

MARCH 10–11, 2016 | PLYMOUTH

22ND ANNUAL

# Health Law *institute*

## Keep Pace with Critical Change in Health Care Law

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### Special Add-On Seminar

Intellectual Property for  
Health Care Lawyers

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# Keep Pace with Critical Change in Health Care Law

Gather with colleagues for a roundup of essential updates, including Stark, fraud and abuse, and the most important local and federal cases and legislation. Get answers to the most relevant issues facing health law practitioners on topics such as inpatient medical marijuana use and the trend toward investor-owned medical practices. Whether you are a new or an experienced practitioner, you'll gain insights and take home practice tips that will help you stay up to date and in compliance.

## Health Care Updates for Every Practice Need

Keep current as leading experts in the areas of Stark, fraud and abuse, and federal and Michigan law tell you what changes will impact your clients.

## Expert Advice on Critical Trends

From inpatient medical marijuana use to the corporate practice of medicine to qui tam cases, get expert advice on effectively preparing for and advising on these trends.

## New This Year—IT Track

A whole track devoted to IT issues and trends, including IT integration after a deal and privacy issues involving patient portals and e-mails.

## New to Health Law Practice?

Take home a thorough understanding of foundational health law topics such as health care audits, the accreditation process, and what it means to be health literate in the Core Concepts Track.

## Hot Topics



### Getting Your Physicians Paid

*See page 6*



### What's New in Medical Devices

*See page 6*



### IT Transition Planning and Procedures

*See page 6*

## Featured Speakers



**Mark David Pearlman, MD**  
University of Michigan Health System, *Ann Arbor*

Dr. Mark Pearlman is a professor in reproductive medicine in the Department of Obstetrics and Gynecology and a professor of surgery. He serves as vice chair and service chief for the department and associate chief of staff for the University of Michigan Hospitals and Health System.



**Lisa Diehl Vandecaveye**  
The Joint Commission, *Oakbrook Terrace, IL*

Lisa Diehl Vandecaveye is general counsel for The Joint Commission. In this role, Ms. Vandecaveye oversees all legal issues for The Joint Commission, the Joint Commission Center for Transforming Healthcare, and Joint Commission Resources. Previously, she served as senior vice president and chief corporate responsibility officer for Beaumont Health.

### FEATURED SESSION/9:20am/Thursday

#### Medical Marijuana and the Inpatient

Hospitals and health care organizations alike are struggling to implement inpatient medical marijuana policies that balance both the needs of its patients and compliance with federal and state regulations. Take an in-depth look at the legal issues and risks inherent in policy development, including whether the product should be allowed into a facility, how it should be handled once inside, what happens if a parent brings it in and desires to dispense it to a minor child, can your physicians dispense medical marijuana and not face federal prosecution, should this product be treated differently from other products, and what other hospital policies are impacted by an inpatient medical marijuana policy.

Laura Miron Napiewocki, University of Michigan Office of the General Counsel, *Ann Arbor*; Mark David Pearlman, MD, University of Michigan Health System, *Ann Arbor*; Vaughn K. Stecker, PAAM, *Lansing*

## Details

March 10–11, 2016

Plymouth, Michigan

The Inn at St. John's

**Level:** Basic/  
Intermediate/Advanced  
**CLE:** 9

**Special Add-on Seminar**  
*Intellectual Property for  
Health Care Lawyers*

Wednesday, March 9  
*See page 7*

**Networking Event**  
*Networking Reception*

Thursday, March 10  
*See page 5*

Discounted rooms available  
at The Inn at St. John's  
*See page 4*

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## Agenda

8:00am Networking Breakfast and Registration *Daily*

### THURSDAY, MARCH 10, 2016

- 9:00am Welcome and Update on Health Care Law Section Activities
- 9:20am Medical Marijuana and the Inpatient
- 10:15am Federal Regulatory Update
- 11:15am Networking Break
- 11:30am Investor Ownership of the Health Enterprise: The Transformation from Mission to Money
- 12:20pm Networking Lunch

#### Core Concepts Track

#### Intermediate/Advanced Track

1:30pm	Health Literacy: What It Is, Why You Should Care, and Why It Should Be Your Practice	Stark Advanced Session: Still Worrying About Stark?
2:25pm	The Joint Commission and Other Accrediting Organizations—A Look Inside the Process	The Government’s Role in Qui Tam Cases: A Defense Perspective
3:10pm	Networking Break	Networking Break
3:25pm	Fundamentals of Health Care Audits and Appeals	Getting Your Physician Clients Paid

- 4:20pm Michigan Health Law Update
- 5:30pm Networking Reception—Sponsored by the Health Care Law Section of the State Bar of Michigan

### FRIDAY, MARCH 11, 2016

- 9:00am Fraud and Abuse Update
- 10:15am Networking Break

#### Hot Topics Track

#### IT and Health Law Track

10:30am	Hot Topics in Health Law Tax*	Patient Portals, E-Mails, and Privacy*
11:35am	Hot Topics in Medical Devices*	Information Technology Transition Issues in Health Care M&A*

\* MP3 download available to all registrants after the seminar.

## Accommodations

### The Inn at St. John’s

44045 Five Mile Road  
Plymouth, MI 48170

A block of rooms has been reserved at The Inn at St. John’s, Plymouth, under ICLE/Health Law for March 9–10, 2016. The room rate is \$139/night. Please call 734-414-0600 to reserve a room.

Reservations must be made by February 24, 2016. Registrants are responsible for their own hotel expenses.



## Sessions

## Plenary Sessions

9:00am/Thursday

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

Mark S. Kopson, Chair, Health Care Law Section of the State Bar of Michigan, Plunkett Cooney, *Bloomfield Hills*

9:20am/Thursday

**Medical Marijuana and the Inpatient**

An in-depth look at the legal issues and risks inherent in policy development, including whether the product should be allowed into a facility and how it should be handled, what happens if a parent brings it in to a minor child and can your physicians dispense medical marijuana and not face prosecution? Plus look at what other hospital policies are impacted.

Laura Miron Napiewocki, University of Michigan Office of the General Counsel, *Ann Arbor*; Mark David Pearlman, MD, University of Michigan Health System, *Ann Arbor*; Vaughn K. Stecker, PAAM, *Lansing*

10:15am/Thursday

**Federal Regulatory Update**

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

Maria B. Abrahamsen, Dykema, *Bloomfield Hills*; Donna A. O'Connor, Dykema, *Bloomfield Hills*

11:30am/Thursday

**Investor Ownership of the Health Enterprise: The Transformation from Mission to Money**

Recent years have seen an increase in investor ownership and governance of the health care enterprise as witnessed by publicly traded corporations' purchase of several Michigan hospitals as well as the investor ownership of physician practices, specialty clinics, dental practices, etc. This program discusses the paradigm shift from the traditional health mission to the profit motive and examines the core legal issues including corporate practice of medicine, fee-splitting, Anti-Kickback and Stark, and the employment of health professionals.

William R. Bloomfield, Department of Attorney General, *Lansing*; Kenneth R. Marcus, Honigman Miller Schwartz and Cohn LLP, *Detroit*

4:20pm/Thursday

**Michigan Health Law Update**

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

Jennifer Kildea Dewane, Care Source, *Dayton, OH*; Nicole E. Stratton, Foster Swift Collins & Smith PC, *Lansing*; Jennifer B. Van Regenmorter, Foster Swift Collins & Smith PC, *Holland*

5:30pm/Thursday

**Networking Reception**

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

9:00am/Friday

**Fraud and Abuse Update**

Learn about the latest government activities and what precautions you must take to protect your clients. Get an inside look at the complex landscape of fraud and abuse prosecution in the face of health care reform.

Alan G. Gilchrist, The Health Law Partners PC, *Southfield*; Adam Townshend, US Attorney's Office—Western District of Michigan, *Grand Rapids*; Leslie Matuja Wizner, U.S. Attorney's Office—Eastern District of Michigan, *Detroit*

**Core Concepts Track**

1:30pm/Thursday

**Health Literacy: What It Is, Why You Should Care, and Why It Should Be Your Practice**

Health literacy isn't just a goal for hospitals and physicians, but for the health care lawyers who draft complicated documents and advise their clients on health care policy and process. In this multimedia presentation, gain a critical understanding of the importance of health literacy to the viability of our health care system and why clients are demanding it. Get drafting tips and examples to improve communication for better protections for your client and better outcomes for their patients.

Christopher Trudeau, Western Michigan University Thomas M. Cooley Law School, *Lansing*

2:25pm/Thursday

**The Joint Commission and Other Accrediting Organizations—A Look Inside the Process**

Health law lawyers are routinely called upon to assist their clients in the accreditation process, so knowing the nuts and bolts of the process is essential. Discover why accreditation is necessary in the first place and understand common components of becoming accredited such as eligibility requirements, the survey process, and what happens between surveys or if a sentinel event occurs.

Lisa Diehl Vandecaveye, The Joint Commission, *Oakbrook Terrace, IL*

3:25pm/Thursday

**Fundamentals of Health Care Audits and Appeals**

Understand the mechanics of health care audits, including the types of audits and how providers are targeted. Learn about the various Medicare audit contactors and get step-by-step guidance through the appeals process for different payors, including Medicare, Medicaid, commercial, and more. Gain appeals strategies to utilize when defending against audit payors and get up to date on legislative changes to the Medicare appeals process and changes to the Recovery Audit Contractor program, too.

Andrew B. Wachler, Wachler & Associates PC, *Royal Oak*

**Intermediate/Advanced Track**

1:30pm/Thursday

**Stark Advanced Session: Still Worrying About Stark?**

In this annual update get the latest on new cases involving physician compensation, FMV, free services, and comarketing, and how those will impact your practice. Plus, revisit old cases like *Tuomey* and its \$237+ million judgment, and find out what's new, clarified, and revised with respect to written agreements. Follow trends in self-disclosures, and find out what's really happening with the proposed streamlined process.

Cynthia F. Wisner, Trinity Health, *Livonia*

## Sessions

2:25pm/Thursday

### The Government's Role in Qui Tam Cases: A Defense Perspective

In the aftermath of *Davita* and the government's unlikely decision not to participate in that case, the exact role and investigative approach of the DOJ in qui tam cases remains unclear. Whistleblowers and their counsel are increasingly relied upon by the DOJ to develop these cases while incidentally helping to assist in health care fraud investigation, too. Learn what lessons for health care organizations can be drawn from these cases and what it really means when the government intervenes.

Max R. Hoffman, Jr., Fraser Trebilcock, *Lansing*

3:25pm/Thursday

### Getting Your Physician Clients Paid

Discover how physicians can position themselves to be a winner under the new payment models and proactively avoid denials from payors. Also, as patient copayments and deductibles grow larger, get best practices for collecting these fees from patients. Plus, find out which ICD-10 coding issues are affecting physician reimbursement and how to address denials swiftly.

Amy K. Fehn, Fehn Robichaud & Colagiovanni PLLC, *Troy*; Kathy Jo Uecker, Medical Informatics Solutions LLC, *Bloomfield Hills*

## IT and Health Law Track

10:30am/Friday

### Patient Portals, E-Mails, and Privacy

Are patient portals really secure? Despite the best efforts of the health care provider to ensure the security of this communication, a number of data privacy issues can arise with e-mail messages, distribution lists, and data sharing. Understand best practices for both patients and organizations that use patient portals in making sure patient health information remains private.

Jennifer Ann Dukarski, Butzel Long, *Ann Arbor*

11:35am/Friday

### Information Technology Transition Issues in Health Care M&A

IT transition planning is a critical component of health care M&A transactions, including the use of Information Technology Transition Services Agreements (ITTSA). Get expert advice on using ITTSAs in your next deal, identify the standard elements of an ITTSA, and get strategies for ensuring your agreements protect your client's interests, no matter who you represent.

Douglas Fenbert, Trinity Health, *Muskegon*; Matthew R. Keuten, Honigman Miller Schwartz and Cohn LLP, *Detroit*

## Hot Topics Track

10:30am/Friday

### Hot Topics in Health Law Tax

Get the latest developments in tax law impacting health care organizations, durable medical equipment manufacturers, nonprofit entities, and private practitioners. Understand recent clarifications, changes, and additions to the Affordable Care Act. Plus, learn about current and proposed governance and compliance requirements to maintain a nonprofit status.

Sunjay Smith Sterling, The Health Law Partners PC, *Southfield*

11:35am/Friday

### Hot Topics in Medical Devices

What new innovations in health care delivery are making their way to the market? Find out in this informative roundup of the latest gadgets and gizmos designed to improve patient care. From external skeletons to help the paralyzed walk to iPhone ultrasounds see what's new and coming to a physician's office or hospital near you—and the legal issues that might arise!

Melissa L. Markey, Hall Render Killian Heath & Lyman PLLC, *Troy*

## Moderators



Core Concepts Track

Jennifer L. Benedict

Honigman Miller Schwartz and Cohn LLP, *Detroit*



IT and Health Law Track

Jennifer Ann Dukarski

Butzel Long, *Ann Arbor*



Thursday Plenary, Intermediate/Advanced Track

Mark S. Kopson

Chair, Health Care Law Section of the State Bar of Michigan, Plunkett Cooney, *Bloomfield Hills*



Friday Plenary, Hot Topics Track

Melissa L. Markey

Hall Render Killian Heath & Lyman PLLC, *Troy*

# Intellectual Property for Health Care Lawyers

Special Add-On Seminar

Level: Basic/Intermediate CLE: 3.5

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

March 9, 2016 | 1:30pm–5:15pm | The Inn at St. John's, Plymouth

## Identify and Protect Your Health Care Clients' IP

The health care area is a natural place to find entrepreneurs and inventors and that likely includes many of your current health care clients. With this intersection of health law and IP comes increased opportunities for health care lawyers to expand their role as advisor—helping clients to both protect IP and develop sound policies for IP development.

Join leading experts in health care technology and IP as they guide you through the nuts and bolts of IP rights. Identify the types of discoveries that constitute health care IP, and understand when to bring in an IP lawyer too.

### Attend and Learn to:

- Recognize the difference between each kind of IP right to better protect your client
- Determine the health care regulations that impact IP development to ensure compliance
- Identify key provisions of health care IP policies such as nondisclosure agreements and licensing rights
- Explain the importance of IP ownership and monetization rights
- Discover potential funding sources for your client's IP

“For health care lawyers, this IS the standard of practice.”

Julie M. Hill-Janeway, Athena Medical Legal Consulting, *Onondaga*

### Moderator/Contributor



Katie J. Miller  
Hall Render  
Killian Heath  
& Lyman PC,  
*Indianapolis, IN*

### Featured Contributors



Michael T. Fluhler  
Fishman Stewart  
Yamaguchi PLLC,  
*Bloomfield Hills*



Tara Hartman  
University of Michigan  
Office of the General  
Counsel, *Ann Arbor*



Paul M. Ratzmann  
Fishman Stewart  
Yamaguchi PLLC,  
*Bloomfield Hills*



Eric Stief  
Beaumont Research  
Institute, *Royal Oak*

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The Inn at St. John's, Plymouth



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- \$195 New Lawyer (0–3 Years in Practice P76260+)

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<sup>1</sup>Please attach additional sheet listing lawyers attending. <sup>2</sup>Registrants will receive the print handbook and electronic materials if no format is specified. Select "electronic materials only" discount or enter SAVE25 online to save \$25 off registration fee. Materials will be posted online before the seminar. **Persons with disabilities or dietary restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar. **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. **Institute Cancellation Policy:** In order to receive a full refund, you must notify ICLE by February 25, 2016. After February 25, a \$45 handling fee will be assessed. No refunds will be issued after March 3, 2016. **Special Add-On Seminar Cancellation Policy:** In order to receive a full refund, you must notify ICLE by February 24, 2016. After February 24, a \$45 handling fee will be assessed. No refunds issued after March 2, 2016.

### D. Special Add-On Seminar Registration | Optional

#### Intellectual Property for Health Care Lawyers

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### E. Institute Materials for Non-Registrants | Optional

Can't attend? Purchase the electronic materials and select recordings.

- \$195 Non-ICLE Partners (No Institute Admission)
- \$136.50 ICLE Partners (No Institute Admission)

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