



MARCH 8–9, 2018 | PLYMOUTH

24TH ANNUAL

# Health Law *institute*

## Keep Pace with Critical Change in Health Care Law

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The Health Care Law Section  
of the State Bar of Michigan

### Featured Sessions

Health Care Reform: What the Shifting  
Marketplace Means

Regulatory Update

Expanded Health Care Delivery Models

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# Keep Pace with Critical Change in Health Care Law

Many changes are on the horizon for healthcare in 2018. Eliminate the uncertainty with expert advice on the shifting marketplace and what it means for your clients. Examine the supply chain process in commercial contracts and explore the latest regulatory updates for state, federal, and behavioral health law. Gain insight into the world of specialty pharmacies and identify common issues and trends in the 340B program. Plus, don't miss the ever-popular Fraud and Abuse Update.

## Immediately Implement Strategies for Investigations

Get step-by-step guidance on internal and external investigations. Plus, understand qui tam and identify best practices for using privilege.

## Steer Clear of Privacy Violations

It's increasingly difficult to maintain patient confidentiality in today's 24/7 media cycle. Respond appropriately to inquiries and effectively use social media.

## Tackle Transactions With Confidence

It's all here—from the basics of affiliation agreements and acquisitions to private equity investors and due diligence planning.

## Help Physicians Avoid Land Mines

You need to understand the typical business decisions that physicians face every day. Help your clients by recognizing areas of legal and financial risk.

### Hot Topics



**Health Care Reform**  
*See page 5*



**Opioid Addiction**  
*See page 7*



**Discipline and Employed Physicians**  
*See page 7*

## Featured Contributors



**Laura Appel**

Michigan Health & Hospital Association, *Okemos*

Laura Appel is vice president of federal policy and advocacy for the association. She works at a federal level to represent the interests of Michigan hospitals and health systems in both the legislative and regulatory arenas on key issues. Previously, Ms. Appel was the director for the democratic policy staff for the Michigan House of Representatives.



**Michelle Johnson Tidjani**

Henry Ford Health System, *Detroit*

Michelle Johnson Tidjani is vice president and general counsel of the health system. She provides executive leadership for the following areas: office of the general counsel (covering all legal affairs), business integrity and tax office, information privacy and security, governance office, and risk finance and insurance office.



**Glenn Martin**

Eastern Maine Healthcare Systems, *Brewer, ME*

Glenn Martin serves as senior vice president and general counsel for the integrated regional health care system, which serves eastern, central, and northern Maine. EMHS includes nine hospitals, multiple nursing homes, home health agencies, physician practices, and medical transportation.



**Adam Townshend**

U.S. Attorney's Office—Western District of Michigan,  
*Grand Rapids*

Adam Townshend is an assistant U.S. attorney in the U.S. Attorney's Office for the Western District of Michigan. In this role, Mr. Townshend has handled a variety of civil and criminal health care fraud cases involving physicians and physician practices, hospitals, home health care providers, and more.

## Details

March 8–9, 2018

**Plymouth, Michigan**

The Inn at St. John's

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

**Networking Events**

*Lunch and Reception*

Thursday, March 8

*See page 5*

Discounted rooms available  
at The Inn at St. John's

*See page 4*

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## Agenda

8:00am Continental Breakfast, Vendor Showcase, and Registration (Both Days)

### THURSDAY, MARCH 8, 2018

- 9:00am Welcome and Update on Health Care Law Section Activities
- 9:15am Health Care Reform: What the Shifting Marketplace Means
- 10:00am Questions and Answers
- 10:10am Regulatory Update
- 11:00am Questions and Answers
- 11:10am Networking Break

#### Core Concepts Track

#### Intermediate/Advanced Track

|         |  |  |
|---------|--|--|
| 11:25am | Deconstructing Due Diligence: A Practical Guide for Health Care Transactions in 2018 and Beyond  | Internal and External Investigations: When and How to Maintain Privilege       |
| 12:20pm | Networking Lunch   | Networking Lunch   |
| 1:30pm  | Commercial Contracting Basics  | Trends in 340B and Specialty Pharmacies  |
| 2:25pm  | The Business of Medicine: Advising Physician Practices on Increasing Revenue and Decreasing Risk | Metrics and MACRA: Value-Based Contracting                                     |
| 3:10pm  | Networking Break   | Networking Break   |
| 3:25pm  | Intersection of Law & Medical Ethics   | Behavioral Health Law Update   |
| 4:20pm  | Fundamentals of Affiliations and Transactions  | Peer Review, Discipline, and Employed Physicians: Balancing Competing Concerns |

5:30pm Networking Reception

### FRIDAY, MARCH 9, 2018

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

#### Patient Rights Track

#### Transactions Track

|         |   |  |
|---------|---|--|
| 10:30am | Patients, Providers, and Pain Management* | Private Equity in M&A Health Care Deals* |
| 11:35am | Patient Confidentiality and the Media*    | Expanded Health Care Delivery Models*    |

\*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 7–8, 2018. The room rate is \$152/night. Please call 734-414-0600 to reserve a room.

Reservations must be made by February 14, 2018. Registrants are responsible for their own hotel expenses.

## Tracks

## Plenary Sessions

9:00am/Thursday

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

Matthew R. Keuten, Chair, Health Care Law Section of the State Bar of Michigan, Honigman Miller Schwartz and Cohn LLP, *Detroit*

9:15am/Thursday

### Health Care Reform: What the Shifting Marketplace Means

The uncertainty of health care reform is creating new challenges for employers, payers, providers, and patients. The panel will discuss how the healthcare industry in Michigan may respond, including what may happen with Medicaid (expansion, traditional and managed Medicaid). Take away best practices to respond to changes in eligibility, coverages, and reimbursement, quality measures and minimums, and different revenue streams, all of which are likely to affect your clients in 2018 and thereafter.

Laura Appel, Michigan Health & Hospital Association, *Okemos*; Colin Ford, Michigan State Medical Society, *East Lansing*; Stuart M. Kilpinen, Trinity Health Corporation, *Livonia*; Richard P. O'Donnell, Priority Health, *Grand Rapids*; Cynthia F. Wisner, Trinity Health, *Livonia*

10:00am/Thursday

### Questions and Answers

10:10am/Thursday

### Regulatory Update

In this combined state and federal update, get the must-know information on the top statutory and regulatory trends—from the latest on Stark to changes in Medicare reimbursement for IPPS and OPSS to what's new with the Michigan Medicaid program, Michigan midlevel scope of practice, and other health law-related legislation. Take away keen analysis of the significance and implications of each new development.

Maria B. Abrahamsen, Dykema, *Ann Arbor*; Amy J. Barkholz, Michigan Health & Hospital Association, *Okemos*

11:00am/Thursday

### Questions and Answers

12:20pm/Thursday

### Networking Lunch

5:30pm/Thursday

### Networking Reception

Relax and join faculty and fellow registrants for light hors d'ouvres and cocktails.

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 healthcare reform.

Robert S. Iwrey, The Health Law Partners PC, *Farmington Hills*; Adam Townshend, U.S. Attorney's Office—Western District of Michigan, *Grand Rapids*

## Core Concepts Track

11:25am/Thursday

### Deconstructing Due Diligence: A Practical Guide for Health Care Transactions in 2018 and Beyond

Get the tools you need to ensure thorough due diligence for your next healthcare transaction. From organizing the process and selecting the team to tracking progress—it's all here.

Learn to identify common issues that arise in healthcare due diligence as well as landmines to avoid. Integrate due diligence planning into the transaction and take away tips for resolving tricky compliance issues.

Jennifer L. Benedict, Honigman Miller Schwartz and Cohn LLP, *Detroit*; Rebecca L. Friedrich Glitman, Honigman Miller Schwartz & Cohn LLP, *Detroit*

1:30pm/Thursday

### Commercial Contracting Basics

Gain insight into the supply chain process and the scope of activities managed by legal counsel versus supply chain management. Understand which contract clauses are critical to protect a health care entity's interests and which clauses are likely to be heavily negotiated by vendors. Learn specific tactics to improve self-contracting practices and identify what major decisions prompt requests for proposals and/or changes in vendors.

Rebecca E. Chavez, William Beaumont Hospital, *Royal Oak*; Edmond D. Hardin, Jr., CMRP, FACHE, Beaumont Health, *Royal Oak*

2:25pm/Thursday

### The Business of Medicine: Advising Physician Practices on Increasing Revenue and Decreasing Risk

Whether you are new to health law or expanding into advising physicians, understanding the most common business decisions facing physicians is key. Recognize areas of legal and financial risk—including basic HIPAA compliance and audits. Help clients identify ancillary revenue streams like in-office labs, diagnostic imaging, and more, and guide them through the legal pitfalls associated with new revenue sources.

David L. Rogers, Rogers & Associates PC, *Farmington Hills*; Leslie A. Rojas, Plunkett Cooney PC, *Bloomfield Hills*

## Tracks



**Moderator**  
**Thursday Plenary and Intermediate/Advanced Track**  
**Matthew R. Keuten**  
 Chair, Health Care Law Section of the State Bar of Michigan, Honigman Miller Schwartz and Cohn LLP, *Detroit*



**Moderator**  
**Friday Plenary and Transactions Track**  
**Keith J. Soltis**  
 Kotz Sangster Wysocki PC, *Bloomfield Hills*

3:25pm/Thursday

### Intersection of Law & Medical Ethics

Learn foundational principles of ethics and bioethics to help assess and advise on difficult decisions in the clinical setting. Understand the distinctions and overlaps between the law and medical ethics and gain important tools for responding to common legal questions that arise during bioethics consultations.

Jeffrey Byrnes, Spectrum Health Hospital Group, *Grand Rapids*; Megan M. VerMerris, Spectrum Health Hospital Group, *Grand Rapids*

4:20pm/Thursday

### Fundamentals of Affiliations and Transactions

From loose clinical agreements to full mergers and acquisitions—understand the continuum of potential relationships between physicians/physicians groups and hospital systems and the corresponding degrees of clinical and operational integration each entails. Gain insight into recent trends in MI and beyond in affiliation transactions and determine key compliance and business issues accompanying potential affiliation structures.

Scott D. Alfree, Varnum LLP, *Grand Rapids*; Zachary J. Meyer, Varnum LLP, *Grand Rapids*

## Intermediate/Advanced Track

11:25am/Thursday

### Internal and External Investigations: When and How to Maintain Privilege

Get step-by-step guidance through the investigation process. From assessing bylaw indemnity provisions for potential defendants to understanding the importance of Upjohn warnings, you'll take away strategies to implement immediately. Plus, understand the government's approach on qui tam investigations and identify best practices for using privilege in both internal and external investigations.

Kimberly J. Commins-Tzoumakas, Hall Render Killian Heath & Lyman PC, *Troy*; Glenn Martin, Eastern Maine Healthcare Systems, *Brewer, ME*

1:30pm/Thursday

### Trends in 340B and Specialty Pharmacies

Learn what distinguishes specialty pharmacy services from other types of pharmacy services typically found in a hospital or retail pharmacy. Identify common issues impacting specialty pharmacies, including interactions with PBMs, manufacturers, hubs, and patients.

Discover current trends in the 340B program and the reimbursement obstacles impacting the program's viability in the specialty, retail, and institutional pharmacy context.

Christina E. Flint, Diplomat Specialty Pharmacy, *Flint*; Todd A. Nova, Hall Render Killian Health & Lyman PC, *Milwaukee, WI*

2:25pm/Thursday

### Metrics and MACRA: Value-Based Contracting

With more and more emphasis on patient outcomes, it's no wonder that MACRA (Medical Access and CHIP Reauthorization Act of 2015) ties provider reimbursement to how well a patient does. But exactly how does this Value-Based Contracting (VBC) work? Get a thorough understanding of the MACRA framework and what it means for providers. Learn to evaluate how ready a provider or plan is for commercial VBC and identify when and how to exit failing VBC arrangements.

Mark S. Kopson, Plunkett Cooney PC, *Bloomfield Hills*; Phillip P. VanLaan, Spectrum Health, *Grand Rapids*

3:25pm/Thursday

### Behavioral Health Law Update

With Mental Health Parity in full swing and increasing dialogue surrounding the integration of behavioral and physical healthcare delivery, staying up to date on the statutory, regulatory, and legislative developments is a necessity.

Gregory W. Moore, Dickinson Wright PLLC, *Troy*

## Tracks



**Moderator**  
**Core Concepts Track**  
 Leslie A. Rojas  
 Plunkett Cooney  
 PC, *Bloomfield Hills*



**Moderator**  
**Patient Rights Track**  
 Denise L.  
 Winiarski  
 University of  
 Michigan Office of  
 the General Counsel,  
*Ann Arbor*

4:20pm/Thursday

### Peer Review, Discipline, and Employed Physicians: Balancing Competing Concerns

With the shift toward the physician-employee model, assessing the pros and cons of using HR or the hospital medical staff to address employment issues can be tricky. Get best practice tips for identifying the types of issues best resolved by each while both maintaining the peer review privilege and minimizing the risk of being sued.

Timothy C. Gutwald, Miller Johnson, *Grand Rapids*; Laura M. Napiewocki, JD, MHA, University of Michigan Office of the General Counsel, *Ann Arbor*

## Patient Rights Track

10:30am/Friday

### Patients, Providers, and Pain Management

The line between managing patient pain and avoiding opioid addiction continues to be a balancing act for health systems, pharmacies, and physicians alike. And with law enforcement and medical review boards increasingly scrutinizing controlled substance prescriptions, understanding what constitutes appropriate prescribing is more important than ever. Learn about innovative programs aimed at provider education like Michigan-OPEN (Opioid Prescribing Engagement Network) and Michigan Automated Prescription Systems (MAPS). Take away best practices for provider utilization of prescription drug monitoring programs while both improving patient outcomes and managing the risks of litigation.

Chad Brummert, MD, Michigan Medicine, *Ann Arbor*; Rebecca Haffajee, PhD, JD, MPH, Institute for Healthcare Policy & Innovation, *Ann Arbor*

11:35am/Friday

### Patient Confidentiality and the Media

Maintaining patient confidentiality is more difficult and important than ever—given the media's fascination with health-related news stories and the widespread use of social media. Learn to respond appropriately to media inquiries and news stories about patient care and apply practical tips to mitigate risks involving the media/provider interface. Plus, effectively utilize social media such as Facebook without violating privacy rules.

Elizabeth Callahan-Morris, Hall Render Killian Heath & Lyman PLLC, *Troy*; Mary F. Masson, Michigan Medicine Department of Communications, *Ann Arbor*; Michelle Johnson Tidjani, Henry Ford Health System, *Detroit*

## Transactions Track

10:30am/Friday

### Private Equity in M&A Health Care Deals

Private equity investors are becoming increasingly common in healthcare M&A, so adopt best practices for handling these transactions. Identify investor objectives as well as common obstacles and legal issues that are unique to private equity transactions. Plus, understand common deal terms and structure to ensure regulatory compliance and reduce legal pitfalls.

Matthew R. Keuten, Chair, Health Care Law Section of the State Bar of Michigan, Honigman Miller Schwartz and Cohn LLP, *Detroit*; Matthew R. VanWasshova, Honigman Miller Schwartz and Cohn LLP, *Detroit*

11:35am/Friday

### Expanded Health Care Delivery Models

Take a close look at the variety of business models available to hospitals and physicians to use separately and jointly. Identify the reasons why physicians and/or hospitals prefer certain models and determine which models are less complicated to monitor and mitigate risks for your clients.

Keith J. Soltis, Kotz Sangster Wysocki PC, *Bloomfield Hills*

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