Physicians and Physician Organizations Law Institute
Las Vegas
February 5-6, 2007
Mandalay Bay Resort and Casino

Planning Committee:
Charlene L. McGinty, Esq. – Program Chair
Almeta E. Cooper, Esq.
Michael F. Schaff, Esq.

Horne LLP has provided sponsorship in support of this program.
Program Agenda

Monday, February 5, 2007

7:00 am–5:40 pm
Registration and Information

7:15–8:15 am
Representing Physicians Primer
Almeta E. Cooper
Charlene L. McGinty
Michael F. Schaff
• Who is your client?
• Who can employ a physician?
• Basic issues in physician employment contracts
• Becoming a shareholder in a medical practice
• Retirement/sale
• Post-termination restrictions

GENERAL SESSION
8:30–8:45
Welcome and Introduction
Elisabeth Belmont
AHLA President-Elect
Charlene L. McGinty
Physicians Program Chair

8:45–9:30 am
Keynote Address
Christopher J. Christie (invited)

CONCURRENT SESSIONS
9:45–10:45 am
A. Physician: Protect Thyself! It’s Time for Providers to Know How to Stay Out of Trouble
Lawrence D. Frenkel
Alan S. Goldberg
• Who is investigating whom and why?
• What are governments and other payers looking for?
• Why are physicians attractive targets?
• Civil, criminal, or both
• Peer review, licensure, credentialing, data banks
• When to settle and when to be on your mettle
• How to stay out of trouble

B. Utilizing Non-Physician Providers: Maximize Production and Minimize Risk
Gerald E. DeLoss
• Using NPPs in your practice – overview and description

• NPPs and billing – maximize productivity
• NPPs and billing “incident to” – maximize reimbursement
• NPPs and scheduling – maximize physician flexibility and availability
• NPPs oversight and supervision – minimize risk

David A. De Simone
Lisa M. Gingerich
• Matchmaking 101: Collaborative relationships - call coverage, joint venture, recruitment assistance, time share/turn key/clinic arrangements, gainsharing
• Rules of engagement: New developments in the regulatory landscape impacting collaborative relationships
• Marriage? Children? Own or rent?: Key questions to ask your partner in physician-hospital transactions
• Romantic harmony or war of the roses: Lessons learned

11:00 am–12:00 noon
D. Retail Medicine – New Opportunities and New Challenges for Physicians and Physician Organizations
Ryan S. Johnson
• Examples of retail medicine
• Corporate practice/fee splitting issues
• Advertising issues
• Professional and facility licensing issues
• Anti-kickback and self-referral issues

E. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege during an Investigation
Philip L. Pomerance
Lisa D. Taylor
• A review of the attorney-client privilege with a look to healthcare organizations
• Do you (or your client) really have a choice?
• Cooperation without capitulation
• Federal sentencing guidelines - trading privilege for leniency
Program Agenda

F. Paths and Pitfalls: What’s Really the Deal with the “Messenger Model?”
Arthur N. Lerner
• What can physician networks negotiate with health plans?
• How the “messenger model” really can work
• The eight pitfalls of “blown” messenger models
• Whether the FTC and Department of Justice are making law or just enforcing it
• Finding a “win-win” solution and avoiding antitrust problems

12:00 noon–1:30 pm
Lunch on your own or attend the Physician Organizations and Health Information and Technology Practice Groups Joint Lunch (additional fee; limited attendance; pre-registration required; see page 15)

The Potential for Legal Liability in Adoption of EHR and HIE: Vendor and Provider Perspectives
Joanne E. Joiner
Polsinelli Shalton Welte Suelthaus, Kansas City, MO
Gerald “Jud” E. DeLoss
Krahmer & Nielsen PA, Fairmont, MN

CONCURRENT SESSIONS
1:40–2:40 pm
G. ADR – Medical Practice Separation Agreements
(not repeated)
Jane Reister Conard
Lisa Diehl Vandecaveye
• ADR rules
• ADR for patient care ethics conflicts
• ADR for adverse events
• ADR for peer review and medical staff issues
• ADR for contract issues

H. Compliance and Valuation Issues in Hospital-Physician Relationships
David T. Lewis
Steve Rice
• Process for assessing fair market value of physician compensation and joint venture interests
• Data used in fair market value assessment
• How different structures and arrangements are valued – physician employment, professional services agreements, joint ventures
• Outliers — how are they handled
• Issues in joint ventures involving existing hospital service lines, joint ventures between for profits and non-profits and under arrangement joint ventures

1:40 noon–2:40 pm

J. Champagne on a Beer Budget: Strategies for Ensuring Compliance, Assessing Voluntary Disclosure and Conducting Internal Investigations without Spending a Fortune
David Laigaie
Todd A. Rodriguez
• Developing cost effective compliance programs
• Training on the cheap
• Outsourcing compliance reporting and monitoring
• Self-assessing voluntary disclosure versus carrier repayment
• Conducting investigations that solve existing problems without creating new ones

2:55–3:55 pm
K. Imaging Joint Ventures – Why They are Proliferating (not repeated)
Paul R. DeMuro
• Increasing interest in imaging joint ventures, the parties and why so many ventures are possible
• What the parties bring to a joint venture and certain structural considerations and popular joint venture structures
• Regulatory considerations, such as Medicare and Medicaid anti-kickback, Stark self-referral, antitrust, tax-exemption, etc.
• Preferred structures for joint ventures and restructuring considerations
• Recommendations for new joint ventures in this increasing hostile regulatory climate
• Overall OIG guidelines applied to imaging joint ventures

L. Credentialing Nightmares (advanced)
Almeta E. Cooper
Terri-Lynne B. Smiles
• JCAHO Medical Staff Standards
• Substantive vs procedural due process

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

• Medical staff vs hospital perspective
• Bizarre credentialing requirements

C. The New Dating Game: Physician-Hospital Collaborative Relationships in 2007 (repeat)

4:10–5:10 pm
M. Successfully Defending Third Party Payor Audits
Andrew B. Wachler
• The new Medicare appeals process, including the early presentation of evidence requirement
• Past successful appeal strategies for third party payor audits and how they can be utilized in the new process
• Successful proactive compliance strategies to assist providers in avoiding third party payor audits
• Defense strategies for third party payor audits

4:10–5:40 pm Extended Sessions
N. Vendor and Pharmaceutical Gift Giving, Marketing and Compliance (not repeated)
John R. Washlick
Sidney Summers Welch
• Industry practices
• Potential legal implications
• Legislative developments and related trends
• Industry-proposed policies
• Compliance considerations

O. Stark – What Works and What Won’t!
David E. Matyas
Cynthia Ransburg-Brown
• What are the pitfalls when a group of physicians attempts to qualify as a “group practice”?
• What are some of the practical issues that arise under the in-office ancillary services exception?
• How can a joint venture be structured without violating the Stark Law?
• What types of physician recruitment arrangements are problematic?
• What is the intersection between the Stark and Anti-Kickback Statutes on these major issues?

5:10–6:30 pm
Reception sponsored by Horne LLP
(attendees, speakers and registered spouses and guests are welcome to attend)

Tuesday, February 6, 2007

7:00 am–5:50 pm
Registration and Information

7:00–8:00 am
Continental Breakfast sponsored by Horne LLP
(attendees, speakers and registered spouses and guest welcome)

GENERAL SESSION
8:00–8:10 am
Welcome and Introduction
Elisabeth Belmont
AHLA President-Elect
Gail P. Heagen
Hospitals Program Chair

8:10–9:25 am
Top Legal Developments for Hospitals and Physicians
Beth Schermer
Jack S. Schroder, Jr.

CONCURRENT SESSIONS
9:55–11:25 am Extended Sessions
P. Non-Competes: Enforceable or Not?
(not repeated)
Joey D. Havens
Roy W. Breitenbach
• Federal and state laws banning or regulating restrictive covenants
• The reasonableness test for enforcing restrictive covenants
• Defenses to physician restrictive covenant enforcement actions
• Litigating physician restrictive covenant actions
• Public interest can be served with non-competes

Q. Electronic Health Records Systems: From Vendor Contract Negotiation to Provider Practice Integration
Bernadette M. Broccolo
• Anticipating the myriad legal compliance needs when designing system features and functions and negotiating the vendor contracts
• Communicating with physicians and other key constituencies whose support and participation is critical to the roll-out’s success
Program Agenda

• Developing a business model that reconciles competing regulatory restrictions such as Stark, tax-exemption, anti-kickback, including the new Stark and anti-kickback EHR exception and Safe Harbor
• Creating the organizational and administrative infrastructure to support the operation, growth and development of the integrated health record network through entity formation and contractual relationships
• Structuring and negotiating the key terms of the contractual relationships with participants, including pricing, data ownership and “exit strategies”

R. Aligning Interests, Sharing Risks: The What, Why and How of Cutting Edge Clinical Joint Ventures
H. Guy Collier
Gail P. Heagen
• Structural characteristics of cutting-edge JV models — block lease, center of excellence, under arrangements
• Key legal and regulatory issues in each — corporate, fraud and abuse, self-referral, tax, securities
• Distinct advantages and disadvantages of each model
• Ongoing, post-implementation regulatory concerns

O. Stark – What Works and What Won’t! (repeat)

11:40 am–12:40 pm

S. ER Diversion at the Hospital (not repeated)
Michelle A. Williams
• What is diversion-state and federal definitions
• What the statutes fail to identify
• Is diversion limited to ambulances/refusal of transfer requests
• Diversion and EMTALA/the TAG/the CMS Parking Memo

T. Assessing Security Rule Compliance in the Physician Office Practice (not repeated)
Robert R. Harrison
• Policy goals of the Security Rule; intersections with the Privacy Rule
• The structure of the Rule; understanding intent as a basis for compliance
• Understanding required and addressable implementation specifications
• Approaches to compliance assessment in the office practice
• Development of Security Rule office policies

U. Physician Recruitment: New Approaches to Compliance (advanced)
Debbi M. Johnstone
• Understanding the laws applicable to physician recruitment, with an emphasis on issues raised by the Stark law
• Structuring the salary and permissible expense components of an income guarantee arrangement
• Issues when contracting with a group versus with individual physicians
• Alternatives to the traditional income guarantee arrangements (office expense sharing arrangements, practice support loans, coverage agreements)

B. Utilizing Non-Physician Providers: Maximize Production and Minimize Risk (repeat)

12:40–1:50 pm
Lunch on your own or attend the Hospitals and Health Systems and Antitrust Practice Groups Joint Lunch (additional fee; limited attendance; pre-registration required; see page 15)

Healthcare Antitrust Update: What’s New for Hospitals
Arthur N. Lerner
Crowell & Moring, Washington, DC

CONCURRENT SESSIONS
1:50–2:50 pm

V. ASC and Hospitals: Designer Deals and Emerging Trends, “Under Arrangements” and Beyond (not repeated)
Ina J. Coleman
• Review of hospital/physician ASC joint ventures
• The new tri-party arrangements with outside management companies
Program Agenda

- Analysis of the popular “under arrangement” model
- Discussion of deal pressure points
- Overview of new deal trends, including conversion to specialty hospital

W. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past (not repeated)
Peter A. Pavarini
- An explanation of why direct employment of physicians by the hospital allows the greatest flexibility in structuring a relationship which properly aligns the interests of the parties with the least amount of legal risk
- Recruitment and retention incentives that may be used by the parties to forge a long-term sustainable relationship
- Federal laws and regulations that shape the form and substance of the hospital-physician relationship
- How state laws, particularly corporate practice of medicine prohibitions, may limit the ability to use the employment model
- How to effectively handle the thorny issues of reasonable compensation, community need, and relevant service area
- How to avoid other legal traps when negotiating and drafting such recruitment agreements

E. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege during an Investigation (repeat)

L. Credentialing Nightmares (advanced) (repeat)

3:05–4:05 pm
X. Pay for Performance – Elements and Legal/Regulatory Considerations of a Hospital Sponsored P4P Program (not repeated)
William D. Darling
- Basic elements of a pay for performance program including the business case quality indicators and payment methods
- Major players and operational Pay for Performance programs
- Challenges specific to participation by physicians and hospitals in Pay for Performance programs
- Strategies to coordinate hospital and physician incentives to achieve the level of collaboration necessary for a successful joint Pay for Performance product
- Regulatory impediments to the creation of an organizational model to implement a Pay for Performance strategy
- CMS’ Pay for Performance demonstration projects, future government and private payors initiatives

Y. Deferred Compensation for ER Call – A New Solution for an Old Problem? (not repeated)
Daniel Mulholland
- How deferred compensation for ER call works
- Structuring the personal service contract
- Determining reasonable compensation
- Coordinating contract with deferred compensation plan
- Applications beyond ER call

F. Paths and Pitfalls: What’s Really the Deal with the “Messenger Model?” (repeat)

H. Compliance and Valuation Issues in Hospital-Physician Relationships (repeat)

M. Successfully Defending Third Party Payor Audits (repeat)

4:20–5:20 pm
J. Champagne on a Beer Budget: Strategies for Ensuring Compliance, Assessing Voluntary Disclosure and Conducting Internal Investigations without Spending a Fortune (repeat)

U. Physician Recruitment: New Approaches to Compliance (advanced) (repeat)

4:20–5:50 pm Extended Sessions
Q. Electronic Health Records Systems: From Vendor Contract Negotiation to Provider Practice Integration (repeat)


Adjournment
Program Faculty

Planning Committee
Charlene L. McGinty, Esq.
Program Chair
Powell Goldstein LLP
Atlanta, GA

Almeta E. Cooper, Esq.
General Counsel
Ohio State Medical Association
Hilliard, OH

Michael F. Schaff, Esq.
Wlentz Goldman & Spitzer PA
Woodbridge, NJ

Roy W. Breitenbach, Esq.
Garfunkel Wild & Travis PC
Great Neck, NY

Bernadette M. Broccolo, Esq.
McDermott Will & Emery LLP
Chicago, IL

Christopher J. Christie, Esq.
invited
US Attorney for the District of New Jersey
Newark, NJ

Ira J. Coleman, Esq.
McDermott Will & Emery LLP
Miami, FL

H. Guy Collier, Esq.
McDermott Will & Emery LLP
Washington, DC

Jane Reister Conard, Esq.
Senior Counsel
Intermountain Health Care, Inc.
Salt Lake City, UT

William D. Darling, Esq.
Strasburger & Price LLP
Austin, TX

Gerald “Judy” E. DeLoss, Esq.
Krahmer & Bishop PA
Fairmont, MN

Paul R. DeMuro, Esq.
Latham & Watkins LLP
San Francisco, CA

David A. De Simone, Esq.
Monmouth Ocean Hospital Service Corp
Neptune, NJ

Lawrence D. Frenkel, MD
Somerset, NJ

Lisa M. Gingerich, Esq.
von Briesen & Roper SC
Milwaukee, WI

Alan S. Goldberg, Esq.
Attorney & Counsellor At Law
McLean, VA

Robert R. Harrison, Esq.
Snow Christensen & Martineau
Salt Lake City, UT

Joey D. Havens, CPA
Horne LLP
Jackson, MS

Gail P. Heagan, Esq.
General Counsel
Sentara Healthcare
Norfolk, VA

Ryan S. Johnson, Esq.
Fredrikson & Byron PA
Minneapolis, MN

Debbi M. Johnstone, Esq.
Vinson & Elkins LLP
Houston, TX

David Laigaie, Esq.
Dilworth Paxson LLP
Philadelphia, PA

David T. Lewis, Esq.
Chief Legal Officer
Erlanger Health System
Chattanooga, TN

David E. Matyas, Esq.
Epstein Becker & Green PC
Washington, DC

Daniel Mulholland, Esq.
Horty Springer & Mattern PC
Pittsburgh, PA

Peter A. Pavarini, Esq.
Schottenstein Zox & Dunn LPA
Columbus, OH

Philip L. Pomerance, Esq.
Kamensky Rubinstein Hochman & Delott LLP
Lincolnwood, IL

Cynthia Ransburg-Brown, Esq.
Sidote & Perrin PC
Birmingham, AL

Steve Rice
Managing Senior Vice President
MSA/Clark Consulting
Minneapolis, MN

Todd A. Rodriguez, Esq.
Fox Rothschild LLP
Exton, PA

Beth Schermer, Esq.
Vice Dean, Administration
University of Arizona College of Medicine
Phoenix, AZ

Jack S. Schroder, Jr., Esq.
Alston & Bird LLP
Atlanta, GA

Terri-Lynne B. Smiles, Esq.
Collis Smiles & Collis LLC
Columbus, OH

Lisa D. Taylor, Esq.
Stern & Kilcullen
Roseland, NJ

Lisa Diehl Vandecaveye, Esq.
Corporate Vice President of Legal Affairs
Botsford Health Care Continuum
Farmington Hills, MI

Andrew B. Wachler, Esq.
Wachler & Associates PC
Royal Oak, MI

John R. Washlick, Esq.
Cozen O’Connor PC
Philadelphia, PA

Sidney Summers Welch, Esq., MPH
Powell Goldstein LLP
Atlanta, GA

Michelle A. Williams, Esq.
Alston & Bird LLP
Atlanta, GA
# Program at a Glance—Physicians

**Monday, February 5, 2007**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 am–5:40 pm</td>
<td>Registration and Information</td>
</tr>
</tbody>
</table>
| 7:15–8:15 am     | Representing Physicians Primer  
Cooper, McGinty, Schaff                      |
| 8:30–9:30 am     | **General Session**  
8:30-8:45  
Welcome and Introduction  
Belmont, McGinty  
8:45-9:30 am  
Keynote Address  
Christie (invited) |
| 9:45–10:45 am    | **A. Physician: Protect Thyself!**  
It's Time for Providers to Know How to Stay Out of Trouble  
(not repeated)  
Frenkel Goldberg |
|                  | **B. Utilizing Non-Physician Providers: Maximize Production and Minimize Risk**  
DeLoss |
|                  | **C. The New Dating Game: Physician-Hospital Collaborative Relationships in 2007**  
De Simone Gingerich |
| 11:00 am–12:00 noon | **D. Retail Medicine – New Opportunities and New Challenges for Physicians and Physician Organizations**  
(not repeated)  
Johnson |
|                  | **E. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege during an Investigation**  
Pomerance Taylor |
|                  | **F. Paths and Pitfalls: What's Really the Deal with the "Messenger Model?"**  
Lerner |
| 12:00 noon–1:30 pm | Lunch on your own or attend the Physicians and HIT Practice Groups Joint Lunch  
(additional fee; limited attendance; pre-registration required; see page 15) |
| 1:40–2:40 pm     | **G. ADR – Medical Practice Separation Agreements**  
(not repeated)  
Conard Vandecaveye |
|                  | **H. Compliance and Valuation Issues in Hospital-Physician Relationships**  
Lewis Rice |
|                  | **J. Strategies for Ensuring Compliance, Assessing Voluntary Disclosure and Conducting Internal Investigations**  
Laigaie Rodriguez |
| 2:55–3:55 pm     | **K. Imaging Joint Ventures – Why They are Proliferating**  
(not repeated)  
DeMuro |
|                  | **L. Credentialing Nightmares**  
(advanced)  
Cooper Smiles |
|                  | **C. The New Dating Game: Physician-Hospital Collaborative Relationships in 2007** (repeat)  
De Simone Gingerich |
| 4:10–5:10 pm     | **M. Successfully Defending Third Party Payor Audits**  
Wachler |
|                  | **N. Vendor and Pharmaceutical Gift Giving, Marketing and Compliance**  
Washlick Welch |
| 5:10–6:30 pm     | **O. Stark – What Works and What Won’t!**  
Matyas Ransburg-Brown |

Reception sponsored by Horne LLP  
(attendees, speakers and registered spouses and guests are welcome to attend)
## Program at a Glance—Physicians

**Tuesday, February 6, 2007**

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 am–5:50 pm</td>
<td>Registration and Information</td>
</tr>
<tr>
<td>7:00–8:00 am</td>
<td>Continental Breakfast sponsored by Horne LLP (attendees, speakers and registered spouses and guest welcome)</td>
</tr>
<tr>
<td>8:00–9:25 am</td>
<td><strong>General Session</strong>&lt;br&gt;8:00–8:10 am&lt;br&gt;Welcome and Introduction&lt;br&gt;Belmont, Heagen&lt;br&gt;8:10–9:25 am&lt;br&gt;Top Legal Developments for Hospitals and Physicians&lt;br&gt;Schermer, Schroder</td>
</tr>
<tr>
<td>9:55–11:25 am</td>
<td><strong>P. Non-Competes: Enforceable or Not?</strong> (not repeated) Havens, Breitenbach</td>
</tr>
<tr>
<td>9:55–11:25 am</td>
<td><strong>Q. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration</strong> Broccolo</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td><strong>S. ER Diversions at the Hospital</strong> (not repeated) Williams</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td><strong>T. Assessing Security Rule Compliance in the Physician Office Practice</strong> (not repeated) Harrison</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td><strong>U. Physician Recruitment: New Approaches to Compliance</strong> (advanced) Johnstone</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td><strong>B. Utilizing Non-Physician Providers: Maximize Production and Minimize Risk</strong> (repeat) DeLoss</td>
</tr>
<tr>
<td>12:40–1:50 pm</td>
<td>Lunch on your own or attend HHS and Antitrust Practice Groups Joint Lunch (additional fee; limited attendance; pre-registration required; see page 15)</td>
</tr>
<tr>
<td>1:50–2:50 pm</td>
<td><strong>V. ASC and Hospitals: Designer Deals and Emerging Trends, “Under Arrangements” and Beyond</strong> (not repeated) Coleman</td>
</tr>
<tr>
<td>1:50–2:50 pm</td>
<td><strong>W. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</strong> (not repeated) Pavarini</td>
</tr>
<tr>
<td>1:50–2:50 pm</td>
<td><strong>E. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege during an Investigation</strong> (repeat) Pomerance, Taylor</td>
</tr>
<tr>
<td>1:50–2:50 pm</td>
<td><strong>L. Credentialing Nightmares</strong> (advanced) (repeat) Cooper, Smiles</td>
</tr>
<tr>
<td>3:05–4:05 pm</td>
<td><strong>X. Elements and Legal/Regulatory Considerations of a Hospital Sponsored P4P Program</strong> (not repeated) Darling</td>
</tr>
<tr>
<td>3:05–4:05 pm</td>
<td><strong>Y. Deferred Compensation for ER Call – A New Solution for an Old Problem?</strong> (not repeated) Multholland</td>
</tr>
<tr>
<td>3:05–4:05 pm</td>
<td><strong>F. Paths and Pitfalls: What’s Really the Deal with the “Messenger Model”?</strong> (repeat) Lerner</td>
</tr>
<tr>
<td>3:05–4:05 pm</td>
<td><strong>H. Compliance and Valuation Issues in Hospital-Physician Relationships</strong> (repeat) Lewis, Rice</td>
</tr>
<tr>
<td>3:05–4:05 pm</td>
<td><strong>M. Successfully Defending Third Party Payor Audits</strong> (repeat) Wachler</td>
</tr>
</tbody>
</table>
## Program at a Glance—Physicians

**Tuesday, February 6, 2007** (Continued)

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>4:20–5:20pm</td>
<td>J. Strategies for Ensuring Compliance, Assessing Voluntary Disclosure and Conducting Internal Investigations (repeat)</td>
</tr>
<tr>
<td></td>
<td>Laigaie Rodriguez</td>
</tr>
<tr>
<td>4:20–5:20pm</td>
<td>U. Physician Recruitment: New Approaches to Compliance (advanced) (repeat)</td>
</tr>
<tr>
<td></td>
<td>Johnstone</td>
</tr>
<tr>
<td>4:20–5:50pm</td>
<td>O. E H R Systems: From Vendor Contract Negotiation to Provider Practice Integration (repeat)</td>
</tr>
<tr>
<td></td>
<td>Broccolo</td>
</tr>
<tr>
<td></td>
<td>Collier Heagen</td>
</tr>
</tbody>
</table>

## Program at a Glance—Hospitals

**Tuesday, February 6, 2007**

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 am–5:50 pm</td>
<td>Registration and Information</td>
</tr>
<tr>
<td>8:00–9:25 am</td>
<td>General Session</td>
</tr>
<tr>
<td></td>
<td>8:00–8:10 am</td>
</tr>
<tr>
<td></td>
<td>Welcome and Introduction</td>
</tr>
<tr>
<td></td>
<td>Belmont, Heagen</td>
</tr>
<tr>
<td></td>
<td>8:10–9:25 am</td>
</tr>
<tr>
<td></td>
<td>Top Legal Developments for Hospitals and Physicians</td>
</tr>
<tr>
<td></td>
<td>Schermer, Schroder</td>
</tr>
<tr>
<td>9:55–11:25 am</td>
<td>A. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration</td>
</tr>
<tr>
<td></td>
<td>Broccolo</td>
</tr>
<tr>
<td></td>
<td>Collier Heagen</td>
</tr>
<tr>
<td>9:55–11:25 am</td>
<td>C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers</td>
</tr>
<tr>
<td></td>
<td>Bressler Micklos</td>
</tr>
<tr>
<td>9:55–11:25 am</td>
<td>D. Quality of Care, Outcomes and Failure of Care</td>
</tr>
<tr>
<td></td>
<td>Sheehan Wagonhurst</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td>E. Beyond Compliance: Corporate Governance and Risk Minimization (not repeated)</td>
</tr>
<tr>
<td></td>
<td>Levine</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td>F. Physician Recruitment: New Approaches to Compliance (advanced)</td>
</tr>
<tr>
<td></td>
<td>Johnstone</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td>G. ER Diversion at the Hospital</td>
</tr>
<tr>
<td></td>
<td>Williams</td>
</tr>
<tr>
<td>11:40 am–12:40 pm</td>
<td>H. Fraud, Abuse and False Claims Act: Recent Government Enforcement Focus</td>
</tr>
<tr>
<td></td>
<td>Eiland</td>
</tr>
<tr>
<td>12:40–1:50 pm</td>
<td>Lunch on your own or attend the HHS and Antitrust Practice Groups Joint Lunch (additional fee; limited attendance; pre-registration required; see page 15)</td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1:50–2:50 pm</td>
<td>J. Legal Ethics: Spilling the Beans – Protecting Yourself and the Attorney-Client Privilege During an Investigation (not repeated)</td>
</tr>
<tr>
<td></td>
<td>K. Managed Care Contracting: Practice Tips and Traps for the Unwary</td>
</tr>
<tr>
<td></td>
<td>L. Emerging Economic and Quality Liabilities</td>
</tr>
<tr>
<td></td>
<td>M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</td>
</tr>
<tr>
<td>3:05–4:05 pm</td>
<td>N. Compliance and Valuation Issues in Hospital-Physician Relationships (not repeated)</td>
</tr>
<tr>
<td></td>
<td>O. Elements and Legal/Regulatory Considerations of a Hospital Sponsored P4P Program (not repeated)</td>
</tr>
<tr>
<td></td>
<td>P. Handling Potential Whistleblowers and Responding to Government Investigations</td>
</tr>
<tr>
<td></td>
<td>Q. Deferred Compensation for ER Call – A New Solution for an Old Problem?</td>
</tr>
<tr>
<td></td>
<td>S. 20 Practical Provisions You Should Have in Your Medical Staff Bylaws</td>
</tr>
<tr>
<td></td>
<td>F. Physician Recruitment: New Approaches to Compliance (advanced) (repeat)</td>
</tr>
<tr>
<td></td>
<td>4:20-5:50 pm extended sessions A. EHR Systems: From Vendor Contract Negotiation to Provider Practice Integration (repeat)</td>
</tr>
<tr>
<td></td>
<td>B. Aligning Interests, Sharing Risks: The What, Why and How of Cutting Edge Clinical Joint Ventures (repeat)</td>
</tr>
<tr>
<td>5:20–6:45 pm</td>
<td>Reception sponsored by Horne LLP (attendees, faculty, and registered spouses and guests welcome)</td>
</tr>
</tbody>
</table>
### Program at a Glance—Hospitals

**Wednesday, February 7, 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></td>
</tr>
<tr>
<td>7:00–8:30 am</td>
<td><strong>Formation and Information</strong>&lt;br&gt;Continental Breakfast sponsored by Horne LLP (attendees, faculty, and registered spouses and guests welcome)</td>
</tr>
<tr>
<td>8:00–9:30 am</td>
<td><strong>C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers</strong> (repeat) by Bressler Miklos</td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td><strong>D. Quality of Care, Outcomes and Failure of Care</strong> (repeat) by Sheehan Wagonhurst</td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td><strong>T. Collaborating and Competing with Multi-Specialty Physician Groups</strong> by Thompson</td>
</tr>
<tr>
<td></td>
<td><strong>H. Fraud, Abuse and False Claims Act: Recent Government Enforcement Focus</strong> (repeat) by Eiland</td>
</tr>
<tr>
<td>9:40–10:40 am</td>
<td><strong>U. Keeping Your Head When Others are Losing theirs: Practical Tips in Disaster Planning for Hospitals</strong> (not repeated) by Goldstone Markey</td>
</tr>
<tr>
<td></td>
<td><strong>V. Tax-Exempt Hospitals: The Scrutiny Continues</strong> (repeat) by Ashford Mudron</td>
</tr>
<tr>
<td></td>
<td><strong>L. Emerging Economic and Quality Liabilities</strong> (repeat) by Peters</td>
</tr>
<tr>
<td></td>
<td><strong>S. 20 Practical Provisions You Should have in Your Medical Staff Bylaws</strong> (repeat) by Adelman</td>
</tr>
<tr>
<td>10:50–11:50 am</td>
<td><strong>W. Legal Ethics: Counseling the Nonprofit Board</strong> (not repeated) by Hyatt</td>
</tr>
<tr>
<td></td>
<td><strong>X. The 5 W’s of Research Compliance Plans and Activities</strong> (not repeated) by Hollenbeck</td>
</tr>
<tr>
<td></td>
<td><strong>Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program</strong> (repeat) by Babbo</td>
</tr>
<tr>
<td></td>
<td><strong>K. Managed Care Contracting: Practice Tips and Traps for the Unwary</strong> (repeat) by Sexton</td>
</tr>
<tr>
<td>11:50 am–1:05 pm</td>
<td><strong>Lunch on your own or attend the Healthcare Liability and Litigation and Medical Staff, Credentialing and Peer Review Practice Groups Joint Lunch</strong>&lt;br&gt;(additional fee; limited attendance; pre-registration required; see page 15)</td>
</tr>
<tr>
<td>1:15–2:15 pm</td>
<td><strong>M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</strong> (repeat) by Pavarini</td>
</tr>
<tr>
<td></td>
<td><strong>Q. Deferred Compensation for ER Call – A New Solution for an Old Problem?</strong> (repeat) by Mulholland</td>
</tr>
<tr>
<td></td>
<td><strong>P. Handling Potential Whistleblowers and Responding to Government Investigations</strong> (repeat) by Witten</td>
</tr>
<tr>
<td></td>
<td><strong>V. Tax-Exempt Hospitals: The Scrutiny Continues</strong> (repeat) by Ashford Mudron</td>
</tr>
<tr>
<td>2:25–3:25 pm</td>
<td><strong>G. ER Diversion at the Hospital</strong> (repeat) by Williams</td>
</tr>
<tr>
<td></td>
<td><strong>T. Collaborating and Competing with Multi-Specialty Physician Groups</strong> (repeat) by Thompson</td>
</tr>
<tr>
<td></td>
<td><strong>Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program</strong> (repeat) by Babbo</td>
</tr>
</tbody>
</table>

---

**Program at a Glance—Hospitals**

**Wednesday, February 7, 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></td>
</tr>
<tr>
<td>7:00–8:30 am</td>
<td><strong>Formation and Information</strong>&lt;br&gt;Continental Breakfast sponsored by Horne LLP (attendees, faculty, and registered spouses and guests welcome)</td>
</tr>
<tr>
<td>8:00–9:30 am</td>
<td><strong>C. JCAHO Accreditation: A Changing Landscape for Hospital Lawyers</strong> (repeat) by Bressler Miklos</td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td><strong>D. Quality of Care, Outcomes and Failure of Care</strong> (repeat) by Sheehan Wagonhurst</td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td><strong>T. Collaborating and Competing with Multi-Specialty Physician Groups</strong> by Thompson</td>
</tr>
<tr>
<td></td>
<td><strong>H. Fraud, Abuse and False Claims Act: Recent Government Enforcement Focus</strong> (repeat) by Eiland</td>
</tr>
<tr>
<td>9:40–10:40 am</td>
<td><strong>U. Keeping Your Head When Others are Losing theirs: Practical Tips in Disaster Planning for Hospitals</strong> (not repeated) by Goldstone Markey</td>
</tr>
<tr>
<td></td>
<td><strong>V. Tax-Exempt Hospitals: The Scrutiny Continues</strong> (repeat) by Ashford Mudron</td>
</tr>
<tr>
<td></td>
<td><strong>L. Emerging Economic and Quality Liabilities</strong> (repeat) by Peters</td>
</tr>
<tr>
<td></td>
<td><strong>S. 20 Practical Provisions You Should have in Your Medical Staff Bylaws</strong> (repeat) by Adelman</td>
</tr>
<tr>
<td>10:50–11:50 am</td>
<td><strong>W. Legal Ethics: Counseling the Nonprofit Board</strong> (not repeated) by Hyatt</td>
</tr>
<tr>
<td></td>
<td><strong>X. The 5 W’s of Research Compliance Plans and Activities</strong> (not repeated) by Hollenbeck</td>
</tr>
<tr>
<td></td>
<td><strong>Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program</strong> (repeat) by Babbo</td>
</tr>
<tr>
<td></td>
<td><strong>K. Managed Care Contracting: Practice Tips and Traps for the Unwary</strong> (repeat) by Sexton</td>
</tr>
<tr>
<td>11:50 am–1:05 pm</td>
<td><strong>Lunch on your own or attend the Healthcare Liability and Litigation and Medical Staff, Credentialing and Peer Review Practice Groups Joint Lunch</strong>&lt;br&gt;(additional fee; limited attendance; pre-registration required; see page 15)</td>
</tr>
<tr>
<td>1:15–2:15 pm</td>
<td><strong>M. Employing Physicians without Buying Their Practices: How Hospitals are Avoiding the Mistakes of the Past</strong> (repeat) by Pavarini</td>
</tr>
<tr>
<td></td>
<td><strong>Q. Deferred Compensation for ER Call – A New Solution for an Old Problem?</strong> (repeat) by Mulholland</td>
</tr>
<tr>
<td></td>
<td><strong>P. Handling Potential Whistleblowers and Responding to Government Investigations</strong> (repeat) by Witten</td>
</tr>
<tr>
<td></td>
<td><strong>V. Tax-Exempt Hospitals: The Scrutiny Continues</strong> (repeat) by Ashford Mudron</td>
</tr>
<tr>
<td>2:25–3:25 pm</td>
<td><strong>G. ER Diversion at the Hospital</strong> (repeat) by Williams</td>
</tr>
<tr>
<td></td>
<td><strong>T. Collaborating and Competing with Multi-Specialty Physician Groups</strong> (repeat) by Thompson</td>
</tr>
<tr>
<td></td>
<td><strong>Y. Clinical Integration: Designing and Implementing a Legally Compliant, Market-Focused Program</strong> (repeat) by Babbo</td>
</tr>
</tbody>
</table>
Las Vegas

Program Information

Dates: February 5–6, 2007
Place: Mandalay Bay Resort and Casino
       3950 Las Vegas Blvd South
       Las Vegas, NV 89119
Phone: (877) 632-7000
Fax: (702) 632-7012

Registration Fees:
Physicians Program Only
Postmarked and paid by January 8, 2007
$720 For the first AHLA Member
$645 For each additional Member
$920 Non-Members

Postmarked and paid between January 9 and
February 3, 2007*
$820 For the first AHLA Member
$745 For each additional Member
$1020 Non-Members

Physicians and Hospitals Program
Postmarked and paid by January 8, 2007*
$1130 For the first AHLA Member
$1060 For each additional Member
$1330 Non-Members

Postmarked and paid on or after
January 9, 2007*
$1230 For the first AHLA Member
$1160 For each additional Member
$1330 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: Government employees,
in-house counsel, academicians, solo practitioners and
students: please call (202) 833-0766 for special
discounted registration fees.

Spouse/Guest Fee: For an additional $30 spouses and
adult guests can register to attend the reception on
Monday evening and the breakfasts on Monday and
Tuesday mornings. Please sign up on the registration
form. (Children are welcome to attend these events at
no additional charge.)

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 12.75 continuing education credits
(including 1.0 ethics credit) based on a 60-minute hour
and 16.8 credits (including 1.2 ethics credits) based on a
50-minute hour.

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, Suite 700, Nashville, TN 37219-
2417. Web site: www.nasba.org. This seminar will be
worth approximately 16.0 CPE credits.

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

Hotel Reservations: Hotel accommodations are not
included in the registration fee. Call the Mandalay Bay
Resort and Casino (877) 632-7000. 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 January 29, 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
(202) 833-0752. Please note that registration fees are
based on the AHLA membership status of the individual
who actually attends the program.
Program Information

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.

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 2-10, 2007. For tickets purchased less than 30 days prior, the discounts will be 5% to 15% 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.

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:
Physicians and Physician Organizations Law Institute—CD for only $99 (just add to and return your registration form on page 15)
Hospitals and Health Systems Law Institute—CD for only $99 (just add to and return your registration form on page 15)

Not able to attend one or both of these programs? We can help you be two places at once. Purchase the AHLA Program on CD for each program. Just $199 for Members and $259 for Non-Members

To receive the Physicians and Physician Organizations Law Institute CD: (indicate member or non-member price on the registration form and return to AHLA) (item #26800-11)

To receive the Hospitals and Health Systems Law Institute CD: (indicate member or non-member price on the registration form and return to AHLA) (item #26795-11)

Shipping and handling will be added; 6% tax will be added for PA residents; 5.75% tax will be added for DC residents). CDs will be fulfilled 4-6 weeks after the program.

To purchase contact Inside Sales at 1-800-833-9844. Questions about your order? Contact Customer Service at 1-800-533-1637.

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.
Physicians and Physician Organizations and Hospitals and Health Systems Law Institutes

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: ____________________________________________________________________________

☐ Please register me for the Physicians program only

Early Registration Fees (faxed/postmarked and paid on or before January 8, 2007):
AHLA Members: ☐ $720 Non-Members: ☐ $920
☐ $645 each additional AHLA member registering from same organization at the same time on the same check or
credit card payment

Registration Fees (faxed/postmarked and paid between January 9 and February 3, 2007):
AHLA Members: ☐ $820 Non-Members: ☐ $1190
☐ $745 each additional AHLA member registering from same organization at the same time on the same check or
credit card payment

☐ Please register me for both the Physicians and the Hospitals programs

Early Registration Fees (faxed/postmarked and paid on or before January 8, 2007):
AHLA Members: ☐ $1130 Non-Members: ☐ $1330
☐ $1060 each additional AHLA member registering from same organization at the same time on the same check or
credit card payment

Registration Fees (faxed/postmarked and paid between January 9 and February 3, 2007):
AHLA Members: ☐ $1230 Non-Members: ☐ $1430
☐ $1160 each additional AHLA member registering from same organization at the same time on the same check or
credit card payment

PAYMENT INFORMATION

Please fill in applicable amount: (Sorry! Registrations cannot be processed unless accompanied by payment.)
$________________ Registration Fee
$________________ Physicians and HIT Practice Group Joint Lunch ($38 for members of the Physicians/HIT PG/$43
for non-members – Monday, February 5, 2007)
$________________ HHS and AT Practice Group Joint Lunch ($38 for members of the HHS/AT PG/$43 for non-
members – Tuesday, February 6, 2007)
$________________ HC Liability and MSCPR Practice Group Joint Lunch ($38 for members of the HC Liability/MSCPR
PG/$43 for non-members – Wednesday, February 7, 2007)
$________________ AHLA Programs on CD: Physicians and Physician Organizations Law Institute
$________________ AHLA Programs on CD: Hospitals and Health Systems Law Institute
$________________ Spouse/Guest Fee ($30)
$________________ Membership Dues (Date admitted to the bar/graduated: 1/1/19/19/19/19)
$________________ Total Enclosed

☐ Check enclosed (Make checks payable to American Health Lawyers Association)
Bill my credit card: ☐ VISA ☐ MASTERCARD ☐ AMERICAN EXPRESS ☐ DISCOVER ☐ Other
Number:______________________________________ Exp. Date:____/____

Name of Cardholder: ____________________________________________________________________________
Signature of Cardholder: _________________________________________________________________________
ZIP Code of Cardholder's Billing Address __________________________________________________________

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 January 29, 2007. Please see p. 13 of this brochure for AHLA’s full refund policy.
Physicians and Physician Organizations Law Institute

Las Vegas

February 5–6, 2007
Mandalay Bay Resort and Casino

Register by January 8, 2007 and save!
Register online today at
www.healthlawyers.org/programs