

*14<sup>th</sup> Annual* AMERICAN BAR ASSOCIATION HEALTH LAW SECTION  
**WASHINGTON HEALTH LAW SUMMIT**

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**DECEMBER 12–13, 2016**

**The Ritz-Carlton | WASHINGTON, DC**

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AMERICAN BAR ASSOCIATION HEALTH LAW SECTION

# WASHINGTON HEALTH LAW SUMMIT

Join your colleagues at **The Ritz-Carlton, Washington DC** for the fourteenth annual **Washington Health Law Summit, December 12–13, 2016.**

Whether you are in-house counsel, in private practice, a government attorney, or just interested in health policy, the 2016 Washington Health Law Summit is the one continuing legal education program you cannot afford to miss. As the future of American healthcare takes shape, it is essential that attorneys from all segments of the healthcare bar and other professionals serving healthcare organizations are up to date on the latest legislative and policy developments and the implementation of significant healthcare initiatives emanating from HHS, CMS, DOJ, OIG, FTC and other key government agencies.

This outstanding conference provides a unique opportunity for federal and state government lawyers, in-house counsel and private practitioners to learn from each other in an intimate conference setting.

*“I attend every year for the relevant, current information—it allows me to get a general sense of where state and federal legislation is headed.”*

—Past Summit attendee

**REGISTER TODAY**<http://ambar.org/whs2016>

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# PLANNING COMMITTEE

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## 2016–2017 AMERICAN BAR ASSOCIATION HEALTH LAW SECTION CHAIR

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Watkins & Eager PLLC  
JACKSON, MS

## 14<sup>TH</sup> ANNUAL WASHINGTON HEALTH LAW SUMMIT PLANNING COMMITTEE

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## MONDAY BREAKFAST SPONSOR

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## MONDAY, DECEMBER 12, 2016

|                  |   |
|------------------|---|
| 7:30 am–5:00 pm  | Registration Desk   |
| 7:30–9:00 am     | Continental Breakfast   |
| 8:00–8:15 am     | Opening Remarks   |
| 8:15–9:25 am     | <b>KEYNOTE</b> —ACA Report Card   |
| 9:30–10:40 am    | Government Enforcers—A View from the Inside   |
| 10:40–10:50 am   | Break   |
| 10:50–11:45 am   | Concurrent Sessions <ul style="list-style-type: none"> <li>• The New Normal: Telehealth Gains Traction</li> <li>• Public Health Law: Emerging Trends and Fundamentals for Health Lawyers</li> </ul>               |
| 11:45 am–1:00 pm | <b>LUNCHEON ADDRESS KEYNOTE SPEAKERS</b><br>Inside Source: A Conversation with POLITICO Reporters Dan Diamond and David Pittman   |
| 1:00–2:10 pm     | Antitrust Issues in Healthcare Combinations and Unwinds   |
| 2:15–3:05 pm     | Concurrent Sessions <ul style="list-style-type: none"> <li>Stark Law Developments: Inside and Outside Counsel Perspectives</li> <li>Market Risk Corridors—What and Why You Need to Know About Them Now</li> </ul> |
| 3:05–3:15 pm     | Break   |
| 3:15–4:10 pm     | Concurrent Sessions <ul style="list-style-type: none"> <li>The Impact of DOJ's Focus on Individuals in FCA Litigation</li> <li>Precision Medicine: Understanding Medicare Coverage and Reimbursement</li> </ul>   |
| 4:15–5:00 pm     | Veterans Facing Health-Harming Legal Needs: How Medical-Legal Partnerships Can Bridge the Gap   |
| 5:30–7:00 pm     | Networking & Diversity Reception  |


## TUESDAY, DECEMBER 13, 2016

|                  |   |
|------------------|---|
| 7:30 am–5:00 pm  | Registration Desk   |
| 7:30–8:30 am     | ABA Health Law Section Interest Group and Task Force Breakfasts   |
| 8:30–9:45 am     | What's in Store for Government Healthcare? A Discussion of the Post-Election Future of Medicare, Medicaid and Obamacare with Former CMS Leaders   |
| 9:45–9:55 am     | Break   |
| 9:55–10:55 am    | Physician Assisted Death: Balancing the Rights of Providers, Patients, and Other Stakeholders   |
| 11:00–11:55 am   | Concurrent Sessions <ul style="list-style-type: none"> <li>• Health Insurance Marketplaces: Federal Policymaker Overview and Update</li> <li>• Insurance Parity in the Treatment of Opioid and Other Substance Use Disorders: Gaps and Opportunities</li> <li>• The Present and Future of Medicaid</li> </ul> |
| 11:55 am–1:00 pm | <b>LUNCH DINE-AROUND</b>  |
| 1:00–2:00 pm     | The Impact of DOJ's New Corporate Healthcare Fraud Enforcement Strategies on Providers and Defense Counsel  |
| 2:05–3:00 pm     | Concurrent Sessions <ul style="list-style-type: none"> <li>• Restructuring the Healthcare Provider: Successfully Navigating the Reorganization Process</li> <li>• Going Micro with MACRA: The Rule, the Implementation, and the Realities</li> </ul>  |
| 3:00–3:15 pm     | Break   |
| 3:15–4:15 pm     | Will You Be My Friend (and Can I Be Your Lawyer)?<br>Legal Ethics and Social Media for the Healthcare Lawyer  |
| 4:15 pm          | CLE Program Adjourns  |



# PROGRAM AGENDA

## MONDAY, DECEMBER 12, 2016

|                 |   |
|-----------------|---|
| 7:30 am–5:00 pm | <b>Registration Desk Open</b>   |
| 7:30–9:00 am    | <b>Continental Breakfast</b><br><small>BREAKFAST SPONSOR</small><br>   |
| 8:00–8:15 am    | <b>Opening Remarks</b><br>2016–2017 American Bar Association Health Law Section Chair<br><b>C. Joyce Hall</b> , Watkins & Eager PLLC, <i>Jackson MS</i><br><b>Kathy L. Poppitt</b> , Co-Chair, Washington Health Law Summit, King & Spalding LLP, <i>Austin TX</i><br><b>Joseph Geraci</b> , Co-Chair, Washington Health Law Summit, Husch Blackwell LLP, <i>Austin TX</i>  |
| 8:15–9:25 am    | <b>KEYNOTE</b><br><b>ACA Report Card</b><br>The Affordable Care Act (ACA) has been the law for seven years and fully operational for nearly three years. Enough time has elapsed to gauge its effectiveness and assess its shortcomings. This expert panel will discuss implementation of the ACA and evaluate what has worked and what has not. It will also discuss what changes are needed to improve the ACA and its impact on the United States healthcare system.<br><b>Allison K. Hoffman</b> , Professor of Law, UCLA School of Law, <i>Los Angeles, CA</i><br><b>Sara Rosenbaum</b> , Harold and Jane Hirsh Professor of Health Law, George Washington University, <i>Washington, DC</i><br><b>William M. Sage, MD, JD</b> , University of Texas at Austin, <i>Austin TX</i> |

|                |   |
|----------------|---|
| 9:30–10:40 am  | <b>Government Enforcers—A View from the Inside</b><br>This program will provide an insider's look at the enforcement priorities of senior civil and criminal government officials in healthcare. You will hear representatives of the Department of Justice's Criminal and Civil Divisions and an OIG Branch Chief describe:<br><ul style="list-style-type: none"> <li>• Key areas of investigative focus</li> <li>• The impact of coordinated enforcement</li> <li>• Working with whistleblowers</li> <li>• Ways to put your client in the best position prior to and during an investigation</li> </ul> <b>Robert DeConti</b> , Branch Chief, United States Department of Health and Human Services, Administrative and Civil Remedies Branch Office, Counsel to the Inspector General, <i>Washington, DC</i><br><b>Eva Gunasekera</b> , Civil Division, Senior Counsel for Health Care Fraud, Department of Justice, <i>Washington, DC</i><br><b>Laura M. Kidd Cordova</b> , Assistant Chief, Department of Justice Criminal Division, Fraud Section, <i>Washington, DC</i><br><b>Moderator: John Kelly</b> , Bass Berry Sims, <i>Washington, DC</i> |
| 10:40–10:50 am | <b>Break</b>  |
| 10:50–11:45 am | <b>Concurrent Session</b><br><b>The New Normal: Telehealth Gains Traction</b><br>Receiving real-time care via telehealth has become a ubiquitous and sought-after healthcare benefit for many patients. Our panelists—who are developing telehealth programs and policy on the front lines—will share their perspectives on what's next on the legislative, legal, and valuation side and compare notes on how this popular modality will continue to grow and be regulated.<br><b>Aimee Grace, MD</b> , Health Policy Advisor, Office of U.S. Senator Brian Schatz, <i>Washington, DC</i><br><b>Terrance Lewis</b> , Senior Associate Counsel, University of Pittsburgh Medical Center, <i>Pittsburgh, PA</i><br><b>Ben Ulrich, CVA</b> , Director, VMG Health LLC, <i>Dallas, TX</i>  |

MONDAY, DECEMBER 12, CONTINUED

|                              |   |
|------------------------------|---|
| <p>10:50–11:45 am</p>        | <p><b>Concurrent Session, <i>Continued</i></b></p> <p><b>Public Health Law: Emerging Trends and Fundamentals for Health Lawyers</b><br/>                 The 2014–2015 Ebola outbreak highlighted the need for increased collaboration between healthcare providers and the public health sectors to ensure preparedness for public health emergencies and disease outbreaks. In recent years, the healthcare system has embarked on numerous initiatives to improve the quality of care received by Americans. The emphasis on prevention, health promotion, and population health improvements in the ACA provides new momentum for greater integration between public health and healthcare and for building foundations of healthcare quality across the board. This program will highlight foundational principles in public health law through the lens of current public health issues and emerging trends. It will also present best practices in healthcare system preparedness and response to infectious diseases, such as Zika.</p> <p><b>Brooke Courtney</b>, Senior Regulatory Counsel in the Food and Drug Administration, Office of Counterterrorism and Emerging Threats, <i>Annapolis MD</i><br/> <b>Tara Ramanathan</b>, Team Lead, Legal Epidemiology, Public Health Law Program, CDC, <i>Atlanta, GA</i><br/> <b>Montrece McNeill Ransom</b>, Team Lead, PH Law Training and Workforce Development, Public Health Law Program, CDC, <i>Atlanta, GA</i></p> |
| <p>11:45 am–<br/>1:00 pm</p> | <p><b>LUNCHEON ADDRESS KEYNOTE SPEAKERS</b></p> <p><b>Inside Source: A Conversation with POLITICO Reporters Dan Diamond and David Pittman</b><br/>                 Join two of POLITICO’s top healthcare reporters for a discussion on current affairs and what to expect in the next legislative session. Dan Diamond writes “POLITICO Pulse,” a must-read morning briefing on healthcare politics and policy. David Pittman is an eHealth reporter for POLITICO covering all aspects of health policy from the ACA to Medicare and Capitol Hill.</p> <p><b>Dan N. Diamond</b>, POLITICO, <i>Washington, DC</i><br/> <b>David Pittman</b>, POLITICO, <i>Washington, DC</i></p>   |

|                          |  |
|--------------------------|--|
| <p>1:00–2:10 pm</p>      | <p><b>Antitrust Issues in Healthcare Combinations and Unwinds</b><br/>                 2016 will be remarkable as either the year that Federal Courts rejected theories used to challenge mergers between healthcare providers or the year that the FTC added one or more proposed hospital mergers to its win count. This panel will discuss the decisions in both the FTC v. Penn State / Hershey and FTC v. Advocate / NorthShore matters and potential implications for providers. It will also examine the divestitures ordered in cases such as ProMedica St. Luke’s (Toledo, Ohio) and Saltzer Medical Group (Boise, Idaho) following successful FTC challenges, including the successes, failures, and challenges encountered in executing the divestitures ordered by the the Courts.</p> <p><b>David Dahlquist</b>, Partner, Winston &amp; Strawn, <i>Chicago IL</i><br/> <b>Deborah L. Feinstein</b>, Director, Federal Trade Commission, <i>Washington, DC</i><br/> <b>Leigh Oliver</b>, Partner, Hogan Lovells, <i>Washington, DC</i><br/> <b>Anne Schenof</b>, Federal Trade Commission, Compliance, <i>Washington, DC</i></p>               |
| <p>2:15–<br/>3:05 pm</p> | <p><b>Concurrent Session</b></p> <p><b>Stark Law Developments: Inside and Outside Counsel Perspectives</b><br/>                 In conjunction with MACRA’s institution of the Medicare Quality Payment Program, there is renewed interest in potential changes to the Stark law to address penalties for “technical compliance” and to ensure there is no unnecessary impediment to non-abusive arrangements for a value-based world. This program will provide in-depth analysis of the recent work of the Senate Finance Committee (SFC), including its white paper, and the suggestions that the industry and Stark Law practitioners have made to reform Stark. Panelists include a former SFC staffer who helped write the white paper and General Counsel of one of the country’s largest health systems. The moderator is a national expert on the Stark Law.</p> <p><b>Rachel Seifert</b>, Executive Vice President and General Counsel, Community Health, <i>Franklin, TN</i><br/> <b>Jill Wright</b>, Special Counsel, Foley &amp; Lardner, <i>Washington, DC</i><br/> <b>Moderator: Albert W Shay</b>, Morgan Lewis, <i>Washington, DC</i></p> |

# PROGRAM AGENDA

## MONDAY, DECEMBER 12, CONTINUED

|                     |  |                     |  |
|---------------------|--|---------------------|--|
| <p>2:15–3:05 pm</p> | <p><b>Concurrent Session, Continued</b></p> <p><b>Marketplace Risk Corridors—What and Why You Need to Know About Them Now</b><br/>           What is there to talk about if CMS has already proclaimed that certain health plans are owed money under the Health Exchange Marketplace risk corridor program? Much more than you might imagine. Litigation and uncertainty abound. This panel will provide an update on the status of the current risk corridor individual and class action lawsuits and the outlook for the final year three risk corridor payments. It will also explain how:</p> <ul style="list-style-type: none"> <li>• Risk adjustment data, and claims and enrollment data flow into the risk corridor calculations and plan attestation.</li> <li>• Medical loss ratio information is included in the risk corridor submission and plan attestation.</li> <li>• CMS has or has not reviewed plan data submissions for risk corridor calculations.</li> </ul> <p><b>Mary Beth Edwards</b>, Managing Director, Navigant, <i>Washington, DC</i><br/> <b>Kate McDonald</b>, McDermott Will &amp; Emery, <i>Washington, DC</i></p> | <p>3:15–4:10 pm</p> | <p><b>Concurrent Session, Continued</b></p> <p><b>Precision Medicine: Understanding Medicare Coverage and Reimbursement</b><br/>           Many federal agencies have prioritized investments in precision medicine, underscoring the value that molecular diagnostics and therapies can have in patient care. To best achieve this value and ensure patient access, innovators must understand key concepts regarding payor coverage and reimbursement, as well as regulatory restrictions. This panel will explore these issues, providing insight on key policy and regulatory considerations.</p> <p><b>Kyle Fetter</b>, Vice President &amp; General Manager, Diagnostic Services Operations, XIFIN, <i>San Diego, CA</i><br/> <b>Girish Putcha, MD, Ph.D.</b>, Director of Laboratory Science, Palmetto GBA, <i>San Francisco, CA (invited)</i><br/> <b>Sylvia Trujillo</b>, Senior Washington Counsel, American Medical Association, <i>Washington, DC</i></p>                      |
| <p>3:05–3:15 pm</p> | <p><b>Break</b></p>  |                     |  |
| <p>3:15–4:10 pm</p> | <p><b>Concurrent Sessions</b></p> <p><b>The Impact of DOJ’s Focus on Individuals in FCA Litigation</b><br/>           The Yates Memo provides explicit directives to line DOJ prosecutors regarding focusing on individuals in civil and criminal investigations. The session will provide the practical impact of the Yates Memo and its policies in healthcare including:</p> <ul style="list-style-type: none"> <li>• Internal and government investigation strategies</li> <li>• Decision to cooperate or self-disclose</li> <li>• Approach to witness interviews</li> <li>• Settlement tactics</li> </ul> <p><b>Linda Epstein</b>, TeamHealth, Chief Litigation Counsel, <i>Knoxville, TN</i><br/> <b>Kirk Ogrosky</b>, Arnold &amp; Porter LLP, <i>Washington, DC</i><br/> <b>Matthew Wetzel</b>, Trade Association, Vice President &amp; Assistant General Counsel, <i>Washington, DC</i></p>   | <p>4:15–5:00 pm</p> | <p><b>Veterans Facing Health-Harming Legal Needs: How Medical-Legal Partnerships Can Bridge the Gap</b><br/>           Income, housing, education, employment, discharge status, and personal safety all affect the health of veterans. This program will describe how deploying legal aid resources in healthcare settings that treat veterans through medical-legal partnerships (MLPs) helps to serve and honor them. Panelists will explain how to build and sustain the MLP approach for veterans from a policy, operations, and financing perspective.</p> <p><b>Linda A Klein</b>, President, American Bar Association, <i>Atlanta, GA</i><br/> <b>Ellen Lawton</b>, The National Center for Medical-Legal Partnership, Department of Health Policy and Management, The Milken Institute School of Public Health, The George Washington University, <i>Washington, DC</i><br/> <b>Joel Teitelbaum</b>, The National Center for Medical-Legal Partnership, <i>Washington, DC</i></p> |
|                     |  | <p>5:30–7:00 pm</p> | <p><b>Networking &amp; Diversity Reception</b><br/>           A wonderful networking opportunity for attorneys, policymakers and law students and affords the Health Law Section an opportunity to continue to build bridges and strengthen relationships with people of diverse backgrounds.</p>  |



TUESDAY, DECEMBER 13, 2016

|                 |  |
|-----------------|--|
| 7:30 am–5:00 pm | <b>Registration Desk Open</b>  |
| 7:30–8:30 am    | <b>ABA Health Law Section Interest Groups and Task Force Breakfasts</b><br>Several Interest Groups and Task Forces will be hosting a breakfast table. Choose a group that interests you and find out how it can be of value to you in your practice.   |
| 8:30–9:45 am    | <b>What's in Store for Government Healthcare? A Discussion of the Post-Election Future of Medicare, Medicaid and Obamacare with Former CMS Leaders</b><br>Many questions remain as to how CMS leadership and policy will be impacted after the election. In this program, former CMS administrators and deputy administrators will offer a unique glimpse into the evolving healthcare market spanning the past 15 years and two presidential administrations. The discussion will cover healthcare policy changes and implementation under both Democratic and Republican administrations, issues related to managing one of the largest budgets in the federal government, and insight into healthcare leadership as a political appointee. The panelists will also attempt to project what types of healthcare policies will be established by the new administration.<br><b>Jonathan D. Blum</b> , Executive Vice President, Medical Affairs, CareFirst BlueCross BlueShield, <i>Baltimore, MD</i> (Principal Deputy Administrator of CMS under President Barack Obama, 2009–2014)<br><b>Leslie V. Norwalk</b> , Epstein Becker Green, <i>Washington, DC</i> (Deputy Administrator and Acting Administrator of CMS under President George W. Bush, 2001–2007)<br><b>Thomas A. Scully</b> , Welsh, Carson, Anderson & Stowe, <i>Washington, DC</i> (Administrator of CMS under President George W. Bush, 2001–2003)<br><b>Moderator: Mark D. Polston</b> , King & Spalding, <i>Washington, DC</i> (Deputy Associate General Counsel for Litigation in the HHS Office of General Counsel, CMS Division, 2005–2012) |
| 9:45–9:55 am    | <b>Break</b>   |

|                |   |
|----------------|---|
| 9:55–10:55 am  | <b>Physician Assisted Death: Balancing the Rights of Providers, Patients, and Other Stakeholders</b><br>With the recent passage of the End of Life Option Act in California, four states now have statutes allowing terminally ill residents to take drugs that accelerate their death. There is an unmistakable movement to enact these laws across the nation. Over 25 state end-of-life bills were proposed in 2015 alone. As more states consider these bills, and as more bills pass, healthcare providers will need to make a thoughtful decision whether or not—and to what extent—they will participate. In this program, the panel will examine this national trend and survey practical and risk management concerns that providers will encounter by adopting a policy under these laws. It will also engage in a spirited discussion of ethical and philosophical issues raised by these laws.<br><b>Father William Grogan, JD</b> , Of Counsel: Hinshaw and Culbertson, <i>Chicago, IL</i><br><b>Pamela Kaufmann</b> , Hanson Bridgett LLP, <i>San Francisco, CA</i><br><b>Moderator: W. Thomas Smith</b> , Assistant Dean for Assessment & Accreditation, Manchester University College of Pharmacy, <i>Ft. Wayne, IN</i> |
| 11:00–11:55 am | <b>Concurrent Session</b><br><b>Health Insurance Marketplaces: Federal Policymaker Overview and Update</b><br>The fourth Health Insurance Marketplace open enrollment will be underway, and over the past year, (CMS) has made improvements to Health Insurance Marketplace, Essential Health Benefits, and Qualified Health Plan policies. In this panel, CMS policymakers will discuss recent policy updates, including changes to Essential Health Benefits benchmarks and innovations such as Simple Choice standardized plan options, which will start with 2017 coverage. Participants will also learn what is on the horizon for issuer oversight and compliance in the Health Insurance Marketplaces.<br><b>Cindy Yen Chiou</b> , Director, Division of Issuer Compliance and Monitoring, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, <i>Bethesda, MD</i><br><b>Leigha O. Basini</b> , Acting Deputy Director, Marketplace Plan Management Group/ Director, Division of Issuer and Plan Policy, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, <i>Bethesda, MD</i>   |

# PROGRAM AGENDA

## TUESDAY, DECEMBER 13, CONTINUED

|                  |  |              |   |
|------------------|--|--------------|---|
| 11:00–11:55 am   | <p><b>Concurrent Session, <i>Continued</i></b></p> <p><b>Insurance Parity in the Treatment of Opioid and Other Substance Use Disorders: Gaps and Opportunities</b></p> <p>Substance use disorders (SUD) are a serious public health concern. In 2014, roughly 29,000 Americans died from opioid overdoses. A treatment gap exists with only 10 percent of those in need being able to secure care. The Mental Health Parity and Addiction Equity Act seeks to improve treatment access by requiring health plans to provide the same level of benefits for SUD as they do for medical care. The Affordable Care Act requires most public and commercial plans to cover this care. These policies provide a framework, but parity remains elusive. States play a role in ensuring compliance, yet assessment of parity is challenging. This program will layout the parity landscape, including regulatory, legislative, and legal strategies to ensure compliance.</p> <p><b>Gabrielle de la Gueronniere</b>, Director of Policy, Legal Action Center, <i>Washington, DC</i><br/> <b>Cynthia Reilly</b>, Director, Substance Use Prevention and Treatment Initiative, The Pew Charitable Trusts, <i>Washington, DC</i></p> | 1:00–2:00 pm | <p><b>The Impact of DOJ's New Corporate Healthcare Fraud Enforcement Strategies on Providers and Defense Counsel</b></p> <p>DOJ's evolving corporate healthcare fraud enforcement strategies and priorities will have a profound effect on how providers and defense counsel in fraud cases approach internal investigations, cooperation, disclosure, and resolution. This highly experienced panel will explore important new enforcement developments, including:</p> <ul style="list-style-type: none"> <li>• The Yates Memo's focus on disclosure of individual conduct</li> <li>• The government's development of cases through data analysis</li> <li>• A new emphasis on coordination with relators' counsel and cooperation between civil and criminal investigations</li> <li>• The increasing use of proactive investigative techniques</li> <li>• The influence of a pre-existing compliance program on the resolution of fraud cases.</li> </ul> <p><b>Richard Hartunian</b>, United States, Department of Justice, United States Attorney, Northern District New York, Attorney General's Advisory Committee, <i>Albany NY</i><br/> <b>William Pericak</b>, Jenner &amp; Block, <i>Washington, DC</i><br/> <b>Leo Reichert</b>, WellStar Health System, Inc., Executive Vice President and General Counsel, <i>Marietta, GA</i><br/> <b>Moderator: David Douglass</b>, Sheppard, Mullin, Richter &amp; Hampton LLP, <i>Washington, DC</i></p> |
| 11:00–11:55 am   | <p><b>Concurrent Session</b></p> <p><b>The Present and Future of Medicaid</b></p> <p>This session will discuss the future of Medicaid, how it has evolved since the ACA's passage, current disputes between the States and CMS regarding 1115 waivers, and the impact of expansion.</p> <p><b>Matt Salo</b>, Executive Director, National Association of Medicaid Directors, <i>Washington, DC</i><br/> <b>David C. Salsberry</b>, Owner/Consultant, v2VHA (Volume to Value Healthcare Advisors), <i>Fort Worth, TX</i></p>  |              |   |
| 11:55 am–1:00 pm | <p><b>LUNCH DINE-AROUND</b></p> <p>Network with colleagues or introduce yourself to someone new over lunch. Sign up for a lunch dine-around near the registration desk. Lunch will be Dutch treat.</p>   |              |   |

TUESDAY, DECEMBER 13, CONTINUED

|                     |  |
|---------------------|--|
| <p>2:05–3:00 pm</p> | <p><b>Concurrent Session</b></p> <p><b>Restructuring the Healthcare Provider: Successfully Navigating the Reorganization Process</b></p> <p>Entities in the healthcare industry are among the most frequent users of the Chapter 11 bankruptcy process to alleviate financial distress, manage litigation and other claims, and provide a platform for mergers and acquisitions. Many of these bankruptcy filings involve issues dealing with government reimbursement of healthcare providers, which sometimes include allegations that the healthcare provider submitted fraudulent Medicare and Medicaid claims. Accordingly, various situations arise in which the laws and regulations governing the administration of the Medicare and Medicaid programs need to be considered when a healthcare provider develops its restructuring plan. This program examines:</p> <ul style="list-style-type: none"> <li>• The factors that may drive a healthcare entity into financial distress</li> <li>• The interplay between the Bankruptcy Code and other federal statutes</li> <li>• How healthcare providers may reorganize successfully and continue to serve patients</li> </ul> <p><b>Malhar Pagay</b>, Pachulski Stang Ziehl &amp; Jones LLP, <i>Los Angeles, CA</i><br/> <b>Mary A. Schmergel</b>, Civil Division, Commercial Litigation Branch, United States Department of Justice, <i>Washington, DC</i><br/> <b>Joshua Zazulia</b>, Alvarez &amp; Marsal Healthcare Industry Group, <i>San Francisco, CA</i></p> |
| <p>2:05–3:00 pm</p> | <p><b>Concurrent Session, Continued</b></p> <p><b>Going Micro with MACRA: The Rule, the Implementation, and the Realities</b></p> <p>This program will present MACRA's background and the policy objectives expressed in the final rule. It will also layout changes to existing Medicare reimbursement programs and provider practice decision-making surrounding Merit-Based Payment Incentive System (MIPS) or Alternative Payment Models (AMP) participation as well as implications, opportunities, and issues related to implementation of the final rule.</p> <p><b>S. Lawrence Kocot</b>, KPMG LLP, <i>Washington, DC</i><br/> <b>Molly MacHarris</b>, Centers for Medicaid and Medicare Services, Program Lead, MIPS, <i>Baltimore, MD (Invited)</i><br/> <b>Sidney Welch</b>, Polsinelli PC, <i>Atlanta, GA</i></p>  |

|                     |   |
|---------------------|---|
| <p>3:00–3:15 pm</p> | <p><b>Break</b></p>   |
| <p>3:15–4:15 pm</p> | <p><b>Will You Be My Friend (and Can I Be Your Lawyer)? Legal Ethics and Social Media for the Healthcare Lawyer</b></p> <p><b>CLE ETHICS CREDIT</b></p> <p>The new world of social media offers both opportunities and potential ethical pitfalls for healthcare lawyers. Focusing on specific issues under the ABA Model Rules of Professional Responsibility and state ethics opinions, this session will explore legal emerging ethics and professional responsibility issues when dealing with social media, both in terms of advising clients on social media policies and risks and in terms of the lawyer's own social media activities, including:</p> <ul style="list-style-type: none"> <li>• #imthebesthealthcarelawyer: Legal ethics basics for social media</li> <li>• #theplaintiffscrazy: Social media and pending litigation and investigations</li> <li>• #nothingtoseehere: The ethics of "cleaning up" social media posts</li> <li>• #youwerealouslypatientanyway: Advising clients on responding to negative posts and other social media pitfalls</li> </ul> <p><b>Anjali Dooley</b>, MedAware Solutions, <i>St. Louis, MO</i><br/> <b>Kim Harvey Looney</b>, Waller Lansden Dortch &amp; Davis LLP, <i>Nashville, TN</i><br/> <b>Moderator: William W Horton</b>, Jones Walker LLP, <i>Birmingham, AL</i></p> |
| <p>4:15 pm</p>      | <p><b>CLE Program Adjourns</b></p>  |

## Leigha O. Basini

Acting Deputy Director, Marketplace Plan Management Group/Director, Division of Issuer and Plan Policy, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services  
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*Baltimore, MD*

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POLITICO  
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*Washington, DC*

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Health Policy Advisor, Office of U.S. Senator Brian Schatz  
*Washington, DC*

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Of Counsel: Hinshaw and Culbertson  
*Chicago, IL*

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*Albany, NY*

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*Los Angeles, CA*

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*Birmingham, AL*

## Pamela Kaufmann

Hanson Bridgett LLP  
*San Francisco, CA*

## John Kelly

Bass Berry & Sims PLC  
*Washington, DC*

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*Atlanta, GA*

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*Washington, DC*

## Ellen Lawton

The National Center for Medical-Legal Partnership, Department of Health Policy and Management, The Milken Institute School of Public Health, The George Washington University  
*Washington, DC*

## Terrence Lewis

Senior Associate Counsel, University of Pittsburgh Medical Center  
*Pittsburgh, PA*

## Kim Harvey Looney

Waller Lansden Dortch & Davis LLP  
*Nashville, TN*

## Molly MacHarris

Program Lead, Merit-Based Incentive Payment System (MIPS), Centers for Medicaid and Medicare  
*Baltimore, MD (invited)*

## Kate McDonald

McDermott Will & Emery LLP  
*Washington, DC*

## Leslie V. Norwalk

Epstein Becker Green, Past CMS Administrator under Bush  
*Washington, DC*

## Kirk Ogrosky

Arnold & Porter  
*Washington, DC*

## Leigh Oliver

Partner, Hogan Lovells  
*Washington, DC*

## Malhar Pagay

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*Washington, DC*

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POLITICO  
*Washington, DC*

## Mark Polston

King & Spalding  
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Director of Laboratory Science, Palmetto GBA  
*San Francisco, CA (invited)*

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*Atlanta, GA*

## Montrece McNeill Ransom

Team Lead, PH Law Training and Workforce Development, Public Health Law Program, CDC  
*Atlanta, GA*

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The National Center for Medical-Legal Partnership  
*Washington, DC*

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Manchester University  
*Fort Wayne, IN*

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*Washington, DC*

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*Dallas, TX*

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Polsinelli PC  
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*Washington, DC*

## Jill Wright

Special Counsel, Foley & Lardner  
*Washington, DC*

## Joshua Zazulia

Alvarez & Marsal Healthcare Industry Group  
*San Francisco, CA*

## REGISTRATION

Register by **November 18, 2016** online to receive the early bird registration rates, by US Mail or online. Registration will be accepted only when accompanied by a check, money order, Visa, American Express or MasterCard information. Registrations will not be held without payment.

### US Mail: American Bar Association

Health Law Section  
 ATTN: Service Center/Meeting/Event  
 Registrations Department  
 321 N. Clark Street  
 Floor 16  
 Chicago, IL 60654

## ON SITE REGISTRATION

Please call 312-988-5176 by **December 5, 2016** to ensure space availability. Onsite registration will only be accepted when accompanied by check, money order, Visa, American Express, or MasterCard information.

## CANCELLATION POLICY

Tuition, less a \$75 handling charge for each registration, will be refunded upon written cancellation received no later than **November 21, 2016**. Cancellations received after this date cannot be refunded but substitutions are encouraged. The ABA reserves the right to cancel any program and assumes no responsibility for personal expenses.

## REGISTRATION FEE

Your payment will cover admission to the program, continental breakfasts, coffee breaks, one luncheon, conference reception, and one set of program course materials in the format of your choice.

## HOTEL INFORMATION

The conference will be held at The Ritz-Carlton, Washington, DC, 1150 22nd Street, NW, Washington, DC 20037. Call the hotel at (800) 558-9994 and mention the ABA Health Law Section Washington Health Law Summit to secure the group rate of \$285 single/double. This special rate expires November 18, 2016. A limited number of government rate rooms have been reserved on a first available basis. Please note-the GSA may change the government rate at any time, please confirm the rate with the hotel when booking.

Make reservations by phone or online:

### VIA PHONE CALLS

Call the reservations center at 1.800.558.9994 and reference your conference name (ABA Health Law Section: Washington Healthlaw Summit).

### OR ONLINE

By clicking on the below link, input the dates of the conference and the group code in the Code box: **WHSWHS A**

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## HEALTH LAW SECTION MEMBERSHIP

As an added bonus to new members, the member's tuition rate will be available to registrants who become members of the ABA Health Law Section. Membership dues are not deductible as charitable contributions for federal income tax purposes, but such dues may be deductible as a business expense. American Bar Association membership is required to become a member of the Health Law Section.

## TAX DEDUCTION FOR EDUCATIONAL EXPENSES

An income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes registration fees, travel, meals, and lodging expenses. (See Treas. Reg. 1.162-5) (Coughlin vs. Commissioners, 203 F. 2d 307).

## SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required for an individual with a disability to attend this conference, please contact the Health Law Section staff at (312) 988-5176 or [danielle.daly@americanbar.org](mailto:danielle.daly@americanbar.org).

## DRESS CODE

Business attire, including business casual, is appropriate for all meetings, CLE programs and social events during this conference.

## SPECIAL TUITION ASSISTANCE

A limited number of registration fee reductions are available for government employees, academics, law students, and public interest lawyers employed with nonprofit organizations. No full tuition waivers are available. The fee-reductions will be determined on a one-time only, case-by-case, first-come first-serve basis. To apply, send a letter outlining the basis for your request of a fee reduction to Nancy Voegtle, Senior Meeting Planner, ABA Health Law Section, 321 N. Clark St., Chicago, IL 60654. Deadline for receipt: **November 18, 2016**. No cases will be considered after the deadline, and all standard registration fee rates will apply after **November 18, 2016**.

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Your registration fee includes a ticket to the Monday Conference Luncheon. To assist us in our planning, please let us know if you plan to attend.

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Please share any dietary restrictions:

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AMERICAN BAR ASSOCIATION HEALTH LAW SECTION

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### ABA HEALTH LAW SECTION UPCOMING EVENTS

MARCH 8-11, 2017

17<sup>th</sup> Annual Conference on Emerging Issues in Healthcare Law  
The Roosevelt, New Orleans, Louisiana

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Physicians Legal Issues Conference  
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**CALL THE HEALTH LAW SECTION AT:  
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