



# Reserve Your Space at the **27th Annual National Institute on Health Care Fraud**

May 17-19, 2017  
Hyatt Regency Pier Sixty-Six  
Ft. Lauderdale, FL



Posted 5/16/17

# National Institute on Health Care Fraud

To register, visit [www.ambar.org/hcf2017](http://www.ambar.org/hcf2017)

## Program Description

The 27th 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.



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May 17-19, 2017  
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	Rate Effective March 22, 2017	Rate Effective April 19, 2017
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Executive Director  
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Washington, DC

# Agenda

## Day One — Wednesday, May 17, 2017

10:00 A.M. **REGISTRATION OPENS**

11:00 A.M. – 12:30 P.M. **WEBINAR PANEL-ENFORCEMENT ACTIONS AND COMPOUND PHARMACIES**

This onsite webinar presentation will review the basis for the widespread criminal and civil enforcement activity involving compound pharmacies.

**LIVE FROM  
THE MEETING  
WEBINAR**

**Moderator:** Andrew Feldman

Daniel Bernstein, Marissel Descalzo, Jason Mehta, Elizabeth D. Shaw, Ryan K. Stumphauzer

2:00 P.M. **GOVERNMENT INVESTIGATIONS AND COMPLIANCE MATTERS: A ROAD MAP FOR GENERAL COUNSEL AND COMPLIANCE PROFESSIONALS**

This session will examine issues and aspects of responding to government investigations and best practices for in-house counsel and compliance professionals.

**Moderator:** Kirk Ogrosky

Daniel Dovdavyan, Gary Keilty, Susan Torres

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)**

Margaret Hambleton, Gabriel Imperato

**B. PHARMACEUTICAL, MEDICAL DEVICE AND BIOTECH**

Jennifer Bragg, Daniel Dovdavyan

**C. COMMERCIAL , MEDICARE AND MEDICAID MANAGED CARE ORGANIZATIONS**

David Leviss, Nicholas Messuri, Kathleen Von Hoene

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

## Day Two — Thursday, May 18, 2017

8:40 A.M. **GENERAL REGISTRATION AND WELCOMING REMARKS**

Gabriel L. Imperato, Program Chairman

8:45 A.M. **Keynote Remarks:** Kenneth A. Blanco, Acting Assistant Attorney General, United States Department of Justice

9:15 a.m. **Keynote Speaker:** Gregory F. Demske, Chief Counsel, Office of Counsel to the Inspector General of Health and Human Services

# Agenda *(Continued)*

9:45 A.M.

## **OFFICE OF INSPECTOR GENERAL'S PLANS FOR FEDERAL HEALTH CARE PROGRAM PROTECTION AND ENFORCEMENT AND COMPLIANCE**

This panel will discuss recent initiatives and future plans for enforcement and compliance by the Office of Inspector General of Health and Human Services.

**Moderator:** Gabriel L. Imperato

Robert DeConti, Lisa Re, Shimon R. Richmond

10:45 a.m.

## **BREAK**

11:00 A.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 L. Diesenhaus

John T. Boese, Michael Granston, Steven F. Grover, F. Edward Kirby

12:30 P.M.

## **LUNCH**

1:30 P.M.

## **CRIMINAL, CIVIL AND ADMINISTRATIVE ENFORCEMENT IN KICKBACK CASES**

This panel will review recent developments in the prosecution of violations of the Anti-Kickback statute in criminal, civil and administrative proceedings.

**Moderator:** Katherine Lauer

Sally B. Molloy, Paul B. Murphy, Martha Talley, Sara Vann

2:45 P.M.

## **BREAK**

3:00 P.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. FEDERAL ADMINISTRATIVE SANCTIONS: EXCLUSION AND CIVIL MONEY PENALTIES**

Julie E. Kass, Robert Penezic

### **B. DAMAGES AND SETTLEMENT**

Bo Martin, Richard Romero

### **C. OVERPAYMENT LIABILITY AND SELF-DISCLOSURE (Repeated)**

Bernard Ford, David Fuchs, Theodore R. Lotchin

### **D. PRE-TRIAL PLEADINGS AND DISCOVERY IN FCA CASES**

Daniel Fruchter, Mark Hardiman

4:00 P.M.

## **BREAK**

# Agenda *(Continued)*

4:15 P.M.

**A. ENFORCEMENT AND COMPLIANCE: QUALITY OF CARE AND MEDICAL NECESSITY (Repeated)**

Amy Easton, Jason Ehrlinspiel, Jesse A. Witten

**B. NEGOTIATING FALSE CLAIMS ACT SETTLEMENTS AND CORPORATE INTEGRITY AGREEMENTS AND MEDIATION**

Stephen D. Altman, Kyle S. Cohen, Susan Gillin, S. Craig Holden, Marlan Wilbanks

**C. PUBLIC DISCLOSURE, ORIGINAL SOURCE AND FIRST TO FILE**

Jeffrey E. Marcus, Andrew M. Stone

5:30 P.M.

**ADJOURN**

5:30 –  
7:30 P.M.

**WELCOME RECEPTION**

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## Day Three – Friday, May 19, 2017

8:30 A.M.

**TRIAL PRACTICE DEMONSTRATION**

This panel presentation will examine the characteristics of a broad based HEAT prosecution in South Florida involving mental health and substance abuse facilities, physicians performing and certifying the services and individual management representatives of the inpatient and outpatient programs; *U.S. v. Ayala* and *U.S. V. Kallen-Zury* (S.D. Fla.).

**Moderator:** Joe D. Whitley

Joseph Beemsterboer, Michael Pasano, Jose Quinon, Nicholas Surmacz

10:00 A.M.

**BREAK**

10:15 A.M.

**HEALTH CARE FRAUD WORKSHOPS**

**A. ENFORCEMENT AND COMPLIANCE: HOSPICE AND HOME HEALTH**

Paul Pelletier, Holly Howell Snow

**B. MANAGED CARE FRAUD AND ENFORCEMENT**

Beong-Soo Kim, Robert T. Rhoad, Kathleen Von Hoene

**C. FRAUD AND ABUSE IN LONG TERM CARE (Nursing Homes)**

Juliet Keene, Kathleen McDermott, John Stearns

11:15 A.M.

**BREAK**

# Agenda *(Continued)*

11:30 A.M.

## **HEALTH CARE FRAUD WORKSHOPS**

### **A. OVERPAYMENT LIABILITY AND SELF-DISCLOSURE**

Bernard Ford, David Fuchs, Theodore R. Lotchin

### **B. MEDICAID FRAUD ENFORCEMENT**

Joseph R. LaManga, David Tanay

### **C. ENFORCEMENT AND COMPLIANCE: QUALITY OF CARE AND MEDICAL NECESSITY**

Amy Easton, Jason Ehrlinspiel, Jesse A. Witten

12:45 P.M.

## **BOX LUNCH**

1:00 P.M.

## **SPECIALTY WORKSHOPS**

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.

### **A. WORKSHOP FOR DEFENSE AND IN-HOUSE COUNSEL**

Gejaa Gobena, John Lundquist, Michael Pauze

### **B. WORKSHOP FOR GOVERNMENT COUNSEL**

Felicia Heimer, Susan Torres

### **C. WORKSHOP FOR QUI TAM/RELATORS AND OTHER PLAINTIFFS COUNSEL**

Amy Easton, Andrew M. Stone

2:00 P.M.

## **PANEL DISCUSSION**

### **BOARD, MANAGEMENT AND GOVERNANCE FOR ORGANIZATIONAL COMPLIANCE**

**Moderator:** Robert Wade

**Panelists:** Felicia Heimer, Jennifer O'Brien, Thomas O'Neil, Chris Rohn

3:15 P.M.

## **ADJOURN**

# Register

Visit #ABAHC17

## Step 1: Registration Rates

	Rates Effective March 22, 2017	Rates Effective April 19, 2017
General Public	\$1385	\$1475
ABA Members/Broward County Bar Association, Florida Bar Health Law Section Members	\$1275	\$1355
Criminal Justice Section Members	\$1125	\$1195
Health Law Section Members	\$1125	\$1195
Young Lawyers Division Members	\$1125	\$1195
Government Lawyers/Employees	\$515	\$550

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Save when you register one or more attorney for this National Institute.

3-5 attendees - save 5%

6-10 attendees - save 10%

10+ attendees - contact the ABA Center for Professional Development

To register your group of 3 to 10 and receive the discount, please call the ABA Service Center at [800-285-2221](tel:800-285-2221). (Not applicable to government rates.)

## Step 2: Workshops—Please check one workshop for each day and time slot.

### Wednesday, May 17, 2017

- Enforcement Actions and Compound Pharmacies (Simultaneous Webinar) - 11:00 a.m.

### Introduction to Fraud and Compliance for Industry Groups - 4:15 p.m.

- A. Providers (Hospital and Physicians)
- B. Pharmaceutical, Medical Device and Biotech
- C. Commercial, Medicare and Medicaid Managed Care Organizations

### Thursday, May 18, 2017

#### Health Care Fraud Workshops - 3:00 p.m.

- A. Federal Administrative Sanctions: Exclusion And Civil Money Penalties
- B. Damages And Settlement
- C. Overpayment Liability And Self-Disclosure
- D. Pre-Trial Pleadings And Discovery In FCA Cases

### Thursday, May 18, 2017

#### 4:15 p.m.

- A. Enforcement And Compliance: Quality Of Care And Medical Necessity
- B. Negotiating False Claims Act Settlements And Corporate Integrity Agreements And Mediation
- C. Public Disclosure, Original Source And First To File

### Friday, May 19, 2017

#### Health Care Fraud Workshops - 10:15 a.m.

- A. Enforcement And Compliance: Hospice And Home Health
- B. Managed Care Fraud And Enforcement
- C. Fraud and Abuse in Long Term Care (Nursing Homes)

### Friday, May 19, 2017

#### Health Care Fraud Workshops - 11:30 a.m.

- A. Federal Administrative Sanctions: Exclusion And Civil Money Penalties
- B. Overpayment Liability And Self-Disclosure
- C. Medicaid Fraud Enforcement
- D. Enforcement And Compliance: Quality Of Care And Medical Necessity

### Friday, May 19, 2017

#### Specialty 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.

# Register *(Continued)*

## 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.**

If you cannot attend, but would like to order the **Course Materials**, please visit us at <http://ambar.org/hcf2017> or call **(800) 285-2221** for pricing and availability. Course materials will be shipped after the event.

## Step 5: Your Total Amount Due

Registration Rate (from Step 1)	5A	\$ _____
Box Lunch - Friday, May 19 - \$45 - (from Step 2)	5B	\$ + _____
ABA Section of Criminal Justice Enrollment - \$45 ABA Section of Health Law Enrollment - \$50 (from Step 3)	5C	\$ + _____
Printed Course Materials - \$50 (from Step 4)	5D	\$ + _____
	<b>Total</b>	\$ _____

## Step 6: Your Information

Name

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# Register *(Continued)*

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 Call **(800) 285-2221**

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## Scholarships

For more information on scholarships, visit [www.americanbar.org/groups/cle/scholarship](http://www.americanbar.org/groups/cle/scholarship).

## Attendees with Special Needs

Please specify your special needs below. To ensure your request is fulfilled, the registration form must be received by June 26, 2017. For questions, please contact staff designee Donna Williams, Meetings Manager, at [Donna.Williams@americanbar.org](mailto:Donna.Williams@americanbar.org). (312) 988-6210

Every effort will be made to accommodate advance requests; onsite requests cannot be guaranteed.

I will need the following accommodations:

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Other (please specify): \_\_\_\_\_

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Captioned videos  Notetaker  Reader

Assistive Listening Devices:  Hearing/Induction Loops  FM Systems  
 Infrared Systems  Other (please specify): \_\_\_\_\_

Headphones/Earbuds to Connect to Assistive Listening System

Materials in Alternative Formats:  Large Print (specify font Size: \_\_\_\_)

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A personal care attendant will be accompanying me.

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I will be using a mobility device at the conference.

Additional needs (please specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 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.

## 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

Hyatt Regency Pier Sixty-Six  
2301 SE 17th Street  
Ft. Lauderdale, FL 33316

Rate: **\$155**

Reservations: Make your reservation by calling **954-525-6666** and referring to the ABA Center for Professional Development National Institute on Health Care Fraud, or online at <https://aws.passkey.com/event/14040122/owner/4921/home>.

Hotel Deadline: **April 18, 2017**

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## 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.