



American Arbitration Association
Dispute Resolution Services Worldwide



AAA
American Arbitration Association University®

RX for Healthcare Disputes: Exploring Alternative Dispute Resolution (ADR) Solutions

OCTOBER 20, 2010 | 7:30 AM – 4:30 PM (CT) (Breakfast / Lunch included) | CHICAGO, IL

This is an important conference for attorneys and professionals working in the healthcare industry.

Healthcare industry experts will explore the benefits and practicability of ADR in business-to-business disputes in the healthcare industry. The experts also will cover need-to-know information about changes in healthcare-dispute management.

See inside for details.

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Rx for Healthcare Disputes:

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Statutory and regulatory changes from the 2010 Patient Protection and Affordable Care Act (PPACA) likely will affect dispute areas in the healthcare industry, such as payor and provider issues, and impending legislative changes could potentially have an impact on the industry.

Integrating alternative dispute resolution (ADR) into an organization's dispute-resolution program today would provide a powerful, private and cost-effective means of resolving disputes.

PROGRAM AGENDA

7:30 am – 8:30 am

Conference Registration/Breakfast

8:30 – 8:45

Welcome and Conference Introduction

Michelle M. Skipper, *Vice President, Commercial Division, American Arbitration Association® (AAA); Charlotte, NC*

8:45 – 9:45

Healthcare Reform and ADR: Changes in the Healthcare Industry and Emerging Issues for the Future

Leaders of the major healthcare-industry associations highlight how ADR is perfectly suited to resolving their constituents' disputes, including those that may result from the enactment of the 2010 Patient Protection and Affordable Care Act (PPACA). Topics include:

- The impact of reform on ADR, including changes in payment mechanisms and the formation of accountable care organizations (ACO).
- Mandated supplier and provider compliance programs and U.S. Department of Health and Human Services (HHS) sanctions for non-compliance.
- The Electronic Health Record Provider Mandate and HIPAA (Health Insurance Portability and Accountability Act) privacy issues.
- Economic benefits of, and contracting trends and legal developments in, arbitration of disputes between multiple providers/physicians and national health insurers.

Moderator:

David S. Hefner, *Senior Advisor, Association of American Medical Colleges; Washington, DC*

Faculty:

William F. Jessee, M.D., *FACMPE, FACPM, FACPE, President & CEO, Medical Group Management Association; Englewood, CO*

Melinda Reid Hatton, *Senior Vice President & General Counsel, American Hospital Association; Washington, DC*

8:45 – 9:45 (continued)

Catherine I. Hanson, J.D., *Vice President, Private Sector Advocacy & Advocacy Resource Center, American Medical Association; Chicago, IL*

H. Stephen Lieber, CAE, *President & CEO Health Information Management Systems Society; Chicago, IL*

Paul F. Brown, *Vice President, Deputy General Counsel and Asst. Corporate Secretary Legal and Governance, BlueCross BlueShield Association; Chicago, IL.*

9:45 – 10:30

Using ADR vs. Litigation to Resolve Healthcare Disputes

The panel will discuss cost-control and related benefits of choosing ADR for healthcare disputes and, from the perspective of the CEO of a health insurer, how strong ADR provisions should be used not only for large contracts (PBM and hospital and lab systems) but also for physician and subscriber agreements. The attorney viewpoint will focus on evaluating which ADR solutions (i.e., mediation, arbitration and informal conflict-management programs) are best utilized for particular cases in order to achieve cost-effective and efficient conflict resolution.

Moderator:

Stephen E. Ronai, Esq., *Of Counsel, Murtha Cullina, LLP; Adjunct Professor, Quinnipiac University School of Law (Health Care Regulation); Commercial Arbitrator and Mediator; New Haven, CT*

Faculty:

Harry N. Mazadoorian, Esq., *Distinguished Senior Fellow; Center on Dispute Resolution, Quinnipiac University School of Law; Commercial Arbitrator and Mediator; Hamden, CT*

James E. Purcell, *President & CEO, BCBS of Rhode Island; Providence, RI*

PROGRAM AGENDA (continued)

10:30 – 10:45 Break

10:45 – 11:45

Drafting Effective Healthcare ADR Clauses

Attendees will receive materials with drafting techniques for creating ADR healthcare clauses to effect more economically efficient outcomes. Panelists will address key issues in adapting ADR to the realities of healthcare contractual relationships and to recent developments in Federal Arbitration Act jurisprudence: defining how questions of arbitrability will be resolved; addressing the need for interim injunctive remedies and the prospect of class-based remedies and the integration of mediation protocols.

Moderator:

Robert Matlin, Esq., *Vice President, AAA[®]; Chicago, IL*

Faculty:

Michael Kosnitzky, *Partner, Boies, Schiller & Flexner, LLP; Miami, FL*

Brian Boyle, *Partner, O'Melveny & Myers; Washington, DC*

11:45 – 12:30 pm

How to Successfully Manage Healthcare Arbitrations

Arbitrators, lawyers and parties will learn how to actively manage various aspects of the arbitration process in order to prevent cases transforming into lengthy and costly litigation-like proceedings. From their own experiences, panel members will discuss best practices for streamlining arbitration proceedings—from the claimant's initiation of proceedings through decision-writing—and techniques to help ensure a more efficient, rapid and thorough process.

Moderator:

Sandra K. Partridge, Esq., *Vice President, AAA; New York, NY*

Faculty:

Katherine Benesch, *Partner, Duane Morris; Princeton, NJ*

Peter H. Walsh, *Senior Deputy General Counsel and Litigation Chief, UnitedHealth Group; Minnetonka, MN*

12:30 – 1:45

Networking Lunch (*Executive Dining Room, 6th Floor*)

1:45 – 2:45

Preview of the New Upcoming AAA Healthcare Arbitration Payor Provider Arbitration Rules

Payor Provider reimbursement disputes present a unique set of issues and challenges. This session will preview how the new and as-yet-unavailable AAA Healthcare Payor Provider Arbitration Rules will address cost-control concerns of Payor Provider health-related dispute management.

Moderator:

Craig H. Smith, *Partner, Hogan Lovells US LLP; Miami, FL*

Faculty:

Mitchell E. Zamoff, *Executive Vice President & General Counsel UnitedHealth Group; Minnetonka, MN*

Alan D. Lash, *Partner, Lash & Goldberg LLP; Miami, FL*

2:45 – 3:00 Break

3:00 – 3:45

Accountable Care Organizations & Other Healthcare Collaborations: Using ADR to Avoid Costly Break-Ups

Innovative collaborations and joint ventures in the healthcare industry are possible ways to improve healthcare service quality and reduce some costs. To these ends, the 2010 Patient Protection and Affordable Care Act (PPACA) created the framework for an ACO (Accountable Care Organization) pilot program to begin January 1, 2012. Entities eligible to form ACOs and participate in the pilot program offered by PPACA include physician networks and groups, physicians and hospitals in joint ventures and hospitals employing physicians. This session will focus on how ADR techniques can enable parties in industry collaborations and joint ventures to resolve disputes cost effectively and preserve their working relationships post dispute.

Moderator:

Michael A. Pope, PC, *Partner, Mc Dermott Will & Emery; Chicago, IL*

Faculty:

Jeffrey S. Bromme, Esq., *Senior Vice President & Chief Legal Officer, Adventist Health System; Winter Park, FL*

John H. Parker, *Partner, Parker, Hudson, Rainer & Dobbs; Atlanta, GA*

3:45 – 4:15

Breaking News: Latest ADR Trends

The latest ADR news and trends will be on hand here—as well as the opportunity to get answers from the panel and the audience on individual healthcare-ADR issues and concerns. Hear from the AAA General Counsel as he reviews recent ADR developments, including class action and *vacatur*.

Moderator:

Dale H. Cowan, MD, JD, *President, American College of Legal Medicine; Brecksville, OH*

Faculty:

Eric P. Tuchmann, Esq., *General Counsel & Secretary, AAA; New York, NY*

4:15 Closing Remarks

Michelle M. Skipper, *Vice President, Commercial Division, American Arbitration Association (AAA); Charlotte, NC*

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LOCATION
Gleacher Center, University of Chicago
Booth School of Business
450 North Cityfront Plaza Drive, Chicago, IL
8:45 AM – 4:30 PM, Registration at 7:30 AM

3 Ways to Register

Online at: www.aaauonline.org

Fax completed form and credit card payment (no check copy) to:

1.212.397.9586

Attn: Zon-Wei Cheng, AAA University

Mail completed form with check (payable to American Arbitration Association) to:

Zon-Wei Cheng

Director-Classroom Education & Training,

AAA University

American Arbitration Association

1633 Broadway, 10th Floor

New York, NY 10019-6708 USA

Lodging

A limited number of rooms are available at a reduced rate at the Sheraton Chicago Hotel & Tower, 301 East North Water Street, conveniently located across the street from the Conference facility, Gleacher Center.

Call Reservations at 800.233.4100 or 312.464.1000 (Mention the Group/Reference Code "American Arbitration Association") or

Book online at

www.starwoodmeeting.com/Book/AAAU2010.

Please note the hotel's deposit and cancellation policies.

CLE Credit

This program has been approved by NY State for a total of 6.5 hours of transitional/non-transitional CLE credit (4.5 Skills and 2 Professional Practice). NY State scholarship will be available upon request. The AAA will also be applying for CLE in the following states: California, Illinois, Indiana, Minnesota, Missouri, Ohio, Tennessee, Texas and Wisconsin.

AAA Arbitrators will receive credit for meeting AAA arbitrator continuing education (ACE) requirements for two years. Individuals should contact Neutrals Services at ecenter@adr.org with any questions regarding the status of their continuing education requirements.

Questions?

Registration/CLE:

Email AAAUUniversity@adr.org or call 212.716.3977.

Program/Sponsorship:

Email Michelle Skipper, VP Commercial Division at SkipperM@adr.org or call 704.643.8602.

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Registration Form Please type or print

Name _____

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Email _____

Registration Fees (USD)

Conference fee includes materials, continental breakfast and lunch.

Select One

\$375 Early Registration (through 9/15/10) **\$425 Regular Registration** (after 9/15/10)

Method of Payment

Check # _____ Visa MasterCard American Express

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Registration Policy

Only a completed form with full payment will be processed; one form per attendee. No check copies. Please do not make any travel arrangements until you receive a confirmation email. Should you need to cancel, email or fax your request by 9/30/10 to AAA University for a refund minus \$75 processing fee. We regret that no refunds can be made after this date. Substitutions may be made at any time.