Long Term Care and the Law

Orlando

February 21–23, 2007
Royal Pacific Resort at Universal Orlando®, A Loews Hotel

Greystone Servicing Corporation, Inc. has provided sponsorship in support of this program.

In cooperation with:
American Association of Homes and Services for the Aging and the American Health Care Association
Program Agenda

Wednesday, February 21, 2007

8:30 am–5:15 pm
Registration and Information

9:30–11:30 am
Introduction to Long Term Care: The Continuum of Care
Carol C. Loepere
• Overview of nursing homes and assisted living facilities
• Medicare and Medicaid reimbursement
• Survey, certification and enforcement for nursing homes
• Hospice services
• Medicare Part D for residents of long term care facilities
• Hot topics: RUG creep, therapy caps, successor liability and quality of care initiatives

9:30–11:30 am
Interactive Discussion Groups
Attendance is limited to 25 people; pre-registration is required; $40 additional—please see page 19 to register

Group 1: Admission Agreements
Kimber L. Latsha
• Defining the resident/NF relationship
• Impact of licensure and certification regulations
• Risk management and arbitration clauses
• Impact of the DRA on applications, “screening” and agreement
• Practical implementation issues

Group 2: We Must Protect this House: An Informal Colloquy for In-House Counsel Only
David C. Beck
Eileen M. Coggins
In-house attorneys are invited to share in a free-form discussion of the challenges and opportunities they face on a daily basis, including:
• Corporate compliance
• Risk management
• Labor and employee relations
• Government investigations
• Outside counsel relationship management
• Any other topic of interest to the group

Group 3: Legal and Regulatory Issues for End of Life Care and Hospice
Elizabeth M. Foley
Barbara L. Miltenberger
• End of life care
  – Pain management and side effects
  – Goals of care
  – Regulatory and practical problems associated with withholding and withdrawing therapy
• Hospice
  – Regulatory issues surrounding hospice care provided in SNFs and ALFs
  – OIG Work Plan 2007
  – Contracting issues for hospices

11:30 am–12:45 pm
Lunch on your own or attend the Labor and Employment Practice Group Luncheon
(all attendees are welcome to register; additional fee; pre-registration required—please see page 19)

Wage & Hour Law: Recent Developments and Issues Facing Health Care Employers
Scott S. Cairns, Esquire
McGuireWoods, Jacksonville, FL

GENERAL SESSION
12:45–1:00 pm
Welcome and Introduction
Elisabeth Belmont, AHLA President-Elect
Harvey M. Tettlebaum, Program Chair

1:00–1:30 pm
Keynote Address
Leslie Norwalk (invited)

1:30–3:15 pm
CMS Open Door Forum
Gale P. Arden
Cynthia L. Graunke
The CMS “Open Door Forums” provide an opportunity for live dialogue between CMS and the provider community at large, in order to understand and then help find solutions to contemporary program issues. This session will be led by CMS representatives and will give attendees the opportunity to hear from the agency on current initiatives and to ask questions. Don’t miss this unique opportunity to interact with the agency.
Program Agenda

3:15–3:45 pm
Coffee Break

CONCURRENT SESSIONS
3:45–5:15 pm Extended Sessions

A. Case Law Update
   Barbara J. Duffy
   • Medicare and Medicaid reimbursement
   • Survey, certification and enforcement trends
   • Fraud and abuse and False Claims Act litigation
   • Risk management
   • Employment and labor matters

B. 2006 Survey and Enforcement Update: CMS and Provider Perspectives on Current Topics
   Joseph L. Bianculli
   Cynthia L. Graunke
   • 2006 survey developments-The SOM as academic exercise?
   • Evaluating survey inconsistency — As good as it gets?
   • The ongoing debate — Is there any relationship among surveys, enforcement actions and quality?
   • Enforcement developments — Who is in charge, the SSAs or CMS?
   • DAB developments — Impartial reviewer, or the last step in the enforcement process?
   • Review of significant DAB and court decisions regarding these topics

C. Legislative and Regulatory Update
   Kenneth L. Burgess
   Barbara Gay
   • Implications of the change in control of Congress for aging services providers
   • Examine provisions of the Tax Relief and Health Care Act passed at the end of the lame duck 109th Congress
   • Overview of non-profit tax issues included in the Pension Protection Act and potential for further action on these issues in the new Congress
   • Update on implementation of provisions of the Deficit Reduction Act
   • Discussion of key regulations in the areas of quality of care; Medicaid/Medicare; survey, certification and enforcement; and workforce development

D. Nursing Homes and Top Executives under Fire: Recent Prosecutions
   William Hanrahan
   J. Richard Kiefer
   Harvey M. Tettlebaum
   • Recent prosecutions for alleged poor care
   • Government theories
   • Crimes charged
   • Defense challenges and theories

5:15–6:30 pm
Welcome Reception sponsored by Greystone Servicing Corporation, Inc.
(attendees, speakers, children, registered spouses and guests welcome)

Thursday, February 22, 2007

7:00 am–5:35 pm
Registration and Information

7:00–8:30 am
Continental Breakfast sponsored by Greystone Servicing Corporation, Inc.
(attendees, speakers, children, registered spouses and guests welcome)

7:30–8:00 am
Presentation by Greystone Servicing Corporation, Inc.
Meet Stephen Rosenberg, President of Greystone & Co., Inc., one of the nation's largest healthcare financiers. Listen to how your clients can successfully restructure troubled debt, how HUD financing can benefit your client, how to bridge project acquisitions, and more. Stephen Rosenberg is also the owner and operator of 26 skilled nursing facilities, giving Greystone the advantage of truly understanding their client's needs.

CONCURRENT SESSIONS
8:00–9:30 am Extended Sessions

A. Case Law Update (repeat)

D. Nursing Homes and Top Executives under Fire: Recent Prosecutions (repeat)
Program Agenda

8:30–9:30 am

E. Developing a Request for Informal Dispute Resolution
Ari J. Markenson
• Determining what to submit to IDR
• Fact gathering and analysis
• Structuring an IDR with future appeals and/or litigation in mind
• Using exhibits appropriately
• Developing an argument based upon the regulation cited
• Using surveyor guidance and professional practice to your advantage

F. Medicaid Reform: How It Affects Beneficiaries, States, Providers and Their Counsel
Gale P. Arden
Thomas W. Arnold (invited)
Christopher C. Puri
• Federal and state legislation, as well as current state Medicaid waivers and how these forces are dramatically changing Medicaid’s long term care entitlement
• Impact of these changes on various stakeholders, with an emphasis on how it affects long term care providers and their business planning
• Practical information that translates this impact on providers into information that counsel can use to advance their practices and their representation of long term care clients

9:45–10:45 am

H. Medicare Part D and Long Term Care Fraud (not repeated)
Michael H. Cook
Marilyn May
• Review of Part D in long term care since January 1, 2006 — pluses and minuses
• The government’s enforcement current posture for PDPs, long term care pharmacies and long term care providers
• The fraud and abuse cases investigated and filed by the government and qui tam relators
• Compliance education and programs for PDPs, long term care pharmacies and long term care providers to avoid prosecution or suit

I. Business and Risk Management Issues in Assisted Living
Martha Everett Meng
• Agreements, disclosure and marketing
• Anti-discrimination laws
• Negotiated risk
• The effects of rapid regulatory change
• Dealing with ancillary providers
• Move-in/move-out; aging in place
• Residents rights
• Financing mechanisms for assisted living

J. Winning Strategies for Effectively Defending Long Term Care Cases
Glenn P. Hendrix
Scott Mager
• Understanding the landscape of long term care cases
• Tactical approaches to information gathering
• Strategies for discovery requests and responses
• Deposing the medical expert and other medical professionals
• Preparing for trial and utilizing technology to win
• Avoiding and minimizing punitive damages
Program Agenda

K. Appeals of HHS Long Term Care Enforcement Actions
   Alan Dorn
   Annaliese Impink
   - DAB/ALJ decisions: highlights and trends
   - Judicial review and other litigation concerning survey, certification and enforcement
   - Issues concerning the appeals process
   - CMS regulatory changes, proposals, issuances and initiatives affecting certification and enforcement
   - GAO/OIG activity affecting certification and enforcement

L. Buyer Beware: Nursing Home Transactions and Changing Reimbursement and Regulatory Systems
   Paul A. Lang
   Thomas D. Vaugh
   - General overview of a nursing home purchase and sale transactions, including letter of intent, due diligence, definitive agreement, closing, and post-closing issues
   - Trends in Medicare and Medicaid reimbursement and their impact on nursing home transactions
   - Other recent regulatory and case law developments affecting nursing home transactions
   - Specific suggestions and contractual language for addressing the trends, revisions and developments previously identified

M. When the Client is the Subject: The Legal Ethics of Internal Investigation (not repeated)
   Brian A. Kaser
   Whether answering a surveyor’s charge or a compliance officer’s question, investigating a client’s conduct can pit modern business demands against ancient professional principles. This session looks at how legal ethics bear upon:
   - Accepting investigative engagements
   - Gathering and retaining evidence
   - Advising corporate management
   - Defending the quality of legal services

N. Medicaid Eligibility after the Deficit Reduction Act of 2005
   Timothy L. Takacs
   - Asset transfers and Medicaid eligibility
   - Denial of Medicaid eligibility to applicants with substantial equity interest in their homes
   - Changes to the waiver process under which an applicant denied Medicaid may request eligibility due to hardship
   - Overview of how the DRA has affected the practice of Medicaid asset protection planning

O. Current Trends and Strategies in Long Term Care False Claims Quality of Care Litigation
   Mark E. Reagan
   - False certification cases in LTC — Exporting the logic of USA ex rel. Swan v. Covenant Care, 279 F.Supp 2d. 1212 (E.D. Cal 2002) to defeat express and implied “certification” theories
   - The use of “worthless services” theories in LTC, attacks based on nurse staffing and criminal false claims exposure - USA v. Wachter, et al., Case 4:05-cr-00867 (E.D. Mo. 2006)
   - Successful attacks based on Rule 9 — USA ex rel. Atkins v. McInteer, et al., No.4-16167 (11th Cir. 2006)
   - “Surrogates” to false claims liability and regulatory non-compliance — The New Mexico experience
   - Relationships between quality of care claims and Medicare reimbursement — MDS, therapies and ADLs

P. Decode the Document Puzzle: Putting Pieces Together and Managing Risk and Documentation
   Kathleen A. Hessler
   - Understand the pieces of the resident record
   - Understand the pieces of an employee file
   - Identify other pertinent facility documents
   - Integrate documents to finish the puzzle (tell your client’s story)
   - Managing documentation risk

For the latest updates go to: www.healthlawyers.org/programs
Program Agenda

Q. The Medicare Prescription Drug Benefit and Long Term Care: What You Need to Know
   Jeffrey A. Kelman (invited)
   Nancy E. Taylor
   • General overview of the Medicare Prescription Drug Benefit (Part D)
   • Issues facing long term care residents, including eligibility and enrollment, prescription drug coverage, appeals/grievances and low-income subsidies
   • Long term care contracting and legal issues governing PDPs, long term care pharmacies, long term care facilities, and residents
   • Education and marketing activities
   • Update on fraud and abuse concerns

12:00 noon–1:30 pm
   Lunch on your own or attend the Long Term Care Practice Group Luncheon (all attendees are welcome; additional fee; limited attendance; pre-registration required —please see page 19)

CONCURRENT SESSIONS

1:45–2:45 pm
   R. Human Relations: Everyday Issues
      Robert M. Wolin
      • Equal employment and harassment risk management
      • References - liability for incomplete or inaccurate references
      • Compliance risks resulting from compensation methodologies
      • Managing internal investigations — avoiding Poliner type liability to employees and physicians
      • Managing risks associated with volunteers

   S. New Strategies for Combating Medicaid Waste, Fraud and Abuse: Implications of the Federal Medicaid Integrity Program (MIP)
      David Cade
      Michael W. Cheek
      • MIP and how it differs from federal oversight of state medicaid financing practices
      • MIP relationships with other CMS efforts and existing state practices
      • Overview of current state provider oversight practices
      • MIP collaboration challenges and opportunities
      • Areas where MIP could provide technical assistance to states and providers
      • Preliminary information on Federal MIP contractors

   T. Catastrophic Planning: Facility Specific and Transcendent
      Karen L. Goldsmith
      Joanne R. Lax
      • Legal aspects of natural and facility-specific disasters, including changes in legislation needed to meet these challenges
      • Role of state and federal governments in meeting the challenges of these type of disasters
      • Role of private vendors and insurance companies in meeting the challenges of these type of disasters
      • How planning for pandemic flu differs from planning for catastrophic events affecting facility property, such as fires, floods, tornados and hurricanes
      • Effective preparedness for and response to pandemic flu; practical and regulatory hurdles to achieving optimal preparedness and response; and potential legal repercussions of ineffective preparedness or response

   U. Mergers and Acquisitions and Financing Climate for Senior Care Facilities
      Bradford C. Burkett
      • Current M&A financing environment
      • Valuations — where are they, where are they going?
      • What deals are getting done
      • A buyer or a seller be?
      • How to attract a deal
      • Market timing — is it now or never?

   V. Recent Trends in the Level of Medicaid Payments and Federal Court Challenges
      Joseph M. Lubarsky
      Frederick Miles
      • A state by state review of Medicaid rates and costs
Program Agenda

• The impact on Medicaid funding due to the proposed "provider tax" cuts
• The Supreme Court’s "private right of action" holding in Gonzaga v. Doe
• Recent federal court challenges to the adequacy of Medicaid rates and payments filed by recipients and providers
• Options available to recipients and providers in light of potential Medicaid funding shortfalls

2:55–3:55 pm
W. Predicting Claims and Survey Risk in Nursing Facilities: A Quantitative Approach
(not repeated)
Richard L. Butler
Steven B. Littlehale
• Flaws with existing approaches to evaluating facility risk employed by underwriters to price insurance
• Relationship between survey performance, quality measures and loss
• Relationship between deficiency status, facility size, and staffing ratios and facility loss experience
• Applications and implications of a quantitative approach to evaluating facility risk and how to use these insights to lessen risk exposure

X. Hospice and Home Health Update
Deborah A. Randall
• Reimbursement challenges to hospice services for LTC residents
• FCA and coverage issues in hospice
• In-patient hospice units
• Medicare home health PPS changes affecting LTC
• Home and community based services developments
• Telehealth developments in home services

Y. Assisted Living Update
John F. Leebron
• Cases of significance
• Cases of interest
• Regulatory climate
• Overarching points
• Resident care

Z. Making the Most of a Bad Situation: Creative Ways for Providers of Long Term Care to Maximize Recovery of Accounts Receivable
Marc S. Blubaugh
• Maximizing recovery through the application of the Uniform Fraudulent Transfer Act
• Maximizing recovery through the innovative application of family-law state statutes
• Maximizing recovery by creating duties that can be the basis for a negligence action
• Maximizing recovery through the effective use of resident discharges
• Maximizing recovery by leveraging the probate court’s jurisdiction

3:55–4:55 pm
E. Developing a Request for Informal Dispute Resolution
John E. Lyncheski
AA. Hot Topics in Labor and Employment Law Impacting Long Term Care
• Up-to-date review of the most recent labor and employment law decisions and regulations having an impact on long term care employers
• Recent NLRB decisions of interest and, in particular, dissect the NLRB’s Kentucky River decisions in terms of where long term care providers should go from here with respect to their charge nurses and, if the NLRB issues its long awaited decisions in the Dana/Metaldyne cases, analyze them as well
• Supreme Court and Circuit Court decisions issued in 2006 and early 2007 which affect long term care employers
• The current status of union organizing in long term care, including a discussion of "corporate campaign" tactics and the activities of the Change to Win Coalition and its member unions

4:05–5:05 pm
BB. Update on Abuse and Neglect
Janet K. Feldkamp
• Recent issues in abuse and neglect citations and DAB decisions
• Update on CMS Abuse and Neglect Taskforce
• Current regulatory requirements for abuse and neglect prevention and reporting for long term care

For the latest updates go to: www.healthlawyers.org/programs
Program Agenda

• Develop an understanding of the requirements for policies and procedures for abuse, neglect and misappropriation of funds and how to assist providers in understanding the process.

V. Recent Trends in the Level of Medicaid Payments and Federal Court Challenges (repeat)

4:05–5:35 pm Extended Sessions

B. 2006 Survey and Enforcement Update: CMS and Provider Perspectives on Current Topics (repeat)

C. Legislative and Regulatory Update (repeat)

6:00–8:30 pm
Reception sponsored by Greystone Servicing Corporation, Inc.
(attendees, speakers and registered spouses and guests welcome)

Friday, February 23, 2007

7:00 am–3:25 pm
Registration and Information

7:30–8:30 am
Continental Breakfast sponsored by Greystone Servicing Corporation, Inc.
(attendees, speakers, children, registered spouses and guests welcome)

CONCURRENT SESSIONS
8:30–9:30 am

CC. Mediation, Arbitration and Litigation (not repeated)
Gregory G. Binford
Lisa Dhel VandeCaveyve
• The unique environment in long term care and dispute resolution
• General overview of mediation, arbitration and litigation
• What does mediation involve?

• What does arbitration involve?
• The AHLA alternative dispute resolution process including sample contract language — Special Rule Applicable only to LTC ADR

DD. Ancillary Services in Long Term Care (not repeated)
Howard L. Solins
• Expectations for SNF Medical Directors, including under survey and certification, and the impact of Part D
• CMS “Beneficiary Notice Initiative”: Advance Beneficiary Notices (“ABN”), Notices of Exclusion from Medicare Benefits (“NEMB”) update
• Therapy — PT, OT and SNF: Caps and Exceptions
• Current issues in SNF/pharmacy relationships, including drugs covered under Medicare Part B versus Part D; considerations in SNF development of pharmacy affiliates

I. Business and Risk Management Issues in Assisted Living (repeat)

S. New Strategies for Combating Medicaid Waste, Fraud and Abuse: Implications of the Federal Medicaid Integrity Program (MIP) (repeat)

U. Mergers and Acquisitions and Financing Climate for Senior Care Facilities (repeat)

9:40–10:40 am
EE. Quality Indicator Survey — The Survey of the Future (not repeated)
Cynthia L. Graunke

FF. When Bioethics Meets Legal Ethics (not repeated)
Paul G. Arshagouni
Ethical dilemmas attorneys must confront when asked to counsel a facility on such bioethical matters as:
• Advance directives
• Patient competency
• Wishes of surrogate decision-makers
Program Agenda

F. Medicaid Reform: How It Affects Beneficiaries, States, Providers and Their Counsel (repeat)

J. Winning Strategies for Effectively Defending Long Term Care Cases (repeat)

L. Buyer Beware: Nursing Home Transactions and Changing Reimbursement and Regulatory Systems (repeat)

10:50–11:50 am
GG. Maximizing the Protection of the Corporate Form for Principals (not repeated)
   Andrew R. McCumber
   • The current litigation environment and risks of personal liability
   • Corporate structures employed in highly litigious states
   • Methods used by plaintiffs' attorneys to avoid the limitations of the corporate form, or "pierce the veil"
   • Problem areas and potential solutions in business structure and operations

G. Compliance in a Non-Compliant World (repeat)

Q. The Medicare Prescription Drug Benefit and Long Term Care: What You Need To Know (repeat)

Z. Making the Most of a Bad Situation: Creative Ways for Providers of Long Term Care to Maximize Recovery of Accounts Receivable (repeat)

BB. Update on Abuse and Neglect (repeat)

11:50 am–1:15 pm
   Lunch on your own

CONCURRENT SESSIONS
1:15–2:15 pm
K. Appeals of HHS Long Term Care Enforcement Actions (repeat)

T. Catastrophic Planning: Facility Specific and Transcendent (repeat)

X. Hospice and Home Health Update (repeat)

AA. Hot Topics in Labor and Employment Law Impacting Long Term Care (repeat)

2:25–3:25 pm
N. Medicaid Eligibility after the Deficit Reduction Act of 2005 (repeat)

O. Current Trends and Strategies in Long Term Care False Claims Quality of Care Litigation (repeat)

P. Decode the Document Puzzle: Putting Pieces Together and Managing Risk and Documentation (repeat)

Y. Assisted Living Update (repeat)

Adjournment
Long Term Care and the Law

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Baker & Hostetler LLP
Houston, TX
# Program at a Glance

**Wednesday, February 21, 2007**

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<td>7:00 am–5:35 pm</td>
<td>Continental Breakfast sponsored by Greystone Servicing Corporation, Inc. (attendees, speakers, children, registered spouses and guests welcome)</td>
</tr>
<tr>
<td>7:30–8:00 am</td>
<td>Presentation by Greystone Servicing Corporation, Inc.</td>
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<tr>
<td>8:30–9:30 am</td>
<td>Presentation by Greystone Servicing Corporation, Inc.</td>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Extended sessions</th>
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<tbody>
<tr>
<td>8:00–9:30 am</td>
<td>A. Case Law Update (repeat)</td>
</tr>
<tr>
<td></td>
<td>Duffy</td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td>D. Nursing Homes and Top Executives Under Fire: Recent Prosecutions (repeat)</td>
</tr>
<tr>
<td></td>
<td>Hanrahan Kiefer Tettlebaum</td>
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<tr>
<td>8:30–9:30 am</td>
<td>E. Developing a Request for Informal Dispute Resolution</td>
</tr>
<tr>
<td></td>
<td>Markenson</td>
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<tr>
<td>8:30–9:30 am</td>
<td>F. Medicaid Reform: How It Affects Beneficiaries, States, Providers and Their Counsel</td>
</tr>
<tr>
<td></td>
<td>Arden Arnold (invited) Puri</td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td>G. Compliance in a Non-Compliant World</td>
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<tr>
<td></td>
<td>Hoffman Sanders</td>
</tr>
<tr>
<td>9:45–10:45 am</td>
<td>H. Medicare Part D and Long Term Care Fraud (not repeated)</td>
</tr>
<tr>
<td></td>
<td>Cook</td>
</tr>
<tr>
<td>9:45–10:45 am</td>
<td>I. Business and Risk Management Issues in Assisted Living</td>
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<td>Meng</td>
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<tr>
<td>9:45–10:45 am</td>
<td>J. Winning Strategies for Effectively Defending Long Term Care Cases</td>
</tr>
<tr>
<td></td>
<td>Hendrix Mager</td>
</tr>
<tr>
<td>9:45–10:45 am</td>
<td>K. Appeals of HHS Long Term Care Enforcement Actions</td>
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<td></td>
<td>Dom Impink</td>
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<tr>
<td>9:45–10:45 am</td>
<td>L. Buyer Beware: Nursing Home Transactions and Changing Reimbursement and Regulatory Systems</td>
</tr>
<tr>
<td></td>
<td>Lang Vaughn</td>
</tr>
<tr>
<td>11:00 am–12:00 noon</td>
<td>M. When the Client is the Subject: The Legal Ethics of Internal Investigation (not repeated)</td>
</tr>
<tr>
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<td>Kaser</td>
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<tr>
<td>11:00 am–12:00 noon</td>
<td>N. Medicaid Eligibility after the Deficit Reduction Act of 2005</td>
</tr>
<tr>
<td></td>
<td>Takacs</td>
</tr>
<tr>
<td>11:00 am–12:00 noon</td>
<td>O. Current Trends and Strategies in Long Term Care False Claims Quality of Care Litigation</td>
</tr>
<tr>
<td></td>
<td>Reagan</td>
</tr>
<tr>
<td>11:00 am–12:00 noon</td>
<td>P. Decode the Document Puzzle: Putting Pieces Together and Managing Risk and Documentation</td>
</tr>
<tr>
<td></td>
<td>Reagan</td>
</tr>
<tr>
<td>11:00 am–12:00 noon</td>
<td>Q. The Medicare Prescription Drug Benefit and Long Term Care: What You Need to Know</td>
</tr>
<tr>
<td></td>
<td>Kelman (invited) Taylor</td>
</tr>
<tr>
<td>12:00 noon–1:30 pm</td>
<td>Lunch on your own or attend the Long Term Care Practice Group Luncheon (additional fee; limited attendance; pre-registration required – please see page 19)</td>
</tr>
<tr>
<td>1:45–2:45 pm</td>
<td>R. Human Relations: Everyday Issues (not repeated)</td>
</tr>
<tr>
<td></td>
<td>Wolin</td>
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<tr>
<td>1:45–2:45 pm</td>
<td>S. New Strategies for Combating Medicaid Waste, Fraud and Abuse: Implications of the Federal Medicaid Integrity Program</td>
</tr>
<tr>
<td></td>
<td>Cade Cheek</td>
</tr>
<tr>
<td>1:45–2:45 pm</td>
<td>T. Catastrophic Planning: Facility Specific and Transcendent</td>
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<tr>
<td></td>
<td>Goldsmith Lax</td>
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<tr>
<td>1:45–2:45 pm</td>
<td>U. Mergers and Acquisitions and Financing Climate for Senior Care Facilities</td>
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<td></td>
<td>Burkett</td>
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<tr>
<td>1:45–2:45 pm</td>
<td>V. Recent Trends in the Level of Medicaid Payments and Federal Court Challenges</td>
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<tr>
<td></td>
<td>Lubarsky Miles</td>
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</tbody>
</table>
Program at a Glance

Thursday, February 22, 2007  (Continued)

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:55–3:55 pm</td>
<td>W. Predicting Claims and Survey Risk in Nursing Facilities: A Quantitative Approach (not repeated)</td>
<td>Butler Littlehale</td>
</tr>
<tr>
<td></td>
<td>X. Hospice and Home Health Update</td>
<td>Randall</td>
</tr>
<tr>
<td></td>
<td>Y. Assisted Living Update</td>
<td>Leebroan</td>
</tr>
<tr>
<td></td>
<td>Z. Making the Most of a Bad Situation: Creative Ways for Providers of Long Term Care to Maximize Recovery of Accounts Receivable</td>
<td>Blubaugh</td>
</tr>
<tr>
<td></td>
<td>E. Developing a Request for Informal Dispute Resolution (repeat)</td>
<td>Markenson</td>
</tr>
<tr>
<td>4:05–5:05 pm</td>
<td>AA. Hot Topics in Labor and Employment Law Impacting Long Term Care</td>
<td>Lyncheski</td>
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<tr>
<td></td>
<td>BB. Update on Abuse and Neglect</td>
<td>Feldkamp</td>
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<tr>
<td></td>
<td>V. Recent Trends in the Level of Medicaid Payments and Federal Court Challenges (repeat)</td>
<td>Lubarsky Miles</td>
</tr>
<tr>
<td></td>
<td>B. 2006 Survey and Enforcement Update: CMS and Provider Perspectives on Current Topics (repeat)</td>
<td>Bianculli Graunke</td>
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<tr>
<td></td>
<td>C. Legislative and Regulatory Update (repeat)</td>
<td>Burgess Gay</td>
</tr>
<tr>
<td>6:00–8:30 pm</td>
<td>Reception sponsored by Greystone Servicing Corporation, Inc. (attendees, speakers and registered spouses and guests welcome)</td>
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</tbody>
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Friday, February 23, 2007

<table>
<thead>
<tr>
<th>Time</th>
<th>Registration and Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 am–3:25 pm</td>
<td>Continental Breakfast sponsored by Greystone Servicing Corporation, Inc. (attendees, speakers, children, registered spouses and guests welcome)</td>
</tr>
<tr>
<td>7:30–8:30 am</td>
<td></td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td>CC. Mediation, Arbitration and Litigation (not repeated)</td>
</tr>
<tr>
<td></td>
<td>DD. Ancillary Services in Long Term Care (not repeated)</td>
</tr>
<tr>
<td></td>
<td>I. Business and Risk Management Issues in Assisted Living (repeat)</td>
</tr>
<tr>
<td></td>
<td>S. New Strategies for Combating Medicaid Waste, Fraud and Abuse: Implications of the Federal Medicaid Integrity Program (repeat)</td>
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<tr>
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<td>U. Mergers and Acquisitions and Financing Climate for Senior Care Facilities (repeat)</td>
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<td>Binford Vandecaveye</td>
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<td>Sollins</td>
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<td>Cade Cheek</td>
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</table>
## Program at a Glance

Friday, February 23, 2007 (continued)

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:40–10:40 am</td>
<td>EE. Quality Indicator Survey — The Survey of the Future (not repeated)</td>
<td>Graunke</td>
</tr>
<tr>
<td></td>
<td>FF. When Bioethics Meets Legal Ethics (not repeated)</td>
<td>Arshagouni</td>
</tr>
<tr>
<td></td>
<td>F. Medicaid Reform: How It Affects Beneficiaries, States, Providers and Their Counsel (repeat)</td>
<td>Arden Arden (invited) Puri</td>
</tr>
<tr>
<td></td>
<td>J. Winning Strategies for Effectively Defending Long Term Care Cases (repeat)</td>
<td>Hendrix Mager</td>
</tr>
<tr>
<td></td>
<td>L. Buyer Beware: Nursing Home Transactions and Changing Reimbursement and Regulatory Systems (repeat)</td>
<td>Lang Vaughn</td>
</tr>
<tr>
<td>10:50–11:50 am</td>
<td>GG. Maximizing the Protection of the Corporate Form for Principals (not repeated)</td>
<td>McCumber McComber</td>
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<tr>
<td></td>
<td>G. Compliance in a Non-Compliant World (repeat)</td>
<td>Hoffman Sanders</td>
</tr>
<tr>
<td></td>
<td>Q. The Medicare Prescription Drug Benefit and Long Term Care: What You Need to Know (repeat)</td>
<td>Kelman (invited) Taylor</td>
</tr>
<tr>
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<td>Z. Making the Most of a Bad Situation: Creative Ways for Providers of Long Term Care to Maximize Recovery of Accounts Receivable (repeat)</td>
<td>Blubaugh Blubaugh</td>
</tr>
<tr>
<td></td>
<td>BB. Update on Abuse and Neglect (repeat)</td>
<td>Feldkamp Feldkamp</td>
</tr>
<tr>
<td>11:50 am–1:15 pm</td>
<td>Lunch on your own</td>
<td></td>
</tr>
<tr>
<td>1:15–2:15 pm</td>
<td>K. Appeals of HHS Long Term Care Enforcement Actions (repeat)</td>
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<td>T. Catastrophic Planning: Facility Specific and Transcendent (repeat)</td>
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<td>Randall</td>
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<td></td>
<td>AA. Hot Topics in Labor and Employment Law Impacting Long Term Care (repeat)</td>
<td>Lyncheski Lyncheski</td>
</tr>
<tr>
<td>2:25–3:25 pm</td>
<td>N. Medicaid Eligibility after the Deficit Reduction Act of 2005 (repeat)</td>
<td>Takacs</td>
</tr>
<tr>
<td></td>
<td>O. Current Trends and Strategies in Long Term Care False Claims Quality of Care Litigation (repeat)</td>
<td>Reagan Reagan</td>
</tr>
<tr>
<td></td>
<td>P. Decode the Document Puzzle: Putting Pieces Together and Managing Risk and Documentation (repeat)</td>
<td>Hessler Hessler</td>
</tr>
<tr>
<td></td>
<td>Y. Assisted Living Update (repeat)</td>
<td>Leebtron</td>
</tr>
</tbody>
</table>
Hotel Reservation Form

Long Term Care and the Law
February 21–23, 2007

Complete and Send To:
Royal Pacific Resort at Universal Orlando®, A Loews Hotel
6300 Hollywood Way
Orlando, FL 32819
Hotel Phone: 407-503-3000
Reservations Phone: 866-360-7395
Reservations Fax: 407-503-9258
Reservations Email: universalgroups@loewshotels.com

Attention: Reservations Department

Guest Room Rates:
☐ Single Occupancy $215  ☐ Double Occupancy $215
The above rates are exclusive of city and state taxes, which are currently 12.5%.

Arrival Date: _______________________________  Departure Date: _______________________________

Name: _______________________________________________________________________________________

Sharing with (if applicable): _____________________________________________________________________

Company Name: _______________________________________________________________________________
Address: ______________________________________________________________________________________
City: _________________________________________  State: ___________  Zip+4: ________________________
Business Telephone: ___________________________  Business Fax Number: ______________________________
E-Mail Address: ________________________________________________________________________________

Room Requests:
☐ Smoking  ☐ Non-smoking  ☐ King Bed  ☐ Two Double Beds

Special Needs Request: _________________________________________________________________________

Check-in 4:00 pm  Check-out: 11:00 am

All reservations are held on a tentative basis, and are subject to cancellation unless confirmed. Please enclose one night’s deposit plus applicable taxes or use your credit card. If the reservation is not confirmed with a major credit card at the time it is made, or a deposit has not been received within seven (7) days of booking the reservation, the hotel can not guarantee that the reservation will be held.

Card Type/Number: __________________________________________  Exp. Date: __________________________
Cardholder’s Name: _____________________________________________________________________________
Cardholder’s Signature: __________________________________________________________________________
Cardholder’s Billing Address Zip Code: _______________________________________________________________

To receive the group rate, reservations must be received no later than Wednesday, January 31, 2007.
Rooms at the group rate are limited and may sell out before January 31, 2007.
Program Information

**Dates:** February 21-23, 2007

**Place:** Royal Pacific Resort at Universal Orlando®, A Loews Hotel 6300 Hollywood Way Orlando, Florida 32819

**Phone:** (407) 503-3000  
**Reservations:** (866) 360-7395  
**Fax:** (407) 503-9258

**Registration Fees:**
- **Postmarked and paid by January 31, 2007**
  - $790 For the first AHLA Member
  - $715 For each additional Member
  - $990 Non-Members
- **Postmarked and paid between February 1 and February 16, 2007**
  - $890 For the first AHLA Member
  - $815 For each additional Member
  - $1090 Non-Members

  * Registration fees increase $100 after this date.

  If you have indicated an incorrect amount due to errors in addition or not being eligible for a specific rate, AHLA will charge the correct amount to the credit card you have supplied.

**Discounted Registration Fees:** Members of AHCA and AAHSA, government employees, in-house counsel, academicians, solo practitioners and students: please call for special discounted registration fees.

**Spouse/Guest Fee:** For an additional $75 spouses and adult guests can register to attend the receptions on Wednesday and Thursday evenings and the breakfasts on Thursday and Friday mornings. Please sign up on the registration form.

**Continuing Education:** Participants will be given continuing education forms at the program. Forms must be completed and returned to AHLA staff to receive credit. AHLA is an approved sponsor of continuing legal education credits in most states. This seminar will be worth approximately 17.75 continuing education credits (including 2.0 ethics credit) based on a 60-minute hour and 21.3 credits (including 2.4 ethics credits) based on a 50-minute hour. This seminar will be worth approximately 17.0 nursing home administrator 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 Avenue North, Nashville, TN 37219-2417. Web site: www.nasba.org. This seminar will be worth approximately 21.0 CPE credits.

There are no prerequisites or advanced preparations required to register for this group live program. Sessions are intermediate or advanced unless otherwise noted.

**Hotel Reservations:** Hotel accommodations are not included in the registration fee. Call the Royal Pacific Resort at (407) 503-3000 or use the reservation form found on page 16. **If calling, please indicate that you are attending the AHLA program.** Rooms at the group rate are limited and may sell out.

**Membership:** Dues are $175 for those admitted to the Bar/graduated from college within the last four years; $295 for those admitted/graduated more than four but less than eight years ago; and $335 for those admitted/graduated eight or more years ago. Dues are $150 (or $75 for electronic benefits) for government employees and full-time academicians; and $25 for full-time law school students to receive benefits electronically. 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 February 14, 2007. Refunds will not be issued for cancellations received after this date. Registration fees, less a $125 administrative fee, will be refunded approximately 3-4 weeks following the program. If you wish to send a substitute or need more information regarding refund, complaint and program cancellation policies, please call the Member Service Center at (202) 833-0766. Please note that registration fees are based on the AHLA membership status of the individual who actually attends the program.

**Special Needs:** If you need any of the auxiliary aids or services identified in the Americans with Disabilities Act, please call the Member Service Center at (202) 833-0766.
Long Term Care and the Law

Program Information

**Travel:** Association Travel Concepts (ATC) has negotiated discounts with United, American, Enterprise and Avis Rental Car to bring you special airfares and car rental rates lower than those available to the public. Discounts apply for travel February 18-26, 2007. For tickets purchased less than 30 days prior, the discounts will be 5% to 10% off of the lowest available fares. Some restrictions may apply 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  
www.atcmeetings.com  
(follow the Member Travel links)  
Fax: (858) 362-3153  

ATC is available for reservations from 9:00 am until 7:30 pm Eastern, Monday through Friday.

**AHLA PROGRAM ON CD**  
Contains detailed, searchable, and linked index, as well as AUDIO RECORDINGS and materials from every session

**SPECIAL OFFER FOR THOSE ATTENDING THE LONG TERM CARE PROGRAM**

*Long Term Care and the Law—CD for only $99 (just add to, and return, your registration form on page 19)*

**Not able to attend this program?**
We can help you be two places at once. Purchase the AHLA Program on CD.  
Just $199 for Members and $259 for Non-Members  
To receive the *Long Term Care and the Law CD:* (indicate member or non-member price on the registration form and return to AHLA) (item #26755-11)

Shipping and handling will be added; 5.75% tax will be added for DC residents). CDs will be fulfilled 4-6 weeks after the program.
Registration Form: Long Term Care and the Law

To register: Remit payment and completed registration form by mail to the American Health Lawyers Association
• P.O. Box 79340 • Baltimore, MD 21279-0340 or fax with credit card information to (202) 775-2482. To register
by phone call (202) 833-0766. If any program is over-subscribed, only Health Lawyers members will be placed
on a waiting list. On-site registrations will be accepted on a space-available basis only.

Name:_________________________________________________ Member ID #:____________________________
First Name for Badge (if different than above): _________________________________________________________
Title:__________________________________________________________________________________________
Organization: ___________________________________________________________________________________
Address: ______________________________________________________________________________________
City:______________________________________________ State:____________ ZIP+ 4:_____________________
Telephone: (_________) _________________________________ Fax: (_________) __________________________
E-Mail: ________________________________________________________________________________________
Spouse/Guest Name:_____________________________________________________________________________

Early Registration Fees (faxed/postmarked and paid on or before January 31, 2007):
AHLA Members: ☐ $790 Non-Members: ☐ $990
☐ $715 each additional AHLA member registering from same organization at same time
Registration Fees (faxed/postmarked and paid between February 1 and February 16, 2007):
AHLA Members: ☐ $890 Non-Members: ☐ $1090
☐ $815 each additional AHLA member registering from same organization at same time
☐ Special Offer for Program Attendees! Purchase the AHLA Program on CD from the LTC program (contains
detailed, searchable and linked index, as well as audio recordings and materials from every session)—$99*
Or if you can’t attend the program, but would like to purchase a CD of the program materials
☐ Long Term Care and the Law, Item #26755-11
Members $199*/Non-Members $259* $_______________

PAYMENT INFORMATION
Please fill in applicable amount: (Sorry! Registrations cannot be processed unless accompanied by payment.)
$__________________ Registration Fee
$__________________ Interactive Discussion Group ($40) (please indicate group number and name)
$__________________ Labor and Employment Practice Group Luncheon ($38 for members of the Labor PG/$43 for
non-members of the Labor PG; Wednesday, February 21)
$__________________ Long Term Care Practice Group Luncheon ($38 for members of the LTC PG/$43 for non-members
of the LTC PG; Thursday, February 22)
$__________________ Spouse/Guest Fee ($75)
$__________________ AHLA Programs on CD: Long Term Care and the Law
$__________________ Membership Dues (Date admitted to the bar/graduated: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ / ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐)
$__________________ Total Enclosed
☐ Check enclosed (Make checks payable to American Health Lawyers Association)
Bill my credit card: ☐ ☐ ☐ ☐
Number: ____________________________ Exp. Date: ☐ ☐ ☐ ☐ / ☐ ☐ ☐ ☐ ☐ ☐ ☐
Name of Cardholder: ____________________________
Signature of Cardholder: ____________________________
ZIP Code of Cardholder’s Billing Address: ____________________________

*All orders will be filled 4-6 weeks after the program. Shipping and handling will be added; 5.75% tax will be added for DC residents.
Please Note: Should your credit card total be miscalculated, AHLA will charge your credit card for the correct amount. To receive a refund of the registration
fee paid minus $125, cancellation notice must be received in writing by February 14, 2007. Please see p. 17 of this brochure for AHLA’s full refund policy.
Long Term Care and the Law

Orlando

February 21-23, 2007
Royal Pacific Resort at Universal Orlando®
A Loews Hotel

Register by January 31, 2007 and save!
Register online today at
www.healthlawyers.org/programs