



Minnesota State Bar Association Continuing Legal Education  
*Your State Bar at Work for You*

# Health Law Institute 2006

*Co-sponsored by the MSBA Health Law Section*

***Hear from  
the industry's  
best – speakers  
drawn from  
government,  
private practice,  
academia, and  
the health care  
industry –  
regarding:***

- Consumerism and the future of health care
- Trends in e-health including e-visits, computerized physician order entry, the interoperable medical record, and more
- Update on Minnesota AG Office enforcement actions in the health care area
- Medicare Part D
- How to avoid creating a whistleblower in your organization
- Responding to a flu pandemic – the legal framework
- And more!

**Thursday, June 8, 2006**  
**Minnesota CLE Conference Center**  
Seventh Street & Nicollet Mall  
Third Floor City Center  
Downtown Minneapolis

And, **NEW THIS YEAR** – your opportunity to participate in a roundtable discussion on one of four hot health law topics!

# Faculty & Planners

**\* John A. Breviu**

Leonard Street and Deinar  
Minneapolis

**George T. Chresand**

Senior Vice President & General Counsel  
Fairview Health Services  
Minneapolis

**Dannette Coleman**

Vice President, Public Policy &  
Government Relations  
Medica  
Minnetonka

**Jacqueline M. Darrah**

Halleland Lewis Nilan & Johnson, P.A.  
Minneapolis

**\* Keith J. Halleland**

Halleland Lewis Nilan & Johnson, P.A.  
Minneapolis

**Lawrence R. Jacobs**

Walter F. and Joan Mondale Chair for  
Political Studies  
Director, Center for the Study of Politics  
and Governance  
Hubert H. Humphrey Institute of Public  
Affairs  
University of Minnesota

**\* James P. Jacobson**

General Counsel  
Medica  
Minnetonka

**Lucinda E. Jesson**

Jesson & Pust, P.A.  
Saint Paul

**\* Ann Beimdiek Kinsella**

Assistant Attorney General  
Minnesota Attorney General's Office  
Saint Paul

**Tom Lehman**

The Lehman Group  
Golden Valley

**Steven J. Lokensgard**

Associate General Counsel  
Allina Hospitals & Clinics  
Minneapolis

**Ruth Lowenthal** (invited)

Director, HR Strategy  
Target Corporation  
Minneapolis

**Cal Ludeman**

Commissioner, MN Department of  
Employee Relations  
Chair, Governor's Health Cabinet  
Saint Paul

**Robert K. Meiches, M.D.**

Chief Executive Officer  
Minnesota Medical Association  
Minneapolis

**Jennifer O'Brien**

Vice President, Corporate Compliance  
Allina Hospitals & Clinics  
Minneapolis

**John S. Rah**

Epstein Becker & Green P.C.  
Washington, D.C.

**Ann Robinow**

General Manager & Vice President,  
Patient Choice  
Medica  
Minnetonka

**Holly Rodin, Ph.D.**

Senior Health Systems Researcher  
Service Employees International Union  
Saint Paul

**\* Sheva J. Sanders**

Lindquist & Vennum PLLP  
Minneapolis

**\* Dawn M. Sorensen**

Senior Legal Counsel  
Express Scripts  
Bloomington

**Ann E. Tobin**

Deputy General Counsel, Ovations  
UnitedHealth Group  
Minnetonka

**\* Barbara E. Tretheway**

Senior Vice President & General Counsel  
HealthPartners Inc.  
Minneapolis

**\* Stephen K. Warch**

Halleland Lewis Nilan & Johnson, P.A.  
Minneapolis

**\* Prasanta K. Wells**

Associate General Counsel, Ovations  
UnitedHealth Group  
Minnetonka

\* Planning committee member

## CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.25 CLE credits**.

## LIVE PRESENTATION

**Thursday, June 8, 2006**

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Seventh Street & Nicollet Mall,  
Third Floor City Center  
Minneapolis

## CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the course materials at 50% of the full retail price.

## ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

## QUESTIONS?

Please call Minnesota CLE at **651-227-8266** or **800-759-8840** or visit us online at [www.minncle.org](http://www.minncle.org).

# Schedule

8:00 – 8:30 a.m.

REGISTRATION, CHECK-IN & CONTINENTAL BREAKFAST

8:30 – 8:45 a.m.

## Welcome & Introduction

8:45 – 10:45 a.m.

### Consumerism and the Future of Health Care

Get any group of health care lawyers, businesspeople or policymakers together and one sure topic of discussion these days is “the role of the consumer” – from the increased use of health savings accounts, to putting more health-related information in the hands of consumers so they can make better choices. Join us for a thought-provoking discussion on the impact and future of the consumer by panelists representing a wide range of perspectives. Topics will include: the adequacy of information available to consumers to make informed choices regarding price and quality; the impact on consumer choice models of the evolution of managed care organizations; the efficaciousness of consumer choice models for substantial aggregate cost savings; and the consequences of declining employer health insurance and worsening financial capacity of many working individuals to afford genuine choice in health plans and medical services.

– *Lawrence R. Jacobs, Ph.D., moderator*

– *Ruth Lowenthal (invited), Commissioner Cal Ludeman, Robert K. Meiches, M.D., Ann Robinow, and Holly Rodin, Ph.D.*

10:45 – 11:00 a.m.

BREAK

11:00 – 11:45 a.m.

### Trends in E-Health

Where is the industry going on e-health? From the electronic medical record to the personal health record, information systems and technologies are impacting how the consumer and the provider receive and render care. This session will highlight recent trends in e-health including e-visits, computerized physician order entry, the electronic medical record, the personal health record and the interoperable medical record.

– *Barbara E. Tretheway*

11:45 – 12:45 p.m.

LUNCH (on your own)

12:45 – 1:30 p.m.

New This Year!

### Roundtable Breakout Sessions

A terrific opportunity to actively engage with your colleagues in roundtable discussion of significant health law issues. You'll choose from one of the following:

#### (1) Health Care Legislation Update

An overview of the 2006 Federal and Minnesota legislation affecting health care, a discussion of legislative trends among the states, and predictions for 2007.

– *Dannette Coleman & Tom Lehman*

#### (2) Community Benefit & Nonprofit Hospitals: New Developments in Enforcement

A discussion of new developments with respect to “community benefit” in the nonprofit hospital context, including the IRS’s Fiscal Year 2006 Exempt Organization Implementing Guidelines, which contemplated a new compliance/enforcement initiative to determine how hospitals meet the community benefit standards for purposes of section 501(c)(3).

– *George T. Chresand & Steven J. Lokensgard*

#### (3) Integrating Compliance and Risk Management

The discussion will focus on the advantages of integrating compliance efforts with risk management activities within an organization, and at the same time recognizing when it is beneficial to collaborate on projects and when it is best for the organization to maintain independence of functions or accountabilities.

– *Jennifer O'Brien*

#### (4) Physician Investment in Providers & Suppliers: New Federal and State Developments

The anti-kickback statute, Stark and various state laws all have implications for physician investment in health care providers and suppliers. This session will provide a brief overview of these laws and discuss the impact of recent state and federal developments on physician investment. In particular, this session will discuss the implications of the new California Attorney General opinion and recent OIG opinions on newer physician investment models.

– *Jacqueline M. Darrah & Sheva J. Sanders*

1:30 – 1:45 p.m.

BREAK

1:45 – 2:30 p.m.

#### Whistleblower Lawsuits: Practical Strategies for Avoiding As Many As You Can – And for Better Responding to the Ones You Can't

This session will discuss practical strategies that can reduce the risk that a current or former employee will file a federal false claims qui tam whistleblower lawsuit. And for those that you couldn't avoid – practical tips to ensure a well-coordinated and effective organizational response.

– *John S. Rah*

2:30 – 3:15 p.m.

#### Medicare Part D: Emerging Issues

Medicare Part D introduced a new world of obligations for a variety of parties in the healthcare world. This program will provide a general overview of the Medicare Part D program, as well as, highlighting the new fraud waste and abuse guidance for Medicare Part D, which identifies potential pitfalls for long term care facilities, providers, plans, pharmacies, and pharmacy benefit managers in this area.

– *Ann Tobin*

3:15 – 3:30 p.m.

BREAK

3:30 – 4:00 p.m.

#### Responding to a Flu Pandemic: The Legal Framework

Pandemic influenza is considered a high probability event. As others stock up canned goods, this session will examine the laws that may serve to prevent and control the international spread of this disease, spanning from the ancient laws of quarantine and isolation to the new International Health Regulations drafted by the World Health Organization.

– *Lucinda E. Jesson*

4:00 – 4:45 p.m.

#### Update on AG Enforcement Actions in the Health Care Area

Hear from the Manager of the Health/Antitrust Division at the Minnesota Attorney General's Office regarding the Office's current enforcement activities in the health care area.

– *Ann Beimdiek Kinsella*

4:45 – 5:30 p.m.

#### The Annual Reception

**Great Conversation! Great Fun!** The Reception will be held at the Minnesota CLE Conference Center immediately following the last program session. Complimentary appetizers, wine and beer will be served.

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 Seventh Street & Nicollet Mall, Third Floor City Center, Minneapolis

**PLEASE "✓" APPROPRIATE BOX BELOW:**

- \$245 MSBA member     \$245 paralegal     \$295 other

**NEW LAWYER DISCOUNT!**

- I was first admitted to the bar after June 8, 2003, and have deducted \$60 from the registration fee marked above.

**PLEASE "✓" ROUNDTABLE BREAKOUT CHOICE (choose one):**

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