



MARCH 9–10, 2017 | PLYMOUTH

23RD ANNUAL

Health Law *institute*

Keep Pace with Critical Change in Health Care Law

Cosponsor

The Health Care Law Section
of the State Bar of Michigan

Featured Sessions

Civil Rights in Health Care
Ransomware: What Every Health
Care Lawyer Needs to Know
What's New in Prescription Drugs?

REGISTER TODAY

www.icle.org/health
877-229-4350



ICLE

THE INSTITUTE OF CONTINUING LEGAL EDUCATION

The education provider of the State Bar of Michigan

The State Bar of Michigan • The University of Michigan Law School • Wayne State
University Law School • University of Detroit Mercy School of Law • Western Michigan
University Thomas M. Cooley Law School • Michigan State University College of Law

Keep Pace with Critical Change in Health Care Law

Health care is already front and center in the news—and even more changes are on the horizon in 2017. Dig deeper with expert advice and essential updates on constantly emerging issues, such as ransomware, prescription drugs, civil rights, and concierge medicine. Breathe easy knowing you're prepared to help your health care clients. Plus, don't miss your chance to make new connections and catch up with colleagues during the many networking opportunities.

New: Balanced Updates— Both Physician and Hospital

Whether you advise health systems and hospitals or physicians and their practices, get up to speed on legislation and critical decisions affecting your clients.

Tackle Transactions With Confidence

The business side of health law is a big part of what you do. Walk away armed with the tools you need, whether your deal involves an acquisition or a start-up.

Avoid Tech and Security Threats

It's more crucial than ever to be at the forefront of technology and security. Eliminate risks by understanding what you're up against, from ransomware attacks to HIPAA privacy and security compliance.

Improve Your Practice With New Skills

New to health care law? Been in the field for years? Either way, we have programming for you. Customize your experience and return to the office with knowledge that will help you gain clients and confidence.

Hot Topics



Effective Compliance Programs *See page 6*



Employment Issues in Health Care *See page 7*



Innovative Payment Models *See page 6*

Featured Contributors



Dawn J.K. Geisert
Beaumont Health, *Southfield*

Dawn J.K. Geisert is senior vice president and chief compliance officer for the health system. She coordinates and manages the corporate compliance and enterprise risk management programs. Ms. Geisert's responsibilities also include overseeing the business ethics and corporate compliance programs.



Timothy J. Ryan
Henry Ford Health System, *Detroit*

Timothy J. Ryan has been in health care for 28 years. He is currently senior vice president of physician development at Henry Ford Health System, a position he has held for three years. Previously, he served as chief business development officer for the Detroit Medical Center.



Aaron D. Schuham
Civil Rights Division—U.S. Department of Health & Human Services, *Washington, DC*

Aaron D. Schuham serves as associate general counsel for the division. He leads a national practice group of attorneys that advises its client, the Office for Civil Rights (OCR), in its regulatory, policymaking, and law enforcement activities. OCR is responsible for enforcing several civil rights statutes.



Nathan Steed
Warner Norcross & Judd LLP, *Grand Rapids*

Nathan Steed counsels organizations in technology and intellectual property law, health law, and privacy and information security law. He specializes in the acquisition and use of software/hardware and the Internet of Things (IoT). Mr. Steed works with a wide range of software vendors.

Details

March 9–10, 2017

Plymouth, Michigan
The Inn at St. John's

Level: Basic/
Intermediate/Advanced
CLE: 9

Networking Event
Networking Reception

Thursday, March 9
See page 5

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

Register Today

Online
www.icle.org/health

Call
877-229-4350

Fax
877-229-4351

Mail
ICLE, 1020 Greene St.
Ann Arbor, MI 48109-1444

Agenda

8:00am Networking Breakfast and Registration (Both Days)

THURSDAY, MARCH 9, 2017

- 9:00am Welcome and Update on Health Care Law Section Activities
- 9:15am Ransomware: What Every Health Care Lawyer Needs to Know
- 10:00am Questions and Answers
- 10:10am Phase 2 HIPAA Audits: Lessons Learned and Best Practices
- 11:00am Questions and Answers
- 11:10am Networking Break
- 11:25am Civil Rights in Health Care
- 12:20pm Networking Lunch

Core Concepts Track

Intermediate/Advanced Track

1:30pm	Top 10 Things New Health Care Lawyers Need to Know	Health Care Payment Arrangements: Innovations and Compliance
2:25pm	Fundamentals of Government Payment Programs	Hospital Regulatory and Legal Update
3:10pm	Networking Break	Networking Break
3:25pm	Compliance Programs and Plans: The Essentials	Physician Regulatory and Legal Update

- 4:20pm The Myths and Realities of Concierge Medicine
- 5:30pm Networking Reception—Sponsored by the Health Care Law Section of the State Bar of Michigan

FRIDAY, MARCH 10, 2017

- 9:00am What's New in Prescription Drugs?
- 10:15am Networking Break

Hot Topics Track

Health Care Transactions Track

10:30am	Hot Topics in Health Care Employment Law*	Lessons Learned in Health Care Mergers and Acquisitions*
11:35am	Responding to Document, Record, and Meeting Requests*	Advising Health Care Start-Ups*

* 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 for March 8–9, 2017. The room rate is \$149/night. Please call 734-414-0600 to reserve a room.

Reservations must be made by February, 23, 2017. Registrants are responsible for their own hotel expenses.

Plenary Sessions

9:00am/Thursday

Welcome and Update on Health Care Law Section Activities

Timothy C. Gutwald, Chair, Health Care Law Section of the State Bar of Michigan, Miller Johnson, *Grand Rapids*

9:15am/Thursday

Ransomware: What Every Health Care Lawyer Needs to Know

Ransomware attacks are on the rise, and health care entities—large and small—are at risk. Arm yourself with must-know information and advice for your clients. Understand the mechanics and most common routes of an attack. Identify the legal implications when attacks involve protected health, personally identifiable, employee, and credit card information. Get a glimpse inside the criminal enterprise and the array of resources at its disposal. Learn steps to take, including when and how to involve law enforcement.

Leonard Levy, Spectrum Health, *Grand Rapids*; Nathan Steed, Warner Norcross & Judd LLP, *Grand Rapids*

10:00am/Thursday

Questions and Answers

10:10am/Thursday

Phase 2 HIPAA Audits: Lessons Learned and Best Practices

Get step-by-step guidance on the latest phase of the OCR audit process and identify critical HIPAA privacy and security compliance steps—using real-world lessons learned. Mitigate risks; determine best practices for responding appropriately to incidents and investigations; and advise your clients on recent audit findings.

Monica C. Lareau, Trinity Health, *Livonia*; Cynthia F. Wisner, Trinity Health, *Livonia*

11:00am/Thursday

Questions and Answers

11:25am/Thursday

Civil Rights in Health Care

Discrimination takes many forms. Go beyond today's headlines and get the details you need to help clients facing this difficult issue. Examine Section 1557 of the Affordable Care Act and the obligation of practitioners under the ADA. Address race and caregiver preferences, as well as transgender and gender identity bias and discrimination. Learn to ensure effective communication for those who are deaf or have limited English proficiency; remedy physical barriers for people with disabilities; and ultimately secure equal access to treatment.

Susan K. DeClercq, U.S. Attorney's Office—Eastern District of Michigan, *Detroit*; William H. Fallon, Miller Johnson, *Grand Rapids*; Aaron D. Schuham, Civil Rights Division—U.S. Department of Health & Human Services, *Washington, DC*

12:20pm/Thursday

Networking Lunch

4:20pm/Thursday

The Myths and Realities of Concierge Medicine

Whether it's a "concierge practice," "boutique medicine," or "direct primary care," these new models for delivering care are on the rise, offering a wide range of services. Hear from all sides about how these business arrangements function—from transition to a concierge practice and reimbursement issues, to direct primary groups and the challenges of offering a continuum of care. Explore the inconsistencies between concierge practices and participation agreements. Identify critical language to include in your contracts to ensure compliance with recent legislation.

Timothy C. Gutwald, Chair, Health Care Law Section of the State Bar of Michigan, Miller Johnson, *Grand Rapids*; Dominick Pallone, Michigan Association of Health Plans, *Lansing*; Timothy J. Ryan, Henry Ford Health System, *Detroit*; Andrew B. Wachler, Wachler & Associates PC, *Royal Oak*

5:30pm/Thursday

Networking Reception—Sponsored by the Health Care Law Section of the State Bar of Michigan

Catch up with friends and colleagues and make new connections over light hors d'oeuvres and cocktails.

9:00am/Friday

What's New in Prescription Drugs?

Get the latest updates on this constantly changing area from both the government and pharmacy/lawyer perspective. From price gouging and efforts at reform, to prescription drug diversion plans and trends in drug compounding, you'll gain insight into how these issues are developing and likely to impact your clients.

Michael Heesters, U.S. Attorney's Office—Eastern District of Michigan, *Detroit*; Alan T. Rogalski, Warner Norcross & Judd LLP, *Southfield*

“A must for lawyers looking to stay ahead of the health law curve.”

Monica P. Navarro, Vezina Law PLC, *Birmingham*

Tracks



Moderator
Friday Plenary,
Core Concepts Track
Louis C. Szura
 Szura & Delonis
 PLC, *Southfield*



Moderator
Thursday Plenary,
**Intermediate/
 Advanced Track**
Timothy C.
Gutwald
 Chair, Health Care Law
 Section of the State Bar
 of Michigan, Miller
 Johnson, *Grand Rapids*

Core Concepts Track

1:30pm/Thursday

Top 10 Things New Health Care Lawyers Need to Know

The fundamentals you need to build your practice are all here. Understand core state and federal laws, including those that govern business and operations (corporate practice of medicine, licensing, certificates of need); patient interactions (physician-patient privilege, medical records, HIPAA); and more (peer review, disciplinary actions, fraud and abuse). Quickly identify and explain key regulatory, transactional, and litigation issues—and know where to look for additional guidance.

Louis C. Szura, Szura & Delonis PLC, *Southfield*

2:25pm/Thursday

Fundamentals of Government Payment Programs

A perfect primer for those who are newer to the field. Learn the basic differences between Medicare and Medicaid, including funding and eligibility requirements. Break down the distinctions between Medicare Parts A, B, C, and D, including coverage and payment methodologies. Understand how federal and state fraud and abuse statutes govern Medicare and Medicaid providers.

Eric S. Klein, Dykema, *Bloomfield Hills*

3:25pm/Thursday

Compliance Programs and Plans: The Essentials

Learn to identify the elements and scope of an effective compliance program. Get the answers you need: who should the chief compliance officer report to and what does the OIG have to say about it? What issues are clearly legal and what issues are clearly compliance? What are the differences/similarities between the chief compliance officer and general counsel? Experts provide practical tips for implementation and identify key resources to use in your own practice.

Adrienne Dresevic, The Health Law Partners PC, *Southfield*; Joshua Miller, DMC Detroit Receiving and Harper/Hutzel Hospitals, *Detroit*

Intermediate/Advanced Track

1:30pm/Thursday

Health Care Payment Arrangements: Innovations and Compliance

The Affordable Care Act was the catalyst for a host of new payment arrangements designed to improve outcomes and reduce health care costs. Take a candid look at some of the new models such as cardiac bundled payments; oncology care; and more. Learn how fraud and abuse laws apply to these alternative payment models. Plus, gain practical tips for monitoring and auditing payment arrangements as a component of an effective compliance program.

Dawn J.K. Geisert, Beaumont Health, *Southfield*; Tiana Korley, University of Michigan, *Ann Arbor*

2:25pm/Thursday

Hospital Regulatory and Legal Update

A must-attend if your practice includes advising health systems and hospitals. Explore key cases and legislation impacting your clients and take away keen analysis of each new development.

Amy J. Barkholz, Michigan Health and Hospital Association, *Okemos*; Kimberly J. Commins-Tzoumakas, Hall Render Killian Heath & Lyman PC, *Troy*

3:25pm/Thursday

Physician Regulatory and Legal Update

Don't miss this all-new session focusing on the year's most critical health care law decisions and developments impacting physicians' practices and their patients. Get expert analysis of recent statutes and regulations governing physician practices such as reimbursement, credentialing, medical practice transactions, licensing, Stark and Anti-Kickback, and more.

Sara K. MacWilliams, Mantese Honigman PC, *Troy*; Theresamarie Mantese, Mantese Honigman PC, *Troy*

Tracks

Moderator

Hot Topics Track

Gail D. Pabarue

Henry Ford Health
System Office of the
General Counsel—
HAP Campus,
Detroit



Moderator

**Health Care
Transactions Track**

Matthew R.
Keuten

Honigman Miller
Schwartz and Cohn
LLP, Detroit

Hot Topics Track

10:30am/Friday

Hot Topics in Health Care Employment Law

Hear from industry experts about the latest developments in labor law and employment litigation in the health care industry. Learn about trends that may impact your clients and gain risk-management strategies from in-house and outside counsel.

Deborah L. Gordon, Deborah Gordon Law, *Bloomfield Hills*;
Shanta S.W. McMullan, Trinity Health, *Livonia*

11:35am/Friday

Responding to Document, Record, and Meeting Requests

Whether it's a records request from a third party or a patient and their representative, or a meeting request as part of a government licensing investigation, we've got you covered. Get tips from experts in the trenches about best procedures and policies, from negotiating the scope of a request and determining whether information is subject to privilege or protected from disclosure, to identifying the need for counsel for nonroutine governmental or litigation requests. Plus, understand the consequences of not properly responding.

Richard C. Kraus, Foster Swift Collins & Smith PC, *Lansing*; Bruce A. Vande Vusse, Foster Swift Collins & Smith PC, *Southfield*

Health Care Transactions Track

10:30am/Friday

Lessons Learned in Health Care Mergers and Acquisitions

Get practical advice from in-house and outside counsel on the top issues likely to impact your next deal. Identify potential CON issues associated with change of ownership of CON-covered services. Plan the timing of license and permit transfers to avoid interruption of operations. Plus, understand and analyze the consequences of the Medicare "36-month rule" and the enrollment moratorium in home health agency transactions.

Maria B. Abrahamsen, Dykema, *Ann Arbor*; Valerie S. Rup, William Beaumont Hospital, *Royal Oak*

11:35am/Friday

Advising Health Care Start-Ups

Entrepreneurial activities in the health care arena are more exciting than ever—and are shaping the industry's future in new ways. Understand the unique regulatory and business issues facing start-ups today. Be prepared to help your clients capitalize on opportunities. Plus, get specific advice on government contracts and their potential risks, as well as the creativity required when drafting.

Michael P. James, Michael James Law PLC, *Flint*

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

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

“A year's worth of good information and advice in a day and a half.

Orlando L. Blanco, Blanco Wilczynski PLLC, *Troy*

23RD ANNUAL

Health Law *institute*

MARCH 9–10, 2017

The Inn at St. John's, Plymouth

Level: Basic/Intermediate/Advanced
CLE: 9



THE UNIVERSITY OF MICHIGAN
INSTITUTE OF CONTINUING LEGAL EDUCATION
1020 Greene Street
Ann Arbor, MI 48109-1444

NONPROFIT ORG
U.S. POSTAGE
PAID
ANN ARBOR, MI
PERMIT NO. 106

ADDRESS SERVICE REQUESTED

4 Ways to Register

1
Online (with credit card)
www.icle.org/health

2
Call (with credit card)
877-229-4350

3
Fax (form with credit card)
877-229-4351

4
Mail (form with payment)
ICLE, 1020 Greene St.
Ann Arbor, MI 48109-1444

A. Personal Info

Name _____

MI Bar# _____ ICLE P'ship# _____

Firm _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____

B. Institute Registration | Pick One

Health Law Institute

- \$395 General
- \$365 Cosponsor Section Member
- \$345 ICLE Partner
- \$195 New Lawyer (0–3 Years in Practice P77400+)
- \$295 per Lawyer (4+ Lawyers from the Same Firm)¹
- FREE Judges (Limit 40)²

17CI-4110

C. Materials Format | Institute Registrants Pick One

- FREE Print Handbook and Electronic Materials
- Save \$25 Electronic Materials Only³

D. Can't Attend the Institute?

Non-Registrants—Purchase the Electronic Materials and Select Recordings.

- \$195 Non-ICLE Partners
- \$136.50 ICLE Partners

E. Payment Info | Calculate Total and Select Check/CC

Institute Registration (Box B) \$ _____

Institute Electronic Materials Only Discount³ (Box C) \$ (-\$25)

Institute Materials for Non-Registrants (Box D) \$ _____

(Add 6% MI Sales Tax to This Line Only)

Total Amount Due \$ _____

Check Check No. _____ Payable to: ICLE

Visa **Mastercard** **Amex** **Discover**

CC No. _____ Exp. Date _____

Signature for CC _____

Prices guaranteed until 03/10/17. ¹Please attach additional sheet listing lawyers attending. ²Current sitting state court judges (limit 40) attend free and must complete order form or call ICLE to register. ³Registrants 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. **Complete seminar policy:** www.icle.org/info/seminarpolicies. **Cancellation policy:** For a full refund, notify ICLE by February 23, 2017. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after March 2, 2017. **Persons with disabilities or dietary restrictions:** For special arrangements, please contact ICLE no later than seven days before the seminar.