DISCOUNTED PRICING ENDS
APRIL 5, 2020

NATIONAL INSTITUTES

Health Care Fraud

MAY 11-13, 2020 ▶ LAS VEGAS, NV

ABA
THE PREMIER SOURCE FOR CLE
The National Health Fraud Institute has consistently offered an exceptional review of current legal and ethical issues which arise in connection with the enforcement of health care fraud matters. These issues are discussed during a two-and-a-half day conference with keynote speakers, panel presentations and general and confidential workshops for defense and organization counsel and compliance professionals, government counsel and investigators and Relator and other plaintiff’s counsel.

The Health Fraud Institute provides a rewarding educational experience for health care attorneys, regulators, compliance professionals, state and federal prosecutors and investigators, criminal defense attorneys, qui tam relators’ counsel and consultants. It 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 and during various network opportunities.

The program planning committee has always been committed to creating a program that advances education, communication and professionalism. The range of topics addressed are in formats designed to maximize audience participation.

WHO SHOULD ATTEND?

- Health Care Attorneys
- Regulators
- Prosecutors and Investigators
- Criminal Defense Attorneys
- Qui Tam Relators’ Counsel
- Compliance Professionals
- Consultants

The ABA will seek 15.50 total hours of CLE credit in 60-minute states, 18.60 hours of CLE total credit for this program in 50-minute states, and 2 hours of CLE ethics credit in 60-minute states and 2.40 hours of CLE ethics credit in 50-minute states.
Sponsors

ABA Co-Sponsors

Criminal Justice Section
ABACLE
Health Law Section
MONDAY, MAY 11

1:00 pm  REGISTRATION OPENS

2:00 pm  GOVERNMENT ENFORCEMENT AND COMPLIANCE MATTERS: GENERAL COUNSEL, COMPLIANCE PROFESSIONALS, OUTSIDE COUNSEL AND CONSULTANTS

This session will examine issues and aspects of government investigations and best practices for in-house counsel, compliance professionals and outside counsel for responding to enforcement matters, in addition to ethical issues and principals of professional responsibility common to these matters.

Moderator: Kirk Ogrosky
Panelists: Christian Krautkramer
          Howard Hacker
          Christopher Ideker
          Gregory Luce

4:00 pm  BREAK

4:15 pm  FALSE CLAIMS, MEDICAL NECESSITY AND QUALITY OF CARE IN RECENT CASE DEVELOPMENTS

Moderator: David Ellenbogen
Panelists: Amy Easton
          Jack Selden

5:30 pm  ADJOURN

TUESDAY, MAY 12

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

9:00 am  PRESENTATION
Review of Health Care Fraud Enforcement with Former Inspector General of Health and Human Services, Daniel R. Levinson

Moderator: Gabriel L. Imperato

10:30 am  BREAK

11:00 am  FALSE CLAIMS ACT DEVELOPMENTS
This panel will discuss important False Claim Act legal developments, current litigation and settlements.

Moderator: Jonathan Diesenhaus
Panelists: Jack Boese
          Tejinder Singh
          Kevin Lownds
          Jamie Yavelberg

12:30 pm  LUNCH - Keynote Speaker - Kimberly Brandt, Deputy Administrator for Operations, Center for Medicare and Medicaid Services

1:30 pm  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
Panelists: Susan Winkler
          Allan Medina
Agenda

2:45 pm  BREAK

3:00 pm  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.

OVERPAYMENT LIABILITY AND SELF-DISCLOSURE
This session will review the most up to date information regarding reporting Stark, Kick-Back and Overpayment issues to the government - should you disclose and if so to what government entity. This session will also discuss the most recent cases regarding the 60-day repayment rule and practical implications.

Tony Maida

BEHAVIORAL HEALTH CARE ENFORCEMENT AND COMPLIANCE
Andrew Schule
Crane M. Pomerantz

FRAUD, COMPLIANCE AND PRIVATE EQUITY
Gerald Greenberg
Pamela Coyle Brecht

4:00 pm  BREAK

4:15 pm  ENFORCEMENT AND COMPLIANCE AND TELEHEALTH
Douglas Brasher
Julian Rivera

PRE-TRIAL PLEADINGS AND DISCOVERY IN FALSE CLAIMS ACT CASES
This workshop will examine the different common pleadings and discovery issues typical in False Claims Act litigation including but not limited to Motions to Dismiss under Rule 9(b) and Motions for Summary Judgment and the types of issues that are addressed in these pleadings, including the “Materiality” of compliance deficiencies as a basis for False Claims Act liability.

Christopher Denig
David G. Lazarus
Andrew Stone
Katrina King

NEGOTIATING FALSE CLAIMS ACT SETTLEMENTS AND MEDIATION
This session will focus on the use of negotiation and mediation for resolving healthcare False Claims Act cases. The panel will discuss how best to prepare for negotiation and mediation, consideration of the distinct needs of clients, counsel, and the mediator. The involvement of relator and relator’s counsel in settlement discussions at various stages will also be addressed. Finally, the panel will explore some of the issues and challenges in mediation, with a particular focus on key settlement considerations.

Moderator: Honorable Janice Symchych
Panelists: David Pivnick
Sean O’Connell
George Codding

5:30 pm  ADJOURN
6:00 pm  WELCOME RECEPTION

SPONSORED BY:

WEDNESDAY, MAY 13

8:30 am  TRIAL PRACTICE DEMONSTRATION

Moderator:  Joe Whitley
Panelist:  Jay G. Trezevant

10:00 am  BREAK

10:15 am  HEALTH CARE FRAUD WORKSHOPS

10:30 am  MEDICARE AND MEDICAID MANAGED CARE FRAUD AND ENFORCEMENT

Presenters will describe recent enforcement actions involving, regulatory and legal developments in, and compliance guidance for Managed Care organizations.

Carrie Bashaw
Denise Hanna
Daniel Meron

FRAUD AND ABUSE IN NURSING HOMES

The panelists will discuss hot topics in nursing home fraud and patient abuse cases. Topics covered in this interactive panel discussion will include criminal investigations and prosecutions in cases involving allegations of patient abuse; investigations and False Claims Act cases involving allegations of substandard care; and, criminal and civil cases involving allegations of financial fraud and false claims by nursing home providers.

Craig Holden
Kathleen Boland

GENETIC AND LAB TESTING ENFORCEMENT AND COMPLIANCE

Robert Rossi
Ryan Stumphauzer

11:15 am  BREAK

11:30 am  HEALTH CARE FRAUD WORKSHOPS

CORPORATE INTEGRITY AGREEMENTS INDEPENDENT REVIEW ORGANIZATIONS AND THE OFFICE OF THE INSPECTOR GENERAL

This workshop will discuss the CIA provisions including recent changes. Should organizations not subject to a CIA adopt or adapt common CIA provisions? Additionally, panelists will offer pointers for negotiating, implementing and managing a CIA.

Moderator:  Gary Keilty
Panelist:  Andi Bosshart

FEDERAL ADMINISTRATIVE ENFORCEMENT: EXCLUSIONS AND CIVIL MONEY PENALTIES

This session will cover Office of Inspector General administrative authorities, including affirmative exclusions and Civil Monetary Penalties. We will also discuss enforcement trends and recent settlements, including the intersection with other agency actions and audits. The session will also address compliance measures that mitigate against liability.

John Kelly
Robert Penaseck

12:30 pm **Break**

12:45 pm **SPECIALTY WORKSHOPS – Box Lunch**

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.

**WORKSHOP FOR DEFENSE AND IN-HOUSE COUNSEL**

Discussion of Hypothetical Compliance Case Matters

The panelists will discuss hot topics for defense lawyers and in-house counsel in health care fraud investigations, including document collection and production in the age of mobile devices and social media, interacting with current and former employees (including the advancement of legal fees), handling internal whistleblowers, and the role of legal and compliance in government investigations.

Craig Holden
Adam Schwartz

**WORKSHOP FOR GOVERNMENT COUNSEL**

This confidential workshop will involve topics of discussion between Department of Justice, Office of Inspector General, Medicaid Fraud Control Units and other government counsel about strategy and tactics involved in criminal and civil False Claims Act, Kickback and Stark Law cases.

**WORKSHOP FOR QUI TAM/RELATORS AND OTHER PLAINTIFFS COUNSEL**

This confidential workshop will include Relators and other Plaintiffs’ Counsel and focus on a discussion of theories of whistleblower False Claims Act liability and strategy and tactics and responses to different defenses in False Claims Act cases.

Amy Easton
Tejinder Singh

1:45 pm **Break**

2:00 pm **FEDERAL AND STATE ENFORCEMENT AND THE OPIOID CRISIS**

This presentation will examine the Federal and State investigative and enforcement efforts for combating the nationwide opioid crises. The participants will discuss the criminal and civil enforcement strategies and goals and the forecast for future progress.

**Moderator:** Michael Clark
**Panelists:** David Lazarus
Ashlee McFarlane

3:15 pm **ADJOURN**
Planning Committee & Faculty

PLANNING COMMITTEE

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Allan Medina  
Chief, HCF Unit  
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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Company/Office</th>
<th>Location</th>
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<tr>
<td>Daniel Meron</td>
<td>Partner</td>
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<td>Washington, DC</td>
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<td>Sean O'Connell</td>
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<td>Case Manager</td>
<td>JAMS</td>
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<tr>
<td>Jamie Yavelberg</td>
<td>Deputy Director at Commercial Litigation Branch, Civil Division</td>
<td>Department of Justice</td>
<td>Washington, DC</td>
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Registration Information

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<td>Criminal Justice Section</td>
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Save when you register three (3) or more attendees for in-person events:
- 3-5 attendees—SAVE 5%
- 6-10 attendee—SAVE 10%

To register your group of attendees, please call (800) 285-2221.

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Scholarships
Financial scholarship applications are available for this conference. To request an application or receive additional information, please go to this link: https://www.americanbar.org/events-cle/abacle/scholarship.

Attire
Business casual attire is appropriate for all activities.

Cancellations
Cancellations received five (5) business days or more before the program will receive a 100% refund, less a $50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome before the program starts. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after the program.

Hotel Information
Caesars Palace Las Vegas Hotel & Casino
3570 S Las Vegas Blvd
Las Vegas, NV 89109

The ABA has secured a block of rooms at Caesar’s Palace. Reservations can be made by calling Caesars directly at 1-800-CAESARS (1-800-223-7277) or online at https://book.passkey.com/go/SCBAR0. Refer to the ABA National Institute on Health Care Fraud to obtain the group rate.

Group Rates:
- Single: $130.00/night
- Resort Fee: $39.00

Deadline for Hotel Reservations: Sunday, April 19, 2020

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<td><strong>Years Since Original Bar</strong></td>
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<td><strong>Government Attorneys</strong></td>
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<td>5–9</td>
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<td>15–19</td>
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<td>20+</td>
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