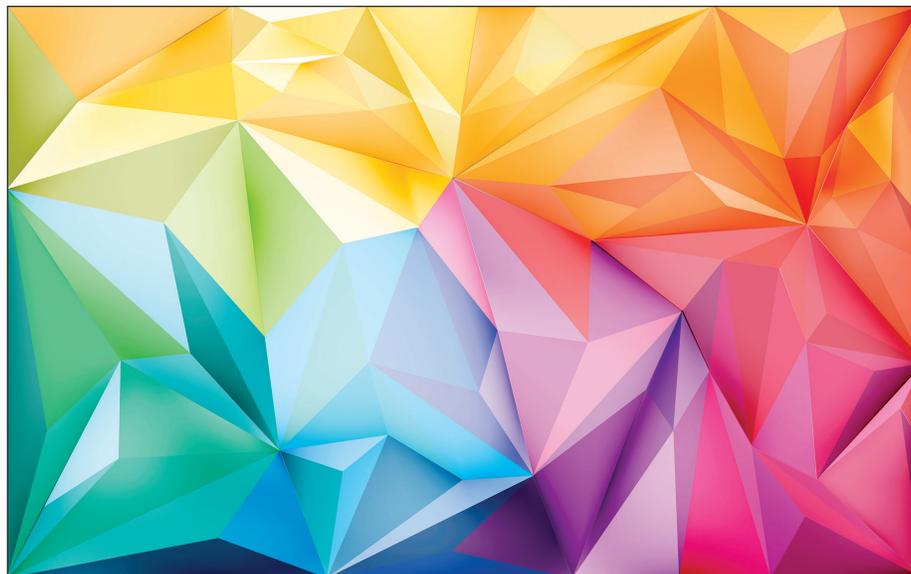


34TH ANNUAL
HEALTH LAW CONFERENCE



PRE-CONFERENCE

April 5, 2023

CONFERENCE

April 6–7, 2023

Royal Sonesta Hotel Houston ■ Houston, Texas

 Live Webcast April 6–7, 2023

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Pre-Conference – MCLE Credit: 2.00 Hours

Conference – MCLE Credit: 12.00 Hours | 0.50 Hours Ethics

Approved in TX, CA, LA, OK, and PA (Hours Vary by State))

TX Board of Legal Specialization Credit Approved for Administrative Law and Health Law

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2023

HEALTH LAW PRE-CONFERENCE

April 5, 2023 ■ Royal Sonesta Hotel ■ Houston, Texas

Earn up to 2.00 Hours of Credit; Approved in TX, CA, LA, OK, and PA (Hours Vary by State)

Specialization Credit Approved for: Administrative Law, Health Law

Times listed are in Central Time

WEDNESDAY EVENING, APR. 5, 2023

*Pre-Conference Concurrent Sessions

Please select on registration form. Each session includes a 15-minute break.

6:00 p.m. Registration Opens

Includes light refreshments.

HEALTH LAW FUNDAMENTALS

7:00 p.m. 2.00 hrs

Health Law Fundamentals

Explore the basics of health law, with an emphasis on fraud and abuse (including the Stark law and the federal anti-kickback statute), managed healthcare, HIPAA, and Medicare coverage and reimbursement issues.

Michelle Huntsman, King & Spalding, Houston, TX
Kenneth J. Kramer, Texas Health Resources,
Arlington, TX
Virginia Alverson Mimmack, Jackson Walker LLP,
Dallas, TX

9:15 p.m. Adjourn

Want to attend more than one Pre-Conference Session on Wednesday Evening? No Problem!

Conference registration includes course materials for *Health Law Fundamentals* and *Issues in Health Law* presentations. In addition, the eConference—including papers, slides, audio, and CLE credit for presentations—will be available in "Your Briefcase" within 4–6 weeks after the conference.

PLEASE NOTE:

Course materials and audio recordings for the *In-House Counsel Hot Topics* panel are not included. Registration is limited to in-house counsel only who attend the live presentation.

ISSUES IN HEALTH LAW

Presiding Officer:

**Yvonne K. Puig, Norton Rose Fulbright,
Austin, TX**

7:00 p.m. 1.00 hr

The More Stark and AKS Change, The More They Stay the Same

Despite recent efforts by CMS and the OIG to modernize their respective regulations interpreting the Physician Self-Referral Law (aka, the Stark Law) and the federal Anti-Kickback Statute, careful attention is still required to avoid administrative, civil, and criminal penalties arising from these laws. This session provides an update on the Stark and Anti-Kickback landscape, including changes to the Self-Referral Disclosure Protocol, notable enforcement actions, recent advisory opinions, and litigation involving the OIG's interpretation of the Anti-Kickback Statute.

Darby C. Allen, Davis Wright Tremaine LLP, Seattle, WA

8:00 p.m. 15-Minute Break

8:15 p.m. 1.00 hr

The End of the Public Health Emergency: Advance Planning for Telehealth Services

Telehealth took a major leap forward with the flexibilities and waivers associated with the COVID-19 public health emergency. With the PHE ending this year, we look at how providers can plan to transition through the end of the PHE and make telehealth a sustainable and permanent feature of their business.

Moderator:
Sheryl T. Dacso, Greenberg Traurig, LLP, Houston, TX

Panelists:
Adam H. Loughton, Greenberg Traurig, LLP,
Houston, TX
Rachel Stauffer, McDermott + Consulting, Chicago, IL

9:15 p.m. Adjourn

PRE-CONFERENCE ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 2.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and Oklahoma Bar Association MCLE presumptively approved provider (#169).

IN-HOUSE COUNSEL HOT TOPICS

7:00 p.m. 2.00 hrs

In-House Counsel Hot Topics (Limited to in-house counsel only)

Participate in an interactive discussion and sharing among in-house counsel panelists and participants. Hear about hot topics for in-house counsel, including updates on state and federal legislation, legal operational matters, and health law regulatory and enforcement matters.

Moderator:

Lance Lightfoot, Texas Children's Hospital,
Houston, TX

Panelists:

Afsheen Davis, Texas Children's Hospital,
Houston, TX
W. Christopher Shea, Memorial Hermann Health
System, Houston, TX
Steve Wohleb, Texas Hospital Association, Austin, TX

9:15 p.m. Adjourn

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Specialization Credit Approved for: Administrative Law, Health Law

 **Live Webcast April 6–7, 2023**

Times listed are in Central Time

THURSDAY MORNING, APR. 6, 2023

Presiding Officer:

**Yvonne K. Puig, Norton Rose Fulbright,
Austin, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

**2023 State and Federal Healthcare
Legislative Landscape**

A discussion on the 2023 election cycle and healthcare regulatory and legislative hot topics at the Texas and Washington, D.C. levels.

Freddy Warner, Memorial Hermann Health System,
Houston, TX

9:15 a.m. .75 hr

**Addressing Health Equity and the Social
Determinants of Health**

Discuss the relationship of social determinants of health on health outcomes and the concept of health equity. Describe new requirements for hospitals and health systems regarding the collection and use of these data to improve the health of their patient populations.

Bryan J. Alsip, University Health, San Antonio, TX

10:00 a.m. .75 hr

**Unionization within the Healthcare Industry:
What You Need to Know if Employees Want
to Unionize**

Labor unionization efforts have resurged in the US generally, and are happening within the healthcare industry specifically, even in Texas. Learn the legal framework under which employees have the right to organize, rights of employers when employees want to unionize, best practices to use when navigating the formation process, and what to expect when a union is formed.

Rufino Gaytán III, Husch Blackwell LLP, Houston, TX
Amy S. Inman, Ascension, Austin, TX

10:45 a.m. 15-Minute Break

11:00 a.m. 1.00 hr

**Medical Staff, Nursing Staff, and Patient
Rights in a Post-COVID Apocalyptic World**

As we move past the pandemic into a post-public health emergency world, hospitals are contending with physician and nursing staffing shortages, changing trends in the use of physicians and advanced practice professionals on medical staffs, increasing violence by patients, and regulatory pressures. The speakers discuss these issues and options for responding to them.

Doug Wolford, Holland & Knight, Nashville, TN
Hilary H. Young, Joy & Young LLP, Austin, TX

12:00 p.m. .75 hr

**The Only Thing Constant is Change: Hospital
Medicaid Reimbursement in 2023 and
Beyond**

Even in the ever-changing world of hospital Medicaid reimbursement, the next few years may be unparalleled. In this presentation, the speakers discuss proposed (or probable) upcoming changes to outpatient reimbursement, inpatient reimbursement, the Disproportionate Share Hospital program, the Uncompensated Care program, and the Comprehensive Hospital Increase Reimbursement Program. Of course, no discussion of hospital reimbursement would be complete without pontificating on the method of finance for private hospital supplemental payments.

Monica Leo, Texas Children's Hospital
Carlos Zaffirini Jr., Adelanto HealthCare Ventures
LLC, Austin, TX

12:45 p.m. Pick Up Lunch

Included in registration.

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THURSDAY AFTERNOON

LUNCHEON PRESENTATION

1:05 p.m. .75 hr

**Reproductive and Maternal Care in an Ever-
Changing Legal Landscape**

A straight-down-the-middle view from the trenches on *Dobbs*, Title X, and Texas state laws.

Brad Nitschke, Parkland Health & Hospital System,
Dallas, TX

1:50 p.m. 10-Minute Break

2:00 p.m. .75 hr

**Managed Care Outlook in 2023:
Perspectives from the Public and Private
Sectors**

The speakers discuss the forthcoming managed care trends of 2023 including a focus on value-based care and alternative payment models, the ongoing effort to address social determinants in our current healthcare landscape, enrollment and coverage issues, and other key topics from industry leaders with strong federal, private, and regulatory backgrounds.

Steven Abramson, UpStream Healthcare, Dallas, TX
Kate Sullivan Morgan, Transcarent, Austin, TX
Janet Walker, Crowell & Moring, LLP,
Washington, DC

2:45 p.m. .50 hr

Managed Care: Arbitration

Hear updates on new trends and issues being raised in arbitrations as defenses or impediments, and how to address them.

Andrew C. Cookingham, Bracewell LLP, Dallas, TX

3:15 p.m. 15-Minute Break

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3:30 p.m. .75 hr

No Surprises Act

The No Surprises Act is intended to protect patients from unexpected medical bills for care received at out-of-network facilities or for out-of-network providers at in-network facilities. This session provides an overview of the Act, penalties for non-compliance, and guidance for what healthcare providers must do to comply with the Act.

Colbey B. Reagan, Holland & Knight, Nashville, TN

4:15 p.m. 1.00 hr | .50 hr ethics

Enforcement Trends Across the Healthcare Industry

The federal government and various states continue to investigate and litigate healthcare fraud cases across all sectors of the industry. Hear an overview of the latest trends in enforcement, including insight from a leading government attorney, and learn what the new theories and trends mean for 2023 and beyond.

James Gillingham, U.S. Attorney's Office for the Eastern District of Texas, Tyler, TX
Wilson G. Jones, Bracewell LLP, Dallas, TX
B. Scott McBride, Morgan, Lewis & Bockius LLP, Houston, TX

5:15 p.m. Adjourn

NETWORKING RECEPTION

5:15 p.m. – 6:15 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

FRIDAY MORNING, APR. 7, 2023

Presiding Officer:

Leah Stewart, Reed, Claymon, Meeker, Krienke & Spurck, PLLC, Austin, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr

Patient and Public Accountability for Error and Harm: The Vanderbilt Nurse Case Revisited

A year after a Tennessee nurse's criminal conviction related to a patient's death at a prominent academic hospital, the case has faded from the news with important legal and ethical lessons for health systems and health professionals still unlearned and seemingly unnoticed.

William M. Sage, Schools of Law, Medicine, and Government, Texas A&M University, Fort Worth, TX

9:15 a.m. .75 hr

Deal Issues and Trends in Today's Market

Economic uncertainty and challenging labor issues may have slowed M&A activity for certain healthcare sectors during the first part of the year, but deal-making is expected to accelerate. This panel discusses industry trends and predictions, as well as important business and regulatory issues when negotiating transactions on behalf of medical groups, hospitals, health plans, technology companies, and private equity funds from both the buyer and seller perspectives.

Moderator:

Hal S. Katz, Husch Blackwell LLP, Austin, TX

Panelists:

Ben Griffith, GI Alliance, Dallas, TX
Kevin Palamara, Provident Healthcare Partners, LLC, Boston, MA
W. Christopher Shea, Memorial Hermann Health System, Houston, TX

IN-PERSON ONLY SESSION

10:00 a.m. .75 hr

Cybercrime and Healthcare: The Threat Landscape and How to Confront It

Cybercrime now presents a significant threat to all industries, but the nature of healthcare information and network-dependent systems places the healthcare industry in a particularly vulnerable position. This panel discusses emerging trends in the cybercrime threat landscape, how to respond to a data breach or ransomware attack, and how to implement best practices to defensively and offensively address these challenges.

Moderator:

Susan Feigin Harris, Norton Rose Fulbright, Houston, TX

Panelists:

Cade R. Cannon, Federal Bureau of Investigation, Austin, TX
D. Ryan Locker, U.S. Attorney's Office, Eastern District of Texas, Tyler, TX

This presentation will not be recorded or broadcast via the live webcast. It will only be available to those registrants who attend in person.

WEBCAST ONLY SESSION

10:00 a.m.

Third Party Breaches and Vulnerability Management

Step right up and hear all about the latest data breaches and cybersecurity issues, including an overview of recent case law in the area and implications for managing vulnerabilities on an on-going basis.

Kristen E Hudson, Dickinson Wright PLLC, Austin, TX

This presentation was recorded on July 27, 2022, and will be broadcast at 10:00 a.m. during the live webcast. The speaker will not be available in real-time to answer questions.

10:45 a.m. 15-Minute Break

11:00 a.m. 1.00 hr

Operational Impact of Significant Cases

Take an in-depth look at the key legal developments and significant cases affecting healthcare operations, including credentialing and liability issues, that impact health systems and other providers. The written materials represent a comprehensive annual survey of noteworthy cases from around the country.

Yvonne K. Puig, Norton Rose Fulbright US LLP, Austin, TX

12:00 p.m. 1.00 hr

Operational Issues for Hospitals

Operational issues affecting both large hospital systems and small rural hospitals including in-hospital do-not-resuscitate (DNR) orders, telemedicine, the Hospital at Home model, and other relevant issues.

Jeff Jowers, University Health, San Antonio, TX
Trent Krienke, Reed, Claymon, Meeker, Krienke & Spurck, PLLC, Austin, TX
Ebon Swofford, Harris County Attorney's Office, Harris Health System, Bellaire, TX

1:00 p.m. Adjourn



UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, registrants will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

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- Health Law Fundamentals
- Issues in Health Law
- In-House Counsel Hot Topics (Limited to In-House Counsel ONLY)

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Includes Electronic Course Binder Download (PDF) in "Your Briefcase."

- Live, In-person Event Registration \$625 | \$675 after March 29
- Live, Webcast Registration \$625 | \$675 after March 29

Conference Printed and Shipped Binder with Registration (Shipping Included) – Available Through Friday, April 7, 2023

Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

Printed and Shipped Course Binder \$70.36 (\$65*)

Conference Webcast Add-on

Register for the in-person conference and add on the webcast format for attendance flexibility.

Webcast Add-on \$75

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Conference eConference \$675

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April 5, 6–7, 2023

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KEY DATES

March 29, 2023

Last day for early registration rates

March 31, 2023

Last day for full refund cancellation

April 3, 2023

Last day for partial refund cancellation

\$50 processing fee applied

April 5, 2023, 7:00 p.m., CT

Pre-conference begins

April 6, 2023, 8:20 a.m., CT

Conference begins

April 7, 2023

Last day to order a printed and shipped course binder with in-person or webcast conference registration.

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