops – 4:30 p.m.
  - A. Public Disclosure, Original Source and First to File
  - B. Damages and Amount of Loss
  - C. Negotiating False Claims Act Settlements and Corporate Integrity Agreements

**Friday, May 13, 2016**
- Health Care Fraud Workshops – 11:30 a.m.
  - A. Quality of Care, Medical Necessity and Enforcement and Compliance
  - B. Hospice Enforcement and Compliance
  - C. Responding to Private Contractor Actions and Sanctions: Suspension; Revocation of Enrollment, Audits and Overpayments
- Speciality Workshops (Box Lunch) – 12:45 p.m.
  - A. Workshop for Defense and In-House Counsel
  - B. Workshop for Government Counsel
  - C. Workshop for Qui Tam/Relators and other Plaintiffs’ Counsel
  - Yes, I would like to purchase a box lunch for an additional $45.
- Panel Discussions 2:00 p.m.
  - A. Enforcement and Compliance: Challenges and Strategies for In-House Counsel and Compliance Professionals
  - B. Anti-Kickback and Stark Law Developments

*If you cannot attend, but would like to order the Course Materials, please visit us at www.ShopABA.org/2016health or call (800) 285-2221 for pricing and availability. Course materials will be shipped after the event.*
Step 3: Section Membership
- Enroll me in the Criminal Justice Section - $45. Enter your $45 fee on line 5C.
- Enroll me in the Health Law Section - $50. Enter your $50 fee on line 5C.
- Enroll me in the Young Lawyers Division. Membership in the Young Lawyers Division is free and automatic for all ABA members under age 36 or admitted to practice 5 years or less.

Step 4: Course Materials
Electronic course materials are provided as part of your registration. Printed course materials are available on-site for an additional fee. Please provide printed course materials on-site for $50. Enter your $50 fee on line 5D.

Step 5: Your Total Amount Due

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Registration Rate (from Step 1)</td>
<td>$ 5A</td>
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<tr>
<td>Box Lunch - Friday, May 13 - $45 - (from Step 2)</td>
<td>$ 5B</td>
</tr>
<tr>
<td>ABA Section of Criminal Justice Enrollment - $45</td>
<td>$ 5C</td>
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<tr>
<td>ABA Section of Health Law Enrollment - $50</td>
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<tr>
<td>(from Step 3)</td>
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<tr>
<td>Printed Course Materials - $50 (from Step 4)</td>
<td>$ 5D</td>
</tr>
<tr>
<td>Total</td>
<td>$</td>
</tr>
</tbody>
</table>

Step 6: Your Information

Name
Law Firm/Organization
Address
Suite/Apt.
City State Zip Code
Telephone
Email ABA Member ID

The ABA and many of its entities provide content through email. We do not share email addresses with anyone outside the ABA.
### Step 7: Payment Information

- ABA Credit Card from Bank of America
- Visa
- American Express
- Check Payable to American Bar Association
- Mastercard

<table>
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<tr>
<th>Name as it appears on Card</th>
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<tr>
<td>Account Number</td>
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<tr>
<td>Signature</td>
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</tr>
<tr>
<td>Billing Zip Code</td>
<td></td>
</tr>
</tbody>
</table>

### Step 8: 4 Easy Ways to Register

- Call (800) 285-2221
- Fax this form to (312) 988-5850
- Complete and mail this form:

  The American Bar Association  
  Financial Services Dept. CE1605HCF  
  P.O. Box 109078  
  Chicago, IL 60654-7598
MCL\E
The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 17.83 CLE credit hours in 60-minute states, and 21.40 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.ShopABA.org/2016health.

Scholarships
For more information on scholarships, visit www.americanbar.org/groups/cle/scholarship.

Attire
Business casual attire is appropriate for all activities.

Cancellations
Cancellations received five business days or more before the program will receive a full refund, less a $50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome at any time. To cancel your registration or substitute another individual, please call the ABA at (800) 285-2221 or fax your request to (312) 988-5850. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the course materials after program completion.

Services for Persons with Disabilities
If special arrangements are required, please contact Donna Prather Williams at 312.988.6210 or donna.williams@americanbar.org. Reasonable advance notice is requested.

In-Person Registration
If you plan to register in person, please call the ABA at least 24 hours in advance to confirm that the program is being held as scheduled and that space is available. Cash payments will not be accepted.

Program Confirmation
Written confirmation of your registration will be sent to you upon receipt. If you do not receive the confirmation notice prior to the program, please call the ABA at (800) 285-2221 at least 24 hours in advance to confirm that your registration was received and that the program is being held as scheduled.

Hotel Information
The Miramonte Resort & Spa
45000 Indian Wells Lane
Indian Wells, CA 92210
Rate: $169

Reservations: Make your reservation by calling (800) 237-2926 or (760) 341-2200. Be sure to mention this program to receive the group discount.

Hotel Deadline: April 12, 2016

Airline Information
Airline discount codes are available for ABA meetings as follows:

- American Airlines: ABA Discount only available at ABA Orbitz for Business*.

*A Travel Profile is required when booking airline reservations with ABA Orbitz for Business, visit www.americanbar.org/travel for more information.


Standing Committee on Continuing Legal Education
Under the guidance of the Standing Committee on Continuing Legal Education, the Center for Professional Development administers and produces National Institutes, webinars, teleconferences, other technology-based products and written course materials to assist lawyers’ continuing legal education efforts.