



# FRAUD AND COMPLIANCE FORUM

LEARN. NETWORK. ENGAGE.

Premier Education in Health Law

September 25-27, 2019 | *Baltimore, MD*

Sponsored by:



# FRAUD AND COMPLIANCE FORUM

## Planning Committee

Robert G. Homchick, *Program Co-Chair*

Albert W. Shay, *Program Co-Chair*

Amanda Walker Copsey

J. Reginald Hill

John E. Kelly

Katherine A. Lauer

Ami Sparano

## Learning Objectives

- Gain a greater understanding of regulations (Stark, False Claims Act, Anti-Kickback Statute) and enforcement efforts in these areas
- Learn how emerging regulatory trends, recent case law, and legislative development will affect legal and compliance practices in health care
- Network with peers and learn about the challenges and risk areas faced by plans and providers

## Program Sponsor



## Luncheon



## Women's Networking Breakfast



## Compliance Networking Breakfast



## Wifi



## Mobile App



## Signage



## Keycard



## Exhibitors

BKD

BRG Healthcare LLC

Carnahan Group

Clearwater

Coker Group

H5

HealthCare Appraisers Inc

HealthCare Compliance Network

HMS Valuation Partners

JND eDiscovery

Ntracts Inc

Pinnacle Healthcare Consulting

Protiviti

PYA

Realty Trust Group

Simione Healthcare Consultants LLC

Veralon Partners

VMG Health

## Hotel Information

### Renaissance Harborplace Hotel

The Gallery Mall  
Baltimore, MD 21202  
Phone: (410) 547-1200

Hotel accommodations are not included in the registration fee. Call Renaissance Harborplace Hotel at (410) 547-1200 and indicate that you are attending the AHLA program or go online to <https://book.passkey.com/go/AHLA19>. Rooms at the group rate of \$209 single/double occupancy are limited and may sell out prior to the **Tuesday, September 3, 2019** cut-off.

## Registration Fees:

### Postmarked and paid on or before September 3, 2019

**\$895** first AHLA Member

**\$820** each additional AHLA Member

**\$795** first AHLA In-House Counsel/Compliance Officer Member

**\$720** each additional AHLA In-House Counsel/Compliance Officer Member

**\$1070** In-House Counsel/Compliance Officer Non-Member

**\$1170** Non-Member

### Postmarked and paid between September 4-17, 2019\*

**\$1045** first AHLA Member

**\$970** each additional AHLA Member

**\$945** first AHLA In-House Counsel/Compliance Officer Member

**\$870** each additional AHLA In-House Counsel/Compliance Officer Member

**\$1220** In-House Counsel/Compliance Officer Non-Member

**\$1320** Non-Member

### Discounts

**\$100** off full applicable rate for Solo Practitioner

**\$595** AHLA Government/ Academician/ Public Interest Professional Members

**\$695** Government/ Academician/ Public Interest Professional Non-Members

### Luncheon

**\$60** AHLA Member

**\$70** Non-Member

*\* Fees increase \$100 after this date*

## Continuing Education Credit Information

**CLE/MCLE:** AHLA will be applying for 17.0 credits (including 2.0 ethics credit) for 60-minute states and approximately 20.4 credits (including 2.4 ethics credit) for 50-minute states.

**CPE:** AHLA will be applying for 20.0 CPE credits.

AHLA is registered with the National Association of State Boards of Accountancy (NASBA) as a

sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Ave. North, Suite 700, Nashville, TN 37219-2417. NASBA's website is [www.nasba.org](http://www.nasba.org).

**CCB:** AHLA will be applying for 20.4 Compliance Certification Board (CCB) credits.

Participants will be given Continuing Education Request forms at the program. Forms must be completed and returned to AHLA staff to receive credit. The sessions, unless otherwise designated, are intermediate to advance in level. This program is designed to be an update on developments in the area of fraud and compliance health law. There are no prerequisites or advanced preparations required to register for this group live program. Those seeking accounting credits should be familiar with the basic concepts and terminology associated with health law in order to obtain the full educational benefit of this program.

## Membership

Dues are \$235 for those admitted to the Bar/ graduated from college within the last four years; \$355 for those admitted/graduated between four and seven years ago; and \$400 for those admitted/ graduated eight or more years ago. Dues are \$120 for government employees and full-time academicians; \$190 for Solo Practitioner in Private Practice, \$105 for paralegals, \$125 for public interest professionals, and \$100 for retired professionals. Include the applicable membership fee with your registration form and take advantage of the program registration fee for members.

## Cancellations/ Substitutions

Cancellations must be received in writing no later than September 13, 2019 and sent to Dorothy Johnson: [djohnson@healthlawyers.org](mailto:djohnson@healthlawyers.org). Registration fee, minus the \$150 administrative fee, will be refunded approximately 3-4 weeks following the program in the same form of tender as the original payment. Refunds will not be issued for cancellations received after the cancellation date, to include no-shows.

**Substitutions will be accepted, in writing to AHLA ([djohnson@healthlawyers.org](mailto:djohnson@healthlawyers.org)), up to 2 business days prior to the event date on a one time basis.** Note, that the registration fee is based on AHLA membership status of the individual who actually attends the program. Non-member substitutes will be charged the fee difference if they are substituting for a member-discounted registration.

Transfer to an upcoming event within one year of equal or higher value is available on a one time basis only, and should be received in writing to AHLA ([djohnson@healthlawyers.org](mailto:djohnson@healthlawyers.org)) no later than 2 business days prior to the event. An administrative fee of \$150 will be charged for a transfer request.

## Special Needs

If you have needs requiring special assistance or accommodations, including special dietary needs, or have questions about accessibility issues at the program, contact our special needs coordinator, **Valerie Eshleman at (202) 833-0784 or [veshleman@healthlawyers.org](mailto:veshleman@healthlawyers.org)**.

## Spouse/Guest Fee

For an additional \$30 spouses and adult guests can register to attend the reception on Wednesday and Thursday evenings and the breakfasts on Thursday and Friday mornings. Please sign up on the registration form. (Children are welcome to attend these events at no additional charge.)

## Travel

ATC Travel Management (ATC) has negotiated discounts with Delta, Hertz, and Alamo to bring you special fares and car rental rates lower than those available to the public. Discounts apply for travel for AHLA 2019 meetings, discounts available 3 days pre/post meeting start/end dates. Restrictions and a service fee may apply. ATC will also search for the lowest available fare on any airline.

### ASSOCIATION TRAVEL CONCEPTS

1-800-458-9383

email: [reservations@atcmeetings.com](mailto:reservations@atcmeetings.com)

<http://www.atcmeetings.com/ahla>

*ATC is available for reservations from 8:30 am until 8:00 pm Eastern, Monday through Friday.*

For the most up-to-date information and to register, visit our website at: **[www.healthlawyers.org/AHLAFraudComp19](http://www.healthlawyers.org/AHLAFraudComp19)**



# Wednesday, September 25, 2019

10:30 am-5:45 pm

## Registration and Information

11:00 am-1:00 pm

## Billing and Coding Bootcamp

*Michael D. Miscoe*

*Robert A. Pelaia*

*Leonta (Lee) Williams*

- The basics of procedural (CPT) coding
- General guidance on use of the CPT coding manual
- Common issues associated with coding billing disputes
- Common legal/compliance issues based on coding

1:00-2:00 pm

## Lunch on your own

### CONCURRENT SESSIONS

2:00-3:15 pm

## Extended Sessions

### A. Stark Law: A Fundamentals Discussion (*not repeated*)

*Matthew Edgar*

*Joseph C. Hudzik*

- Basic Stark Law elements to provide a solid foundation in the key terms and concepts
- How to identify potential Stark Law compliance issues in various situations, including compliance reviews, contracting, disclosures, investigations, and transactions
- Real-world examples to help understand how to address Stark Law issues, including how to talk to operators and ensure compliance with the law
- Ability to approach more complex Stark Law problems by understanding the key tools and resources needed to address identified Stark Law compliance issues

### B. Is the Sky Really Falling? A Discussion of the Eliminating Kickbacks in Recovery Act ("EKRA")

*Charles C. Dunham*

*David W. Gee*

*Gulshan Shaver*

- EKRA (Section 8122 of the Support for Patients and Communities of 2018)
- EKRA safe harbors
- Comparison with Anti-Kickback Statute (AKS) and Stark Law
- Confusion over AKS preemption provision
- Status of regulations, guidance and enforcement
- Implication on laboratory industry and common industry practices permissible under AKS exceptions, safe harbors or guidance
- Perspectives and challenges faced by the in-house counsel / compliance officer of laboratory company
- Unanswerable questions and recommendations of best practices for compliance

### C. Due Diligence in the Era of Value-Based Payments: A Counsel and Compliance Officer's Guide to a 2019 Compliance Review

*Alaina N. Crislip*

*Andrea M. Ferrari*

*Clevonne M. Jacobs*

- New and emerging "hot button" risks and examples of new things to look for when doing a due diligence compliance review in the current era of value-based payment and criminal enforcement activity. As we enter the next phase of the "Regulatory Sprint to Coordinated Care" and a new wave of focus on the opioid crisis, we have reason to look both back and ahead at what evolving laws, regulations, and enforcement trends mean for risks and realities of compliance reviews, including challenging questions raised by the various options and pathways for achieving the new goals of coordinated, accountable and clinically integrated care
- Recent changes and trends in both state and Federal laws, including billing rules and regulatory enforcement, and how they are creating new focus areas for compliance reviews

- How the early results of the "Regulatory Sprint to Coordinated Care" may be changing the rules of thumb, or perhaps not
- Difficult paradoxes of a 2019 compliance review, including:
  - New enforcement trends that may be counter to prevailing compliance practices
  - Ways in which arrangements that lack financial risk may actually increase regulatory risk, or vice versa
  - Circumstances under which high productivity and high compensation may actually be more risk than less
  - Ways in which financial incentives to improve care quality and coordination may increase regulatory risk and, conversely, ways in which financial incentives to reduce regulatory risk may increase the risk of falling short on goals of care quality and coordination

### D. Beyond Refunds: Coding Review, Error Rates, and Statistical Sampling under the 60 Day Overpayment Refund Statute and the Related Impact on Health Care Transactions

*J. Stephen Hinkle*

*Ethan E. Rii*

*Robert L. Roth*

- The 60-Day mandatory refund statute, its implementing regulations, and its False Claims Act implications
- The effect of the 60-Day refund requirement on provider operations and compliance programs
- Practical considerations when investigating potential overpayments, including when performing coding reviews, addressing error rates, and using statistical sampling
- Potential Impact to M&A health care transactions, including timing/impact of due diligence review, negotiating and allocating associated risks in the definitive documents, and addressing post-closing resolution of outstanding refund obligations
- The effect of the 60-Day refund statute on overpayments involving Medicaid, Medicare Advantage, and Medicaid Managed Care plans
- How materiality affects overpayment refund determinations

## E. Cooperating with the Government: Yesterday, Today, and Tomorrow. What's the Difference?

*William Abely*

*Lisa S. Rivera*

*Stephanie Toussaint*

- The Government's perspective on cooperation since Yates and the recent Department of Justice Manual revisions
- Considering cooperation as a path to resolution
- Practical considerations in cooperation decisions
- Impact from the timing and scope of cooperation
- Best practices and mistakes to avoid during cooperation

**3:30-4:30 pm**

## F. Anti-Kickback Statute/CMP Primer (*not repeated*)

*Samantha C. Flanzer*

*J. Patrick Garcia*

- The nuts and bolts of the Federal Anti-Kickback statute and beneficiary inducement provisions of the CMP and real-world examples to explain the two statutes, their prohibitions, and their exceptions and safe harbors
- Purpose and prohibitions of the AKS, plus its exceptions and safe harbors
- The beneficiary inducements CMP, including its exceptions
- Relationship between the AKS and the False Claims Act
- How to use OIG's Advisory Opinions and other guidance documents to avoid running afoul of the AKS and beneficiary inducements CMP

## G. Privacy and Security Nuts and Bolts (*not repeated*)

*Serena E. Mosley-Day*

*Helen Oscislawski*

- Who are covered entities and business associates under HIPAA
- The Privacy, Security, and Breach Notification Rules
- The Privacy Rule's limits on uses and disclosures, individual privacy rights, and administrative requirements

- The Security Rule's requirements for administrative, physical, and technical safeguards
- The Breach Notification Rule, and impact of equivalent state law notification requirements

## H. The Time is Still Now—Medicare Advantage/Medicaid Managed Care at the Front of Enforcement (*Advanced*)

*Wayne T. Gibson*

*Daniel Meron*

*Megan Tinker*

- The trend in case rulings and the trend in enforcement actions against Medicare and Medicaid Managed Care providers and their contactors—what has changed and what is new?
- What do smaller enforcement actions and trends suggest regarding industry oversight?
- Are regulations changing or is enforcement increasing? Thoughts on Call Letters and other items
- Key considerations for health plans, providers, and third party vendors

## I. The ABCs of Compliance: Accountability, Best Practices and Consistency for Home Health & Hospice Companies

*Jacinta Alves*

*Nancy Brown*

*Kathleen A. Hessler*

- The different areas of compliance under scrutiny by the government with an emphasis on payment compliance
- The government's focus in auditing, investigating and collecting alleged overpayments in reference to the Medicare and Medicaid Home Health and Hospice benefits
- Implementing sound compliance practices through accountability, best practices, and consistency
- Best approach and practices in communicating or disclosing overpayments and in working with government attorneys during investigations and in negotiating settlements and CIAs

## J. Recurring Problems in Physicians Compensation, and How to Resolve Them

*Albert D. Hutzler*

*Teresa A. Williams*

- How counsel and valutors evaluate physician compensation as part of the transaction diligence process
- When problems arise with physician compensation, how are they addressed and resolved in sufficient time to meet transaction deadlines
- Examination of some common recurring types of physician compensation issues that arise, including:
  - Compensation that may be based on incorrect or misapplied survey data (including issues selecting the appropriate specialty category)
  - Compensation that may be based on inaccurate historical production data – failure to adjust for modifiers, miscalculations, etc.
  - Compensation that may take into account the volume or value of referrals (whether or not intentional)
  - Lack of clarity in drafting the compensation provision leading to implementation challenges down the road e. How to align compensation with quality/value
  - What can be included in profitability bonuses
- When physician compensation issues cannot be resolved easily, what are the options, and are there any creative ways to think about the situation
- Other examples, and questions and answers

**4:45-5:45 pm**

## K. False Claims Act Primer (*not repeated*)

*Erica Blachman Hitchings*

*Kirk Ogrosky*

- Elements of False Claims Act (FCA) liability
- FCA qui tam provisions and procedural bars
- "Reverse False Claim" liability
- Key Legal Developments in FCA Law
- Hotspots for FCA Enforcement

## L. Demystifying the Valuation: Understanding Fair Market Value and Evaluating the FMV Opinion for Compliance

(not repeated)

Amy L. Johnson

Jessica E. Stack

- Regulatory structure in regard to FMV and commercial reasonableness (CR)
- Define roles and responsibilities for lawyers, compliance officers, and valuers in relation to FMV and CR
- FMV and CR definitions and common approaches
- When, how, and why a valuation opinion should be obtained
- Context through real-world examples to clarify common misunderstandings about fair market value

## M. Legal Ethics: Protecting the Attorney Client Privilege in a Compliance Program

William W. Horton

Ami Sparano

- The attorney-client privilege: What it is .. and what it isn't
- Privilege vs. the ethical duty of confidentiality
- Why does privilege matter in a compliance investigation?
- Our compliance officer is a lawyer, so this is all privileged ... right?
- Structuring compliance investigations to protect the privilege

## N. Beneficiary Inducement Prohibition Case Studies (Advanced)

Timothy P. Blanchard

Stewart W. Kameen

- Copayment waivers
- Promoting access to preventive services and other health care
- The Financial Need-Based exception
- Local transportation and shuttle services
- Nominal value analysis

5:45-6:45 pm

## Networking and Diversity+ Inclusion Reception, hosted by AHLA's Diversity+ Inclusion Council, sponsored by HealthCare Appraisers, Inc.

Grab a drink and a few hors d'oeuvres after a full day of learning. Network with AHLA leaders and your fellow colleagues and learn more about AHLA's diversity and inclusion initiatives. Attendees, faculty, and registered adult, teen, and youth guests are all welcome to attend.

*This event is included in the program registration fee. Attendees, faculty, and registered guests are welcome.*

## Thursday, September 26, 2019

7:00 am-5:45 pm

### Registration and Information

7:00-7:50 am

### Compliance Professionals Networking Breakfast, sponsored by Pinnacle Healthcare Consulting

*This event is included in the program registration; limited attendance; pre-registration required.*

7:00-8:00 am

### Continental Breakfast, sponsored by HealthCare Appraisers, Inc.

This event is included in the program registration fee. attendees, faculty, and registered guests are welcome.

## GENERAL SESSION

8:00-8:15 am

### Welcome and Introductions

S. Craig Holden, AHLA President-Elect

Robert G. Homchick, Program Co-Chair

Albert W. Shay, Program Co-Chair

8:15-8:45 am

### Keynote Address: Revolutionizing Fraud and Abuse Enforcement and Compliance

Joanne Chiedi

- OIG's work: Priorities and what is next
- How OIG is using technology to change enforcement and compliance
- Opportunities and pitfalls for technology and non-traditional entities in health care

8:45-9:45 am

### Data Analytics and Artificial Intelligence. Understanding the As-Is. Envisioning the What-If

Margaret Hambleton (Moderator)

Caryl N. Brzymialkiewicz, PhD

Timothy M. Persons, PhD

Jack Resneck, Jr, MD

- What Artificial Intelligence is and what it is not
- Current advancements using data analytics/ AI in clinical practice and throughout the government
- Risks and challenges associated with advanced data analytics/AI
- Opportunities to improve health care delivery as well as fraud prevention and detection using these tools

9:45-10:05 am

### HHS Regulatory Sprint

Eric D. Hargan

**10:05-11:15 am**

## Year in Review

*Robert G. Homchick*

- Recent trends in false claims act cases, settlements and recoveries
- Escobar and the materiality standard
- The Yates Memo on individual culpability in action
- The Granston Memo and dismissal of qui tam actions
- The Brand Memo and the impact of the Supreme Court's Allina Decision
- Rise of downside risk requirements in ACOs and Bundled Payment Initiatives
- EKRA, the opioid crisis and enforcement initiatives
- HIPAA developments and data breach enforcement trends
- The health care reform wars
- Notable items you may have missed

**11:15-11:45 am**

## Coffee Break

*Exhibits Open—Meet the Exhibitors*

### CONCURRENT SESSIONS

**11:45 am-12:45 pm**

## O. Voluntary Repayments: The Special Issues for Physicians (Advanced) (not repeated)

*Alice G. Gosfield*

- Regulations including inconsistencies between the prefatory statements and the regulations themselves
- Physician practice obligations to address in the compliance program and how to fulfill them
- The disconnects between the OIG's Model Compliance Guidance for physician practices and these regulations
- The intersection of these obligations with billing company contracts

- The challenges of identifying the scope of the repayment (defining the sample, paying every claim, extrapolating, how far back to look)
- The link to the enhanced significance of external audit results and how to prevent bad results in the first place
- The implications of Escobar
- Contract language for employment agreements, practice lease agreements and shareholders' agreement

## P. Hot topics in Health Care Cybersecurity

*Marti Arvin*

*Nicholas Heesters*

- Recent OCR breach and enforcements stats and trends
- What you can be doing to protect your organization
- Why good incident response can help the organization
- OCR resolution agreements, what are the primary issues

## Q. Fraud and Abuse Issues in Telehealth/Medicine

*Laura Laemmle-Weidenfeld*

*Terrence Lewis*

- Impact of recent telehealth reimbursement changes on fraud and abuse concerns
- The evolution of telehealth models in today's health systems and the fraud and abuse challenges they present
- Unique issues arising in academic medical center context
- Focus of increased law enforcement scrutiny in telehealth

## R. False Claims Act Update

*Jonathan L. Diesenhaus*

*Benjamin C. Wei*

Discussion about recent legal and policy developments in the false claims act context, including:

- New DOJ policies on defendant cooperation and DOJ dismissal motions

- Recent cases addressing medical necessity as a basis for liability including differences in medical opinion
- How courts have applied the U.S. Supreme Court's Escobar decision and the continuing evolution of implied certification FCA theories
- Case law developments in pleading standards, including discussion of public disclosure and 9(b) requirements
- Establishing causation in FCA enforcement actions

## S. 2019 Clinical Laboratory Enforcement and Regulatory Update

*Joyce E. Gresko*

*Danielle M. Sloane*

- High-risk compliance areas for laboratories, including paying kickbacks for test orders, contract sales, unbundling, pass-through billing, and medical necessity
- Recent cases and settlements involving clinical laboratories related to Stark, Anti-kickback and other billing violations and the implications of those cases for other laboratories. Cases to be discussed include the recent \$63.5m settlement with Inform Diagnostics (formerly Miraca Life Sciences, Inc.), an update on the Boston Heart Diagnostics' qui tam related to medical necessity of certain tests, kickback settlements with commercial payers, and others
- The Eliminating Kickbacks and Recovery Act (EKRA), a new all-payor kickback law applying to all laboratory services
- Where did EKRA come from and what do we do now?
- How laboratories are handling the new law, particularly with respect to their marketing employees and contractors
- What kinds of conduct is and isn't permissible for labs?
- Steps laboratories can take to mitigate risks and avoid mistakes others have made



**12:45-2:15 pm**

**Lunch on your own or attend the luncheon, hosted by the Fraud and Abuse Practice Group, sponsored by BRG Healthcare LLC**

**Topic: Interacting with the Government: Lessons Learned and Best Practices**

**Joan Dailey**, *Supervisory Attorney, CMS Division, Office of the General Counsel, US Department of Health and Human Services, Washington, DC*

**Vicki L. Robinson**, *Senior Counsel for Policy, Office of the Inspector General, US Department of Health and Human Services, Washington, DC*

**Lisa Ohrin Wilson**, *Senior Technical Advisor, Centers for Medicare and Medicaid Services, Baltimore, MD*

This event is not included in the program registration; there is an additional fee; limited attendance; pre-registration required.

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**CONCURRENT SESSIONS**

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**2:30-3:45 pm**

**Extended Sessions**

**T. Rules v. Sub-Regulatory Guidance—The Implications of the Allina and Kisor Decisions (Advanced) (not repeated)**

*Lloyd A. Bookman*  
*Daniel J. Hettich*

In *Azar v. Allina Health Services*, the Supreme Court held that the Medicare statute, in contrast to the APA, required CMS to adopt even “interpretative” rules through notice and comment rulemaking if those rules have a substantive legal effect on reimbursement. In *Kisor v. Wilkie*, the Supreme Court reconsidered, but ultimately upheld, the significant deference given to agencies when interpreting their own regulations (known as *Auer* deference). Both of these decisions have significant, and in some ways conflicting, implications for fraud and abuse

claims based on alleged violations of sub-regulatory, regulatory, or statutory requirements. This session will explore the significance of these decisions including the:

- Enforceability of sub-regulatory guidance after *Allina*
- Impact of *Allina* on self-reporting
- Tension between *Allina* and *Kisor*
- Intersection with delegation issues
- Whether an FCA claim can now be based on alleged violations of manual provisions or LCDs

**U. Settling False Claims Act Cases with The Government (Advanced) (not repeated)**

*Karen S. Glassman*  
*Charles Graybow*  
*Jack Wenik*

- Current trends in False Claims Act settlements, including the effect of *Universal Health Services v. United States ex rel. Escobar*
- Negotiating False Claims Act settlements, including special situations such as reverse false claims, drafting False Claims Act settlement agreements, and interacting with the OIG from the defense and government perspectives
- Secondary settlement concerns such as publicity, relators, relators’ counsel fees, preventing new litigation

**V. Navigating Safely Through the Marketing Arrangements Minefield (Advanced)**

*Jacqueline C. Baratian*  
*Jerry M. Chang*  
*Tony R. Maida*

- Federal and state regulatory compliance issues with marketing arrangements, including the federal anti-kickback statute, Eliminating Kickbacks in Recovery Act (EKRA), and selected state laws
- Recent federal enforcement activities concerning marketing arrangements
- Insight on risk mitigation and compliance oversight of marketing activities
- Fair market value and commercial reasonableness considerations

**W. Avoiding the Top 10 HIPAA Compliance Pitfalls**

*Jenny Barnes*  
*Stacey D. Houser*  
*Thora A. Johnson*

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is the data privacy and security law with which covered entities and their business associates must comply. Not only is the HHS, Office of Civil Rights, but now also State Attorneys General are, actively enforcing HIPAA and related state laws, levying significant monetary penalties for noncompliance.

- HIPAA’s data privacy and security requirements
- The top 10 compliance challenges that covered entities and their business associates face in 2019 and beyond
- Strategies to minimize violations in this high-risk environment

**B. Is the Sky Really Falling? A Discussion of the Eliminating Kickbacks in Recovery Act (“EKRA”) (repeat)**

**4:00-5:00 pm**

**X. Board Compliance Training—What’s it All About (not repeated)**

*Michael W. Peregrine*  
*Tamar V. Terzian*

- Importance of Board Compliance Training
- New DOJ policies on compliance and cooperation
- Trends re: Chief compliance officer autonomy
- OIG’s perspective and lessons from recent CIAs
- Trends in individual accountability
- New decisions affecting board Caremark liability



## Y. Ethical Considerations in Health Care Fraud Investigations *(not repeated)*

John H. Lawrence

Jonathan A. Porter

The presentation will cover ethical considerations during the various stages of health care fraud litigation/investigations, including at the time a qui tam complaint is filed; during the investigative stage; and during settlement/resolution. The presentation will cover the ethical considerations for counsels for relators, defendants, and the government.

- Qui Tam Filing/ Pre-Investigation
  - Filing a Qui Tam, government considerations
  - Defendants' counsel; monitoring/ preventative actions; confidentiality / non-disclosure Agreements / employee liability releases
- Investigation/ Litigation
  - Government: Duty of diligence: investigate each complaint? Contact with represented / unrepresented parties; parallel proceedings; role of relator; Rule 4.4(a); PHI - seal issues; length of investigation
- Relator
  - Constrained discovery
  - Seal period; active government investigation
  - Relator's unauthorized retention of corporate documents
- Defendants
  - Who's the client?
  - Representing the organization
  - Dealing with represented/ unrepresented parties
- Settlement / Resolution
  - Ethical constraints and responsibilities for government attorneys, structure of defendant's proposal, and "lump sum" offers
  - Government's Interests v. Relator's Interests
  - Declined cases; scope of government's involvement
  - Retaliation cases: Inflation?
  - Non-retaliation cases: Attorney's fees?
  - "Unusual" negotiated terms
  - Dismissal—Rule 3.1/FRCP Rule 11

## Z. Advanced Antikickback and Stark: Case Studies and New Developments *(Advanced)*

Albert W. Shay (Moderator)

Susan A. Edwards

Lisa Ohrin Wilson

## J. Recurring Problems in Physicians Compensation, and How to Resolve Them *(repeat)*

## P. Hot topics in Health Care Cybersecurity *(repeat)*

5:15-5:45 pm

## AA. Emerging Administrative Enforcement Tools and Update *(not repeated)*

Robert M. Penezic

Lisa Re

- OIG CMPs and Exclusions—affirmative litigation
- Enhanced use of data analytics for case identification and development
- Coordination with OIG component work
- Grant and contract CMPL
- Information Blocking CMPL

## BB. Nurse Practitioners: Emerging Compliance Issues

Carolyn Buppert

- Part B billing: Rules differ depending on the rendering provider—nurse practitioner, physician, or when the clinical work is shared (incident to)
- Part A cost report issues: Generally, nurse practitioner costs should not be on the report
- Stark Law: Hospitals should not employ nurse practitioners and allow self-employed physicians to utilize the nurse practitioners' services
- Prescribing fraud: New guidelines on prescribing opioids have opened up a new line of fraud cases against nurse practitioners
- Compliance professionals should have general knowledge of state and national guidelines for prescribing opioids for chronic, noncancer pain and develop policies for their organization on use of the guidelines

## CC. Recent Developments in 340B Compliance

Barbara Straub Williams

- The 340B program provides significant savings to many safety net providers and compliance with the program's requirements, as well as related Medicaid and Medicare billing requirements, is a significant concern. This session will discuss the status of the program, including trends in compliance and auditing. The session will discuss the following topics, among others:
- Strategies to promote compliance with 340B drug diversion, duplicate discount, and GPO prohibition
- Examples of State requirements to address duplicate discounts
- The status of the American Hospital Association's lawsuit contesting the payment reduction for Medicare Part B drugs

## DD. Hot Topics in Behavioral Health

Constance L. Foster

- The Federal response to the Opioid Crisis
- Statutory and regulatory actions to increase access to substance use disorder treatment

## EE. Risk Assessment Surrounding Provider-Based Status and Outpatient Hospital Services

Lawrence W. Vernaglia

- Recommendations for risk assessment and auditing of provider-based entities
- Key challenges with site-neutrality including relocations, change of services, and the impact of temporary non-compliance
- Managing faculties that includes both free-standing and hospital-based activities (co-location guidance, provider-based compliance challenges and BiBA Section 603)
- Timeshares and other fraud and abuse considerations in provider-based facilities

5:45-6:45 pm

## Networking Reception, sponsored by HealthCare Appraisers, Inc.

*This event is included in the program registration. Attendees, faculty, and registered guests are welcome.*

# Friday, September 27, 2019

7:00 am-3:00 pm

## Registration and Information

7:00-7:50 am

### Networking Breakfast, hosted by AHLA's Women's Leadership Council, sponsored by Simone Healthcare Consultants, LLC

*This event is included in the program registration; limited attendance; pre-registration required.*

7:00-8:00 am

### Continental Breakfast, sponsored by HealthCare Appraisers, Inc.

*This event is included in the program registration fee. Attendees, faculty, and registered guests are welcome.*

## CONCURRENT SESSIONS

8:00-9:15 am

## Extended Sessions

### FF. Travel Act Case Studies: Anti-Kickback Implications & the Future of Federal Enforcement (not repeated)

Jacob T. Elberg  
Katherine Pfeifle  
Andrew Wirmani

- How has DOJ utilized the Travel Act and other statutes to address bribery beyond government program money?
- What legal challenges have been brought to this theory, and how have courts ruled?
- What is the impact on compliance programs?
- What new developments are on the horizon?

### GG. Health Care Fraud Enforcement Current Trends (not repeated)

Alec (A.G.) Alexander  
Joseph Beemsterboer  
Gary L. Cantrell  
Michael R. Schulze

- Important recent court decisions and settlements
- Enforcement trends and initiatives HEAT Strike-force Enforcement
- Updates from Centers for Program Integrity auditing and enforcement initiatives

### C. Due Diligence in the Era of Value-Based Payments: A Counsel and Compliance Officer's Guide to a 2019 Compliance Review (repeat)

### V. Navigating Safely Through the Marketing Arrangements Minefield (Advanced) (repeat)

### W. Avoiding the Top 10 HIPAA Compliance Pitfalls (repeat)

9:30-10:30 am

### HH. A Practical Approach to Risk Assessment and How it Ties to Compliance Effectiveness (not repeated)

Elizabeth Wade

- How risk assessment, monitoring and auditing, compliance work plans and reporting drive compliance effectiveness
- How to use your risk assessment results to develop monitoring and auditing plans and compliance work plans to improve your compliance effectiveness
- How to quantify and track results to demonstrate compliance effectiveness to your compliance committee and board
- Tools and resources to help you assess your organization's compliance effectiveness and measure results

### II. MD Anderson v. OCR-OCR Enforcement of Alleged HIPAA Violations (Advanced)

Krista M. Barnes  
B. Scott McBride

- OCR enforcement activities
- The pending appeal MD Anderson v. OCR, where MD Anderson is challenging the legal basis for the proposed CMP against MD Anderson
- Facts underlying the appeal and the legal arguments made in the appeal by the OCR and by MD Anderson
- Issues for consideration by providers in OCR investigations

### I. The ABCs of Compliance: Accountability, Best Practices and Consistency for Home Health & Hospice Companies (repeat)

### N. Beneficiary Inducement Prohibition Case Studies (Advanced) (repeat)

### Q. Fraud and Abuse Issues in Telehealth/Medicine (repeat)

10:45-11:45 am

### JJ. Set-up for Success—Enterprise-wide Compliance Check-up and Physician Arrangements (not repeated)

Richard Chasinoff  
Margaret Davino

Organizations maintain many diverse arrangements with their physicians, including those to secure professional services under employment and independent contractor relationships as well as other administrative and support services agreements. Each of these must be compliant with all applicable laws, including the Stark, Anti-Kickback, Civil Monetary Penalties law, and the excess benefit regulations for tax-exempt organizations. Assuring that these arrangements are compliant is complex. This presentation will focus on best practices to assure ongoing compliance including:

- A contract review and inventory system to ensure compliance with Stark law requirements re a master list
- The contract review and inventory, including assessing administrative vs. clinical duties, paying for time allocated to teaching, and how productivity is measured
- Compensation, recruitment, and related policies and procedures that support consistency of approach and reliably yield total compensation that is consistent with FMV and arrangements that are commercially reasonable
- Fair market value and complicated scenarios
- Difference between fair market value and commercial reasonableness
- Organization-wide processes to assure that policies remain current, compliant with regulatory standards, and assure minimal ongoing intervention
- Compensation review processes to identify any outliers and restructuring problematic relationships
- Whether standards vary if there are no federal dollars involved
- What to do if a contract has expired, lapsed or terminated

## **M. Legal Ethics: Protecting the Attorney Client Privilege in a Compliance Program** *(repeat)*

## **Z. Advanced Antikickback and Stark: Case Studies and New Developments** *(Advanced)* *(repeat)*

## **10:45 am-12:00 noon** **Extended Sessions**

### **D. Beyond Refunds: Coding Review, Error Rates, and Statistical Sampling under the 60 Day Overpayment Refund Statute and the Related Impact on Health Care Transactions** *(repeat)*

### **E. Cooperating with The Government: Yesterday, Today, and Tomorrow. What's the Difference?** *(repeat)*

## **11:45 am-1:00 pm**

### **Lunch on your own**

#### **CONCURRENT SESSIONS**

## **1:15-2:15 pm**

### **KK. Proactive Claims Auditing Strategies and Self-Dis-closures under the Federal Overpayments Rule** *(not repeated)*

*Susan J. Banks*

*Cornelia Dorfschmid*

- Provider's/supplier's "report and return" obligations under the federal Overpayments Rule (SSA § 1128J(d)), including its intersection with the federal civil False Claims Act
- Implications of UnitedHealthcare Ins. Co. vs. Azar, No. 16-0157 (D.D.C.)
- The challenge to address what can constitute sufficiently "credible information" of a potential overpayment, particularly in the context of routine or proactive documentation and coding compliance reviews
- The scope of the duty of "reasonable diligence" in the context of self-audits of paid claims and effective Compliance Programs, with a focus on key audit design considerations
- "Dos" and "don'ts" for internal investigations and reviews and practical issues and considerations in implementing proactive claims review strategies

### **H. The Time is Still Now—Medicare Advantage/Medicaid Managed Care at the Forefront of Enforcement** *(Advanced)* *(repeat)*

### **R. False Claims Act Update** *(repeat)*

## **S. 2019 Clinical Laboratory Enforcement and Regulatory Update** *(repeat)*

## **II. MD Anderson v. OCR—OCR Enforcement of Alleged HIPAA Violations** *(Advanced)* *(repeat)*

## **2:30-3:00 pm**

### **BB. Nurse Practitioners: Emerging Compliance Issues** *(repeat)*

### **CC. Recent Developments in 340B Compliance** *(repeat)*

### **DD. Hot Topics in Behavioral Health** *(repeat)*

### **EE. Risk Assessment Surrounding Provider-Based Status and Outpatient Hospital Services** *(repeat)*

## **Adjournment**

Wednesday, September 25, 2019

Please Note: Sessions shaded are Compliance Focused Topics

|                                                                                                                                                                                                                                                         |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 10:30 am-5:45 pm                                                                                                                                                                                                                                        |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| Registration and Information                                                                                                                                                                                                                            |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| 11:00 am-1:00 pm                                                                                                                                                                                                                                        |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| Billing and Coding Bootcamp<br>Miscoe, Pelaia, L. Williams                                                                                                                                                                                              |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| 1:00-2:00 pm                                                                                                                                                                                                                                            |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| Lunch on your own                                                                                                                                                                                                                                       |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| 2:00-3:15 pm Extended Sessions                                                                                                                                                                                                                          |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| <b>A. Stark Law: A Fundamentals Discussion</b><br>(not repeated)<br><br>Edgar<br>Hudzik                                                                                                                                                                 | <b>B. Is the Sky Really Falling? A Discussion of the Eliminating Kickbacks in Recovery Act ("EKRA")</b><br><br>Dunham<br>Gee<br>Shaver                           | <b>C. Not Your Father's Compliance Review—A Counsel and Compliance Officer's Guide to Compliance Reviews for 2019 and Forward</b><br><br>Crislip<br>Ferrari<br>Jacobs | <b>D. Beyond Refunds: Coding Review, Error Rates, and Statistical Sampling under the 60 Day Overpayment Refund Statute and the Related Impact on Health Care Transactions</b><br><br>Hinkle<br>Rii<br>Roth | <b>E. Cooperating with The Government: Yesterday, Today, and Tomorrow. What's the Difference?</b><br><br>Abely<br>Rivera<br>Toussaint |
| 3:30-4:30 pm                                                                                                                                                                                                                                            |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| <b>F. Anti-Kickback Statute/CMP Primer</b><br>(not repeated)<br><br>Flanzer<br>Garcia                                                                                                                                                                   | <b>G. Privacy and Security Nuts and Bolts</b><br>(not repeated)<br><br>Mosley-Day<br>Oscislowski                                                                 | <b>H. . The Time is Still Now—Medicare Advantage/Medicaid Managed Care at the Forefront of Enforcement</b><br>(Advanced)<br><br>Gibson<br>Meron<br>Tinker             | <b>I. The ABCs of Compliance: Accountability, Best Practices and Consistency for Home Health &amp; Hospice Companies</b><br><br>Alves<br>Brown<br>Hessler                                                  | <b>J. Recurring Problems in Physicians Compensation, and How to Resolve Them</b><br><br>Hutzler<br>T. Williams                        |
| 4:45-5:45 pm                                                                                                                                                                                                                                            |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| <b>K. False Claims Act Primer</b><br>(not repeated)<br><br>Hitchings<br>Ogrosky                                                                                                                                                                         | <b>L. Demystifying the Valuation: Understanding Fair Market Value and Evaluating the FMV Opinion for Compliance</b><br>(not repeated)<br><br>A. Johnson<br>Stack | <b>M. Legal Ethics: Protecting the Attorney Client Privilege in a Compliance Program</b><br><br>Horton<br>Sparano                                                     | <b>N. Beneficiary Inducement Prohibition Case Studies</b><br>(Advanced)<br><br>Blanchard<br>Kameen                                                                                                         |                                                                                                                                       |
| 5:45-6:45 pm                                                                                                                                                                                                                                            |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |
| Networking and Diversity+Inclusion Reception, hosted by AHLA's Diversity+Inclusion Council, sponsored by HealthCare Appraisers, Inc.<br>(This event is included in the program registration fee. Attendees, faculty, and registered guests are welcome) |                                                                                                                                                                  |                                                                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                       |



## 7:00 am-5:45 pm

## Registration and Information

## 7:00-7:50 am

## Compliance Professionals Networking Breakfast,

*sponsored by Pinnacle Healthcare Consulting*

(This event is included in the program registration; limited attendance; pre-registration required)

## 7:00-8:00 am

Continental Breakfast, *sponsored by HealthCare Appraisers, Inc.*

(This event is included in the program registration fee. attendees, faculty, and registered guests are welcome)

## 8:00-11:15 am General Session

8:00-8:15 am

## Welcome and Introductions

Holden, Homchick, Shay

8:15-8:45 am

## Keynote Address: Revolutionizing Fraud and Abuse Enforcement and Compliance

Chiedi

8:45-9:45 am

## Data Analytics and Artificial Intelligence. Understanding the As-Is. Envisioning the What-If

Hambleton (Moderator), Brzymialkiewicz, Persons, Resneck

9:45-10:05 am

## HHS Regulatory Sprint

Hargan

10:05-11:15 am

## Year in Review

Homchick

## 11:15-11:45 am

## Coffee Break

Exhibits Open—Meet the Exhibitors

## 11:45 am-12:45 pm

## O. Voluntary Repayments: The Special Issues for Physicians

(Advanced)  
(not repeated)

Gosfield

## P. Hot topics in Health Care Cybersecurity

Arvin  
Heesters

## Q. Fraud and Abuse Issues in Telehealth/Medicine

Laemmle-Weidenfeld  
Lewis

## R. False Claims Act Update

Diesenhaus  
Wei

## S. 2019 Clinical Laboratory Enforcement and Regulatory Update

Gresko  
Sloane

## 12:45-2:15 pm

## Lunch on your own or attend the luncheon hosted by the Fraud and Abuse Practice Group,

*sponsored by BRG Healthcare LLC*

## Topic: Interacting with the Government: Lessons Learned and Best Practices

Daily, Robinson, Wilson

(This event is not included in the program registration; there is an additional fee; limited attendance; pre-registration required. Continuing Education Credits are not available for the lunch)

Thursday, September 26, 2019, Continued

Please Note: Sessions shaded are Compliance Focused Topics

| 2:30-3:45 pm Extended Sessions                                                                                                                                                                                                                 |                                                                                                                                   |                                                                                                                                |                                                                                                                            |                                                                                                                                                    |
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| <b>T. Rules v. Sub-Regulatory Guidance—The Implications of the Allina and Kisor Decisions</b><br>(Advanced)<br>(not repeated)<br><br>Bookman<br>Hettich                                                                                        | <b>U. Settling False Claims Act Cases with The Government</b><br>(Advanced)<br>(not repeated)<br><br>Glassman<br>Graybow<br>Wenik | <b>V. Navigating Safely Through the Marketing Arrangements Minefield</b> (Advanced)<br><br><br>Baratian<br>Chang<br>Maida      | <b>W. Avoiding the Top 10 HIPAA Compliance Pitfalls</b><br><br><br>J. Barnes<br>Houser<br>T. Johnson                       | <b>B. Is the Sky Really Falling? A Discussion of the Eliminating Kickbacks in Recovery Act (“EKRA”)</b><br>(repeat)<br><br>Dunham<br>Gee<br>Shaver |
| 4:00-5:00 pm                                                                                                                                                                                                                                   |                                                                                                                                   |                                                                                                                                |                                                                                                                            |                                                                                                                                                    |
| <b>X. Board Compliance Training—What’s it All About</b><br>(not repeated)<br><br>Peregrine<br>Terzian                                                                                                                                          | <b>Y. Ethical Considerations in Health Care Fraud Investigations</b><br>(not repeated)<br><br>Lawrence<br>Porter                  | <b>Z. Antikickback and Stark: Case Studies and New Developments</b><br>(Advanced)<br><br>Shay (Moderator)<br>Edwards<br>Wilson | <b>J. Recurring Problems in Physicians Compensation, and How to Resolve Them</b><br>(repeat)<br><br>Hutzler<br>T. Williams | <b>P. Hot topics in Health Care Cybersecurity</b><br>(repeat)<br><br>Arvin<br>Heesters                                                             |
| 5:15-5:45 pm                                                                                                                                                                                                                                   |                                                                                                                                   |                                                                                                                                |                                                                                                                            |                                                                                                                                                    |
| <b>AA. Emerging Administrative Enforcement Tools and Update</b><br>(not repeated)<br><br>Penezic<br>Re                                                                                                                                         | <b>BB. Nurse Practitioners: Emerging Compliance Issues</b><br><br><br>Buppert                                                     | <b>CC. Recent Developments in 340B Compliance</b><br><br><br>B. Williams                                                       | <b>DD. Hot Topics in Behavioral Health</b><br><br><br>Foster                                                               | <b>EE. Risk Assessment Surrounding Provider-Based Status and Outpatient Hospital Services</b><br><br><br>Vernaglia                                 |
| 5:45-6:45 pm                                                                                                                                                                                                                                   |                                                                                                                                   |                                                                                                                                |                                                                                                                            |                                                                                                                                                    |
| <p style="text-align: center;"> <b>Networking Reception,</b><br/> <i>sponsored by HealthCare Appraisers, Inc.</i><br/> <i>(This event is included in the program registration. Attendees, faculty, and registered guests are welcome)</i> </p> |                                                                                                                                   |                                                                                                                                |                                                                                                                            |                                                                                                                                                    |

| 7:00 am-3:00 pm                                                                                                                                                                                                                  |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Registration and Information</b>                                                                                                                                                                                              |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| 7:00-7:50 am                                                                                                                                                                                                                     |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| <b>Networking Breakfast</b> , hosted by AHLA's Women's Leadership Council, sponsored by Simone Healthcare Consultants LLC<br>(This event is included in the program registration; limited attendance; pre-registration required) |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| 7:00-8:00 am                                                                                                                                                                                                                     |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| <b>Continental Breakfast</b> , sponsored by HealthCare Appraisers, Inc.<br>(This event is included in the program registration fee. Attendees, faculty, and registered guests are welcome)                                       |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| 8:00-9:15 am Extended Sessions                                                                                                                                                                                                   |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| <b>FF. Travel Act Case Studies: Anti-Kickback Implications &amp; the Future of Federal Enforcement</b><br>(not repeated)<br><br>Elberg<br>Pfeifle<br>Wirmani                                                                     | <b>GG. Health Care Fraud Enforcement Current Trends</b><br>(not repeated)<br><br>Alexander<br>Beemsterboer<br>Cantrell<br>Schulze | <b>C. Not Your Father's Compliance Review—A Counsel and Compliance Officer's Guide to Compliance Reviews for 2019 and Forward</b><br>(repeat)<br><br>Crislip<br>Ferrari<br>Jacobs | <b>V. Navigating Safely Through the Marketing Arrangements Minefield</b><br>(Advanced)<br>(repeat)<br><br>Baratian<br>Chang<br>Maida | <b>W. Avoiding the Top 10 HIPAA Compliance Pitfalls</b><br>(repeat)<br><br>J. Barnes<br>Houser<br>T. Johnson |
| 9:30-10:30 am                                                                                                                                                                                                                    |                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                      |                                                                                                              |
| <b>HH. A Practical Approach to Risk Assessment and How it Ties to Compliance Effectiveness</b><br>(not repeated)<br><br>Wade                                                                                                     | <b>II. MD Anderson v. OCR—OCR Enforcement of Alleged HIPAA Violations</b><br>(Advanced)<br><br>K. Barnes<br>McBride               | <b>I. The ABCs of Compliance: Accountability, Best Practices and Consistency for Home Health &amp; Hospice Companies</b><br>(repeat)<br><br>Alves<br>Brown<br>Hessler             | <b>N. Beneficiary Inducement Prohibition Case Studies</b><br>(Advanced)<br>(repeat)<br><br>Blanchard<br>Kameen                       | <b>Q. Fraud and Abuse Issues in Telehealth/Medicine</b><br>(repeat)<br><br>Laemmle-Weidenfeld<br>Lewis       |

Friday, September 27, 2019, Continued

Please Note: Sessions shaded are Compliance Focused Topics

| 10:45-11:45 am                                                                                                                                        |                                                                                                                                                                  |                                                                                                                                            | 10:45 am-12:00 noon Extended Sessions                                                                                                                                                                                  |                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>JJ. Set-up for Success – Enterprise-wide Compliance Check-up and Physician Arrangements</b><br>(not repeated)<br><br>Chasinoff<br>Davino           | <b>M. Legal Ethics: Protecting the Attorney Client Privilege in a Compliance Program</b><br>(repeat)<br><br>Horton<br>Sparano                                    | <b>Z. Antikickback and Stark: Case Studies and New Developments</b><br>(Advanced)<br>(repeat)<br><br>Shay (Moderator)<br>Edwards<br>Wilson | <b>D. Beyond Refunds: Coding Review, Error Rates, and Statistical Sampling under the 60 Day Overpayment Refund Statute and the Related Impact on Health Care Transactions</b><br>(repeat)<br><br>Hinkle<br>Rii<br>Roth | <b>E. Cooperating with The Government: Yesterday, Today, and Tomorrow. What's the Difference?</b><br>(repeat)<br><br>Abely<br>Rivera<br>Toussaint |
| 11:45 am-1:00 pm                                                                                                                                      |                                                                                                                                                                  |                                                                                                                                            |                                                                                                                                                                                                                        |                                                                                                                                                   |
| Lunch on your own                                                                                                                                     |                                                                                                                                                                  |                                                                                                                                            |                                                                                                                                                                                                                        |                                                                                                                                                   |
| 1:15-2:15 pm                                                                                                                                          |                                                                                                                                                                  |                                                                                                                                            |                                                                                                                                                                                                                        |                                                                                                                                                   |
| <b>KK. Proactive Claims Auditing Strategies and Self-Disclosures under the Federal Overpayments Rule</b><br>(not repeated)<br><br>Banks<br>Dorfschmid | <b>H. The Time is Still Now—Medicare Advantage/Medicaid Managed Care at the Forefront of Enforcement</b> (Advanced)<br>(repeat)<br><br>Gibson<br>Meron<br>Tinker | <b>R. False Claims Act Update</b><br>(repeat)<br><br>Diesenhaus<br>Wei                                                                     | <b>S. 2019 Clinical Laboratory Enforcement and Regulatory Update</b><br>(repeat)<br><br>Gresko<br>Sloane                                                                                                               | <b>II. MD Anderson v. OCR - OCR Enforcement of Alleged HIPAA Violations</b><br>(Advanced)<br>(repeat)<br><br>K. Barnes<br>McBride                 |
| 2:30-3:00 pm                                                                                                                                          |                                                                                                                                                                  |                                                                                                                                            |                                                                                                                                                                                                                        |                                                                                                                                                   |
| <b>BB. Nurse Practitioners: Emerging Compliance Issues</b><br>(repeat)<br><br>Buppert                                                                 | <b>CC. Recent Developments in 340B Compliance</b><br>(repeat)<br><br>B. Williams                                                                                 | <b>DD. Hot Topics in Behavioral Health</b><br>(repeat)<br><br>Foster                                                                       | <b>EE. Risk Assessment Surrounding Provider-Based Status and Outpatient Hospital Services</b><br>(repeat)<br><br>Vernaglia                                                                                             |                                                                                                                                                   |



## Planning Committee

### Robert G. Homchick, Program Planning Co-Chair

Davis Wright Tremaine LLP  
Seattle, WA

### Albert W. Shay, Program Planning Co-Chair

Morgan Lewis & Bockius LLP  
Washington, DC

### Amanda W. Copsey

Senior Counsel  
Office of the Inspector General  
US Department of Health and Human Services  
Washington, DC

### J. Reginald Hill

Chief Compliance and Policy Officer  
LifePoint Health  
Brentwood, TN

### John E. Kelly

Bass Berry & Sims PLC  
Washington, DC

### Katherine A. Lauer

Latham & Watkins LLP  
San Diego, CA

### Ami Sparano

Chief Compliance and Quality Assurance Officer  
Visiting Nurse Association Health Group  
Holmdel, NJ

### William Abely

Deputy Chief Assistant US Attorney  
Attorney's Office District of Massachusetts  
Boston, MA

### Alec (A.G.) Alexander

Deputy Administrator/ Director  
Center for Program Integrity  
Washington, DC

### Jacinta Alves

Crowell & Moring LLP  
Washington, DC

### Marti Arvin

Vice President, Audit Strategy  
CynergisTek Inc  
Austin, TX

### Susan J. Banks

Dentons US LLP  
Denver, CO

### Jacqueline C. Baratian

Chief Compliance Officer  
Ascension  
Washington, DC

### Krista M. Barnes

Associate Vice President and Deputy Chief Compliance Officer  
MD Anderson Cancer Center  
Houston, TX

### Jenny Barnes

Vice President, Legal  
Quantum Health  
Columbus, OH

### Joseph Beemsterboer

Assistant Chief of the Fraud Section, Criminal Division  
US Department of Justice  
Washington, DC

### Timothy P. Blanchard

Blanchard Manning LLP  
Orcas, WA

### Lloyd A. Bookman

Hooper Lundy & Bookman PC  
Los Angeles, CA

### Nancy Brown

Office of the Inspector General  
US Department of Health and Human Services  
Washington, DC

### Caryl N. Brzymialkiewicz, PhD

Chief Data and Analytics Officer  
Office of Inspector General  
US Department of Health and Human Services  
Washington, DC

### Carolyn Buppert

Law Office of Carolyn Buppert  
Portland, OR

### Gary L. Cantrell

Deputy Inspector General for Investigations  
Office of Inspector General  
US Department of Health and Human Services  
Washington, DC

### Jerry M. Chang

Senior Managing Director - Healthcare Valuation & Transaction Advisory  
Ankura  
Atlanta, GA

### Richard Chasinoff

Principal  
Veralon Partners  
Philadelphia, PA

### Joanne Chiedi

Principal Deputy Inspector General / Acting IG  
US Department of Health and Human Services  
Washington, DC

### Alaina N. Crislip

Associate General Counsel and Corporate Compliance  
Thomas Health System  
South Charleston, WV

### Margaret J. Davino

Fox Rothschild LLP  
New York, NY

### Jonathan L. Diesenhaus

Hogan Lovells LLP  
Washington, DC

### Cornelia Dorfschmid

Executive Vice President  
Strategic Management Services LLC  
Alexandria, VA

### Charles C. Dunham

Greenberg Traurig, LLP  
Houston, TX

### Matthew Edgar

Health Insurance Specialist  
Centers for Medicare and Medicaid Services  
Windsor Mill, MD

### Susan A. Edwards

Senior Counsel  
Office of Inspector General  
US Department of Health and Human Services  
Washington, DC

### Jacob T. Elberg

Associate Professor  
Seton Hall University School of Law  
Newark, NJ

### Andrea M. Ferrari

HealthCare Appraisers Inc  
Boca Raton, FL

### Samantha C. Flanzer

Office of Inspector General, Industry Guidance Branch  
US Department of Health and Human Services  
Washington, DC

**Constance L. Foster**

Deputy Branch Chief  
Public Health and Science Branch  
Public Health Division  
Office of the General Counsel  
US Department of Health and Human  
Services  
*Washington, DC*

**J. Patrick Garcia**

Hall Render Killian Heath & Lyman PC  
*Annapolis, MD*

**David W. Gee**

Davis Wright Tremaine LLP  
*Seattle, WA*

**Wayne T. Gibson**

Senior Managing Director  
FTI Consulting Inc  
*Washington, DC*

**Karen Schandler Glassman**

Senior Counsel  
Office of the Inspector General  
US Department of Health and Human  
Services  
*Washington, DC*

**Alice G. Gosfield**

Alice G. Gosfield & Associates PC  
*Philadelphia, PA*

**Charles Graybow**

Assistant US Attorney, District of New Jersey  
United States Attorney's Office  
*Newark, NJ*

**Joyce Elaine Gresko**

Alston & Bird LLP  
*Washington, DC*

**Margaret Hambleton**

President  
Hambleton Compliance, LLC  
*Valencia, CA*

**Eric D. Hargan**

Deputy Secretary  
Office of the Secretary, US Department of  
Health and Human Services  
*Washington, DC*

**Nicholas Heesters**

Health Information Privacy Security Specialist  
Office for Civil Rights  
US Department of Health and Human  
Services  
*Philadelphia, PA*

**Kathleen A. Hessler**

Director, Compliance and Risk  
Simione Healthcare Consultants  
*Albuquerque, NM*

**Daniel J. Hettich**

King & Spalding LLP  
*Washington, DC*

**J. Stephen Hinkle**

Vice President and Chief Compliance Officer  
Ardent Health Services  
*Nashville, TN*

**Erica Blachman Hitchings**

Whistleblower Law Collaborative LLC  
*Boston, MA*

**William W. Horton**

Jones Walker  
*Birmingham, AL*

**Stacey D. Houser**

Associate Director, Risk Management &  
Insurance, Office of Financial Services  
The Ohio State University  
*Columbus, OH*

**Joseph C. Hudzik**

Latham & Watkins LLP  
*Washington, DC*

**Albert D. Hutzler**

HealthCare Appraisers Inc  
*Boca Raton, FL*

**Clevonne M. Jacobs**

Principal and Founder  
Pharos Healthcare Consulting  
*Durham, NC*

**Amy L. Johnson**

Drinker Biddle & Reath LLP  
*Washington, DC*

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Office of Inspector General, Industry  
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Services  
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*Central City, PA*

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Senior Advisor for HIPAA Compliance and  
Enforcement  
Office for Civil Rights  
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Office of Inspector General  
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*Washington, DC*

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**Timothy M. Persons, PhD**

Chief Scientist and Managing Director,  
Science, Technology Assessment,  
and Analytics  
United States Government  
Accountability Office  
*Washington, DC*

**Katherine Pfeifle**

Assistant US Attorney  
US Department of Justice  
*Dallas, TX*

**Jonathan A. Porter**

Assistant United States Attorney  
United States Attorney's Office, Southern  
District of Georgia  
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Office of the Inspector General  
US Department of Health and Human Services  
*Washington, DC*

**Megan Tinker**

Senior Advisor for Legal Affairs  
Office of the Inspector General  
US Department of Health and Human Services  
*Washington, DC*

**Stephanie Toussaint**

Assistant US Attorney  
US Attorney's Office Middle District of  
Tennessee Nashville  
*Nashville, TN*

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Foley & Lardner  
*Boston, MA*

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US Department of Justice  
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*Norman, OK*

**Lisa Ohrin Wilson**

Senior Technical Advisor  
Centers for Medicare & Medicaid Services  
*Baltimore, MD*

**Andrew Wirmani**

Assistant United States Attorney General  
US Department of Justice  
*Dallas, TX*



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**American Health Lawyers Association**

1620 Eye Street, NW, 6th Floor • Washington, DC 20006-4010  
(202) 833-1100 • Fax (202)833-1105 • [www.healthlawyers.org](http://www.healthlawyers.org)