

# ICLE's 20TH ANNUAL Health Law INSTITUTE

LEVEL: BASIC/INTER/ADVANCED CLE: 9 ETHICS: .75

## 20 Years of Keeping Pace with Critical Changes in Health Care Law

MARCH 6-7, 2014  
THE INN AT ST. JOHN'S, PLYMOUTH

Cosponsored by:  
Health Care Law Section  
of the State Bar of Michigan



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# 20 Years of Keeping Pace with Critical Changes in Health Care Law

Cosponsored by the Health Care Law Section of the State Bar of Michigan

Gather with leading experts in the field and get answers to your questions about insurance exchanges, Michigan Medicaid expansions, enforcement trends for privacy violations, protecting privileged and patient health information during e-discovery, and what technological advances will affect your practice. Gain insights and take home practice tips that will help you stay in compliance. Plus, learn about how the DMC is making their Accountable Care Organization a success.

## Attend for These Great Benefits:

- Understand Michigan's implementation of the ACA and the interaction of public and private health exchanges
- Implement e-discovery strategies to proactively manage and protect privileged and PHI data
- Expertly advise your clients on risk management issues involving patient portals and electronic medical records
- Understand the roles of nurse practitioners and the laws governing these healthcare providers
- Explore the effects of recently-enacted regulations concerning pharmaceuticals and devices
- Learn how telemedicine will change the face of health care delivery in Michigan
- Identify and address the latest challenges presented by anti-kickback regulations and Stark law
- Network with colleagues during the evening cocktail reception sponsored by the Health Care Law Section

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## Featured Speakers



Mercedes Varasteh Dordeski  
Foley & Mansfield  
*Ferndale*



Stuart M. Lockman  
Michigan Pioneer ACO  
*Southfield*



Kenneth R. Marcus  
Honigman Miller Schwartz  
and Cohn LLP  
*Detroit*



Monica P. Navarro  
Thomas M. Cooley Law School  
*Auburn Hills*




Chris Priest  
Executive Office of  
Governor Rick Snyder  
*Lansing*

## New to the Field?

Check out the Core Concepts Track

- Basics of HIPAA and Patient Privacy
- Basics of Health Care Reimbursement
- Understanding the Basics of Fraud and Abuse  
(see pages 5 for full details)









## Access Valuable Resources After the Institute

All registrants will receive MP3 audio recordings\* of select sessions to guide you through the toughest issues. (see pages 4 and 6 and look for the  icon)

\*MP3 download available to all registrants in the "My Download" area of ICLE's website after the seminar

## Schedule at a Glance

March 6, 9:00am–5:25pm

9:00am	<b>Welcome and Update on Health Care Law Section Activities</b> Laura Miron Napiewocki, Chair, Health Care Law Section of the State Bar of Michigan, Hall Render Killian Heath & Lyman PLLC, <i>Warren</i>
9:20am	<b>It Was 20 Years Ago Today—A Health Law Retrospective from 1994–2014</b>  Kenneth R. Marcus, Honigman Miller Schwartz and Cohn LLP, <i>Detroit</i>
10:05am	<b>Federal Regulatory Update</b>  Maria B. Abrahamsen, Dykema, <i>Bloomfield Hills</i>
10:45am	Networking Break
11:00am	<b>The Merger of Public and Private Insurance Exchanges</b>  Chris Priest, Senior Strategy Advisor, Executive Office of Governor Rick Snyder, <i>Lansing</i>
11:45am	<b>Michigan Health Law Update</b>  Jennifer B. Van Regenmorter, Foster Swift Collins & Smith PC, <i>Holland</i> ; Deborah J. Williamson, Warner Norcross & Judd LLP, <i>Southfield</i>
12:25pm	<b>Lunch Presentation—The Success of the Michigan Pioneer Accountable Care Organization</b>  Stuart M. Lockman, Detroit Medical Center, Michigan Pioneer ACO, <i>Southfield</i>
1:45pm	<b>Hot Topics in Michigan Medicaid</b>  Laura Appel, Michigan Health & Hospital Association, <i>Okemos</i> ; David E. Tanay, Department of Attorney General, <i>Lansing</i>
<b>TRACKS</b>	<b>INTERMEDIATE/ADVANCED</b>
2:40pm	<b>HIPAA/HITECH Update</b>  Elizabeth Callahan-Morris, Hall Render Killian Heath & Lyman PLLC, <i>Troy</i>
3:25pm	Networking Break
3:40pm	<b>Stark Advanced Session</b> Cynthia F. Wisner, Trinity Health, <i>Livonia</i>
4:35pm	<b>Advanced Practice Providers—The Role of Nurse Practitioners</b>  Nancy George, Wayne State University College of Nursing, <i>Detroit</i> ; Abby L. Pendleton, The Health Law Partners PC, <i>Southfield</i>
5:25pm	Networking Reception—Sponsored by the Health Care Law Section of the State Bar of Michigan
	<b>CORE CONCEPTS</b>
	<b>Basics of HIPAA and Patient Privacy</b>  Brian S. Fleetham, Dickinson Wright PLLC, <i>Grand Rapids</i>
	<b>Basics of Health Care Reimbursement</b>  Deborah A. Sieradzki, PhD, MHSA, Lubaway Masten & Company Ltd., <i>Milford</i>
	<b>Understanding the Basics of Fraud and Abuse</b>  Michael W. Matthews, Holland Hospital, <i>Holland</i>

LEGEND:  HOT TOPIC  TECH TOPIC  INTERACTIVE  AUDIO/MP3 AVAILABLE  WHAT'S NEW  FAVORITE  RECOMMENDED FOR NEW LAWYERS

“This seminar is both a refresher and an update, very professionally presented.”

—Gilbert M. Frimet  
Foster Swift Collins & Smith PC,  
*Farmington Hills*

“All of the presentations, without exception, were timely, relevant and well-presented.”

—Brian P. Lennon  
Warner Norcross & Judd LLP,  
*Grand Rapids*

## Schedule at a Glance

March 7, 9:00am-12:30pm

9:00am	<b>Fraud and Abuse Update</b> Raymond E. Beckering, III, US Attorney's Office—Western District of Michigan, <i>Grand Rapids</i> ; Peter A. Caplan, US Attorney's Office—Eastern District of Michigan, <i>Detroit</i> ; Alan G. Gilchrist, The Health Law Partners PC, <i>Southfield</i>	
10:15am	<b>Networking Break</b>	
<b>TRACKS</b>		
<b>PRIVACY AND RISK</b>		<b>NEW MEDICINE</b>
10:30am	<b>E-Discovery—Strategies and Ethical Considerations for Protecting Privileged and Patient Health Information</b> Billee Lightvoet Ward, Miller Canfield PLC, <i>Kalamazoo</i> ; B. Jay Yelton, III, Miller Canfield PLC, <i>Kalamazoo</i>	
		<b>Drugs and Devices—What's New?</b> Kathrin E. Kudner, Dykema, <i>Ann Arbor</i> ; Kathleen A. Reed, Dykema, <i>Ann Arbor</i>
11:25am	<b>Hot Topics in Risk Management</b> Rebecca A. Havlich, Trinity Health, <i>Livonia</i> ; Nancy Lorence, Trinity Health, <i>Livonia</i>	
		<b>Telemedicine in Michigan—A New Model for Health Care Delivery</b> Mercedes Varasteh Dordeski, Foley & Mansfield, <i>Ferndale</i> ; Monica P. Navarro, Thomas M. Cooley Law School, <i>Auburn Hills</i> ; Corky Davis, Health Net Connect Inc., <i>Wixom</i>

## Full Schedule

March 6, 9:00am-5:25pm

### MODERATORS



#### Plenary Sessions/Core Concepts Track

Laura Miron Napiewocki  
Hall Render Killian Heath & Lyman PLLC  
*Warren*



#### Intermediate/Advanced Track

Steven B. Bender  
Trinity Health  
*Livonia*

**9:00am**

### Welcome and Update on Health Care Law Section Activities

Laura Miron Napiewocki, Chair, Health Care Law Section of the State Bar of Michigan, Hall Render Killian Heath & Lyman PLLC, *Warren*

**9:20am**

### It Was 20 Years Ago Today—A Health Law Retrospective from 1994-2014



The first *Health Law Institute* was held 20 years ago. You attended some or all of the sessions, but did you learn anything? To celebrate the 20th anniversary of ICLE's *Health Law Institute*, and to test your knowledge, this informative and entertaining session will highlight significant events in health law during the past 20 years. Come prepared to answer questions!

Kenneth R. Marcus, Honigman Miller Schwartz and Cohn LLP, *Detroit*

**10:05am**

### Federal Regulatory Update



Don't miss this annual opportunity to stay current on all the latest changes in federal regulation. Take away keen analysis of the significance and implications of each new development.

Maria B. Abrahamsen, Dykema, *Bloomfield Hills*

LEGEND:



HOT TOPIC



TECH TOPIC



INTERACTIVE



AUDIO/MP3 AVAILABLE



WHAT'S NEW



FAVORITE




RECOMMENDED FOR NEW LAWYERS

## Full Schedule continued

**11:00am****The Merger of Public and Private Insurance Exchanges** 


In this interactive session, learn about the state's role in Michigan's health care landscape. Hear the latest from the front lines about Michigan's implementation of the ACA, the interaction of public and private health exchanges, and the status of the MIHealth Marketplace. Gain an understanding of expected challenges as 2014 unfolds and the state's plans to successfully meet them.

Chris Priest, Senior Strategy Advisor, Executive Office of Governor Rick Snyder, *Lansing*

**11:45am****Michigan Health Law Update** 

State health care law experts review the top statutory, caselaw, and legal trends in Michigan and give advice on how these changes will impact your health care clients.

Jennifer B. Van Regenmorter, Foster Swift Collins & Smith PC, *Holland*; Deborah J. Williamson, Warner Norcross & Judd LLP, *Southfield*

**12:25pm****Lunch Presentation—The Success of the Michigan Pioneer Accountable Care Organization** 

Take an exciting journey with Stuart Lockman, president of the Michigan Pioneer ACO, one of only 23 surviving Pioneer ACO organizations in the country. Hear about how this ACO was built primarily with independent physicians, serving a large number of safety net patients and get an inside look at the challenges and opportunities of providing value-based care in a fee-for-service world.

Stuart M. Lockman, Detroit Medical Center, Michigan Pioneer ACO, *Southfield*

**1:45pm****Hot Topics in Michigan Medicaid** 


Get the latest in Michigan's hottest Medicaid topics. Understand the issues surrounding fraud recoveries in the context of managed care. See the emerging trends in Medicaid fraud through both criminal and civil lenses. Learn what is new with implementation of Medicaid expansion and how the parameters of the Healthy Michigan Plan interact with programs already in place.

Laura Appel, Michigan Health & Hospital Association, *Okemos*; David E. Tanay, Department of Attorney General, *Lansing*

**2:40pm****Intermediate/Advanced Track: HIPAA/HITECH Update** 

The final rule for HITECH is now in effect, and compliance challenges remain. OCR enforcement actions are also increasing. Hear the latest trends in HIPAA enforcement and learn what turns a violation into an enforcement action. Receive tips on best practices for mobile devices, text messages, and patient portals in patient care and discover how HIPAA interacts with other rules governing health care and technology.

Elizabeth Callahan-Morris, Hall Render Killian Heath & Lyman PLLC, *Troy*

**2:40pm continued****Core Concepts Track: Basics of HIPAA and Patient Privacy** 

A foundational knowledge of health care privacy law is essential for every health law lawyer. Get the basics as you learn the role of HIPAA in health care and understand the prescriptions and proscriptions of patient privacy.

Brian S. Fleetham, Dickinson Wright PLLC, *Grand Rapids*

**3:40pm****Intermediate/Advanced Track: Stark Advanced Session**

In this high-level session, get the latest information on Stark voluntary disclosure settlements and the guidance you need most on ACOs and Stark compliance for your clients. Explore the Anti-Kickback Statute advisory opinions and look at hypothetical situations that may have Stark implications.

Cynthia F. Wisner, Trinity Health, *Livonia*

**Core Concepts Track: Basics of Health Care Reimbursement** 


Learn the fundamentals of health care reimbursement starting with the basics of provider designation and claim forms that determine which reimbursement methodologies to follow. Understand the current regulations governing reimbursement for Medicare and Medicaid and how to apply these to your health care clients.

Deborah A. Sieradzki, PhD, MHSA, Lubaway Masten & Company Ltd., *Milford*

**4:35pm****Intermediate/Advanced Track: Advanced Practice Providers—The Role of Nurse Practitioners** 

Advanced practice providers play an increasing role in health care, but what is their scope of practice? Who bears liability for their services? Get the answers to these questions and the latest updates in the legal landscape of this developing area of law. Using real-life examples of audits, learn the rules that govern billing and the issues that arise for compliance and reimbursement.

Nancy George, Wayne State University College of Nursing, *Detroit*; Abby L. Pendleton, The Health Law Partners PC, *Southfield*

**Core Concepts Track: Understanding the Basics of Fraud and Abuse** 

Get practical guidance on the must-know essentials of the Stark Law, Federal Anti-Kickback Statute, and False Claims Act. Discuss common scenarios involving hospital and physician relationships and learn to recognize the kinds of behaviors and transactions that can trigger violations and how to advise your clients in avoiding these situations.

Michael W. Matthews, Holland Hospital, *Holland*

Full Schedule continued

March 7, 9:00am-12:30pm

**MODERATORS**



**Plenary Session/Privacy and Risk Track**

Mark S. Kopson  
Plunkett Cooney  
*Bloomfield Hills*



**New Medicine Track**

Jennifer L. Benedict  
Honigman Miller Schwartz and Cohn LLP  
*Detroit*

**9:00am**

**Fraud and Abuse Update**

In this annual session, learn about the latest government activities and what precautions you must take to protect your clients. Our faculty will give an inside look at the complex landscape of fraud and abuse prosecution in the face of health care reform.

Raymond E. Beckerling, III, US Attorney's Office—Western District of Michigan, *Grand Rapids*; Peter A. Caplan, US Attorney's Office—Eastern District of Michigan, *Detroit*; Alan G. Gilchrist, The Health Law Partners PC, *Southfield*

**10:30am**

**Privacy and Risk Track: E-Discovery—Strategies and Ethical Considerations for Protecting Privileged and Patient Health Information**

For e-discovery and privilege issues, the best defense is a good offense. In light of the *US v Halifax* case, learn the importance of being proactive and how to implement strategies to protect privileged and PHI data. Topics will include updating and maintaining records, identifying the scope and burdens associated with production, knowing how and when to seek protective orders, using technology to assist in document production, reviewing processes for quality control, keeping privileged information privileged, and determining what to do when inadvertent disclosure occurs. Plus, hear how your e-discovery practices are impacted by the HIPAA Omnibus rules and HITECH.

Billee Lightvoet Ward, Miller Canfield PLC, *Kalamazoo*; B. Jay Yelton, III, Miller Canfield PLC, *Kalamazoo*

**10:30am continued**

**New Medicine Track: Drugs and Devices—What's New?**



Discover what's new in the world of drug and device regulation. Get updates on the 340B Drug Pricing Program, and consider the scope of practice issues for prescribing drugs and controlled substances. Stay current on the increased oversight of advertising and labeling, pharmacy compounding, product safety, and product importation. Hear what's new in clinical research for drugs and devices and what role the Affordable Care Act plays. Kathrin E. Kudner, Dykema, *Ann Arbor*; Kathleen A. Reed, Dykema, *Ann Arbor*

**11:25am**

**Privacy and Risk Track: Hot Topics in Risk Management**



Hear the newest developments in risk management from the front lines. Learn more about managing risk in advanced directives, new-risk arrangements, Medicare secondary payors, and write-offs. Get your questions answered about how to manage risk with various technological advances such as patient portals and electronic medical records.

Rebecca A. Havlisch, Trinity Health, *Livonia*; Nancy Lorence, Trinity Health, *Livonia*

**New Medicine Track: Telemedicine in Michigan—A New Model for Health Care Delivery**



Telemedicine is new to the Michigan medical scene. See telemedicine technology in action, and learn more about licensing, reimbursement, liability, quality assurance, credentialing, and insurance. Consider the legal questions that arise with telemedicine as we take you on virtual house calls and rounds using VideoDoc from Health Net Connect.

Mercedes Varasteh Dordeski, Foley & Mansfield, *Ferndale*; Monica P. Navarro, Thomas M. Cooley Law School, *Auburn Hills*; Corky Davis, Health Net Connect Inc., *Wixom*

## Hotel Information



The Inn at St. John's  
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P | 734-414-0600  
F | 734-414-0606

A block of rooms has been reserved at The Inn at St. John's, Plymouth, under ICLE/Health Law for March 5–6, 2014. The room rate is \$139/night. Please call 734-414-0600 to reserve a room. Reservations must be made by February 19, 2014. Registrants are responsible for their own hotel expenses.

### HEALTH LAW INSTITUTE REGISTRATION

Prices guaranteed until 03/07/14

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(includes printed handbook and electronic materials<sup>1</sup>)

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#### SEMINAR FEES

- GENERAL \$395
- SECTION MEMBER \$365
- ICLE PREMIUM PARTNERS \$345
- ICLE BASIC PARTNERS \$345
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- (includes electronic materials and MP3 audio recordings of select sessions)

#### PAYMENT INFORMATION

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\*Select "electronic materials only" discount to save \$25 off registration fee. Materials will be posted online before the seminar. <sup>1</sup>Registrants will receive the printed handbook and electronic materials if no format is specified. Materials will be posted online before the seminar. <sup>2</sup>Please attach additional sheet listing lawyers attending. <sup>3</sup>\$25 electronic materials discount does not apply.

**Persons with disabilities:** For special arrangements, please contact ICLE no later than seven days before the seminar. **Cancellation Policy:** In order to receive a full refund, you must notify ICLE by February 20, 2014. After February 20, a \$45 handling fee will be assessed. No refunds will be issued after February 27, 2014.

**Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar.

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