



MARCH 7–8, 2019 | PLYMOUTH

25TH ANNUAL

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Keep Pace with Critical Change in Health Care Law

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Keep Pace with Critical Change in Health Care Law

Get the latest on state and federal regulations, fraud and abuse, opioids, and more. National strategist Ken Kleinberg delivers an eye-opening analysis of the changing health care marketplace. Top executive Willie Brooks (Detroit Wayne Mental Health Authority) talks about behavioral health developments in Michigan. Hear from other hard-to-access experts from LARA, BCBSM, and the U.S. Attorney's Office.

For Hospitals/ Health Systems

Updates on Opioids

Get an inside look at recent regulatory developments from DHHS, LARA, and hospital representatives. Learn best practices regarding MAPS checks, informed consent, and more.

New Solutions for Stark

Tackle the latest Stark barriers to coordinated care. Find the right exception and demonstrate fair market value to avoid a violation. Hear from a health care valuation expert and experienced practitioner.

Advice on When to Report

Licensing reporting can be a gray area. Know what to report to the state and when. Master the tricky interplay between HR, medical staff bylaws, and the statutory language. Be prepared for next steps.

For Physicians/ Medical Practices

A Path Through the Payor Maze

Hear from both sides. A BCBSM executive and private practitioner give their perspectives on everything from departicipation to audits using practical, real-world scenarios.

Tips on Handling Rogue Employees

Inappropriate Facebook posts? Sneak peeks at medical records? Manage the thorny issues that arise with rogue employee behavior. Get the employment law perspective on real-life situations.

The Latest on Marijuana in Michigan

Help clients identify risks posed by marijuana-related investment opportunities. Avoid licensing pitfalls. Explore employment issues such as drug-free workplace policies and termination considerations.

Featured Speakers



Willie Brooks

Detroit Wayne Mental Health Authority, *Detroit*

Willie Brooks has extensive expertise in health care and finance. He is president and CEO of the DWMHA, which delivers services to nearly 80,000 Wayne County residents with serious mental illness, intellectual and developmental disabilities, and substance use disorders. He has detailed knowledge of health care economics and investing, banking, and monetary policies.



Ann T. Hollenbeck

Jones Day, *Detroit*

Ann T. Hollenbeck has contributed to the *Health Law Institute* for more than a decade. She has extensive experience in health care reform, ACOs and clinical integrated networks, fraud and abuse, and telemedicine. She recently advised on the structure of a value-based collaboration between specialty physicians and hospitals in response to health care reform initiatives.



Kenneth Kleinberg

Saugerties, NY

Kenneth Kleinberg has nearly 40 years of IT experience, with the past 20 years focused on health care. He helps U.S. and international stakeholders with IT strategies regarding EHRs, interoperability, mobile computing, advanced and emerging technologies (especially AI and analytics), and more. He has held top positions with Chilmark Research, Health Language (now Wolters Kluwer), and Allscripts.



Nicole M. Wotlinski

Blue Cross Blue Shield of Michigan, *Detroit*

Nicole M. Wotlinski is vice president, deputy general counsel, at BCBSM. She oversees the corporate practice group, which advises on commercial and customer contracts, compliance, intellectual property, licensing, corporate governance, tax issues, and mergers and acquisitions. Her experience includes the privacy and security of sensitive personal data and professional provider incentive programs.

Details

March 7–8, 2019

Plymouth, Michigan

The Inn at St. John's

Level: Basic/
Intermediate/Advanced
CLE: 9

Networking Events

Networking Lunch: Create a Culture of Digital Well-being

Networking Reception

Thursday, March 7

See page 5

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

See page 4

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Agenda

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

THURSDAY, MARCH 7, 2019

9:00am Welcome and Update on Health Care Law Section Activities

9:15am The Next Generation of Health Care

10:15am Federal Regulatory Update

11:00am Networking Break

11:15am State Regulatory Update

12:00pm Networking Lunch: Create a Culture of Digital Well-being

| | Core Concepts Track | Intermediate/Advanced Track |
|--------|--|--|
| 1:30pm | Getting Through the Payor Maze | Hot Topics in Behavioral Health |
| 2:30pm | Handling Your First Regulatory Investigation | The Stark Reality of Coordinated Care |
| 3:20pm | Networking Break | Networking Break |
| 3:35pm | The Rogue Employee: Prevention, Discipline, and Compliance | Transitioning Payor Arrangements in Health Care Transactions from the Provider and Payor Perspective |
| 4:35pm | Pitfalls Lurking in Michigan's Corporate Practice of Medicine Doctrine | Is It Reportable? Licensing Reporting in Michigan |

5:30pm Networking Reception

FRIDAY, MARCH 8, 2019

9:00am Fraud and Abuse Update: Perspectives from the U.S. Attorney's Office

9:50am Networking Break

| | Controlled Substances Track | Technology Track |
|---------|--|---|
| 10:05am | Opioid Prescribing in Michigan: Regulatory Changes and Best Practices* | Cybersecurity: Data Privacy and Security Concerns in Health Care* |
| 11:00am | Cutting Through the Haze: Marijuana in Michigan* | Artificial Intelligence in Health Care* |

11:50am Inside/Outside: The Dynamics of In-House and Outside Counsel Relationships

*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 6–7, 2019. The room rate is \$154/night.

Please call 734-414-0600 to reserve a room. Reservations must be made by 02/19/19. Registrants are responsible for their own hotel expenses.

Tracks

Plenary Sessions

9:00am/Thursday

Welcome and Update on Health Care Law Section Activities

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

9:15am/Thursday

The Next Generation of Health Care

Whether it's Amazon and Berkshire Hathaway, CVS and Aetna, or Google, Apple, and others, the health care marketplace is ripe for disruption. The face of health care is changing rapidly, and innovative/emerging technology—especially analytics and AI—and consumer-centric health care models are activating patient engagement in new ways. Take an eye-opening look at the future of health care.

Kenneth Kleinberg, *Saugerties, NY*

10:15am/Thursday

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.

Ann T. Hollenbeck, Jones Day, *Detroit*

11:15am/Thursday

State Regulatory Update

Stay up to date on the latest regulatory changes in Michigan, include recent developments in health facility licensing. Gain critical insight into how these changes will impact your health care clients.

Amy J. Barkholz, Michigan Health & Hospital Association, *Okemos*; Larry Horvath, Michigan Department of Community Health—Office of Recipient Rights, *Lansing*

12:00pm/Thursday

Networking Lunch: Create a Culture of Digital Well-being

Learn how to defeat distractions and interruptions in order to become purposefully connected to your work and the people around you. Discover ways to stay digitally fit in order to focus on your own well-being. Learn new tools and techniques to create healthy digital habits at work and home including ways to better manage e-mail overload, increase mental clarity, and reduce stress and burnout.

Mark Ostach, MarkOstach.com, *Detroit*

5:30pm/Thursday

Networking Reception

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

9:00am/Friday

Fraud and Abuse Update: Perspectives from the U.S. Attorney's Office

A dedicated government panel representing the Western and Eastern Districts of Michigan will provide a False Claims Act update, discuss recent fraud and enforcement trends, and answer your questions. Please submit questions in advance to icle@umich.edu.

Caroline Burgunder, U.S. Attorney's Office—Eastern District of Michigan, *Detroit*; Adam Townshend, U.S. Attorney's Office—Western District of Michigan, *Grand Rapids*

11:50am/Friday

Inside/Outside: The Dynamics of In-House and Outside Counsel Relationships

The dynamics of the relationship between in-house lawyers and outside counsel are complex. Gain practical insight into the unique balance between customer/client needs and the demands of in-house counsel. Identify alternative service models and innovative fee arrangements to implement with your clients. Take away best (and worst) practices for effectively navigating the delicate balance on both sides.

Arthur F. deVaux, Hall Render Killian Heath & Lyman PLLC, *Troy*; Cara L. Jansma, Spectrum Health Hospital Group, *Grand Rapids*; Nathan D. Plantinga, Miller Johnson, *Grand Rapids*; Stephen M. Sadowski, ProMedica Health System Inc, *Toledo, OH*

Core Concepts Track

1:30pm/Thursday

Getting Through the Payor Maze

Learn how to effectively navigate critical issues that arise between payors and providers. From departicipation and provider agreement violations to audits and delayed payments, examine real-world scenarios from both the payor and provider perspective. Identify the rules that apply and the process to utilize to better advise your clients. Take away insider insight and best practices to apply in your practice.

Nicole M. Wotlinski, Blue Cross Blue Shield of Michigan, *Detroit*; Andrew B. Wachler, Wachler & Associates PC, *Royal Oak*

Tracks



Moderator
**Thursday Plenary
 and Intermediate/
 Advanced Track**
Louis C. Szura
 Szura & Delonis
 PLC, *Southfield*



Moderator
**Friday Plenary
 and Controlled
 Substances Track**
**Martha Rabaut
 Boonstra, JD, RN**
 Spectrum Health
 Medical Group,
Grand Rapids

2:30pm/Thursday

Handling Your First Regulatory Investigation

Government investigations have become an inevitable consequence of operating in the highly regulated health care sector. Using real-world scenarios, learn to recognize the initiation of a government investigation and how to effectively respond with a comprehensive strategy. Explore the types of compulsory processes available to the government, strategies for conducting a parallel investigation, and the necessary conditions for Upjohn warnings. Gain practical tips your clients can't afford for you to miss.

Ronald W. Chapman II, Chapman Law Group, *Troy*;
 Laura A. Perkovic, Chapman Law Group, *Westerville, OH*

3:35pm/Thursday

The Rogue Employee: Prevention, Discipline, and Compliance

Get the tools you need to advise health care clients on rogue employees who create compliance issues. Learn to identify critical employment law and health law considerations by walking through real-life scenarios. From practical prevention tools to incorporate into the hiring process to effective disciplinary practices to mitigate regulatory risk and litigation exposure, it's all here.

Amy K. Fehn, Health Law Office of Amy Fehn, *Southfield*;
 Ronda Tate Truvillion, Lewis & Munday PC, *Detroit*

4:35pm/Thursday

Pitfalls Lurking in Michigan's Corporate Practice of Medicine Doctrine

Michigan's corporate practice of medicine doctrine can serve to constrain new investor ownership opportunities and physician business ventures in Michigan. Utilizing case studies, gain valuable insight into the vulnerabilities and risks that arise under the current corporate practice of medicine framework and take away keen understanding of the complicated interplay of statutes, case law, licensing actions, and AG opinions to effectively advise your clients and avoid pitfalls.

Eric S. Klein, Dykema, *Bloomfield Hills*

Intermediate/Advanced Track

1:30pm/Thursday

Hot Topics in Behavioral Health

Get a first-hand look at the latest developments in behavioral health in Michigan. Examine how Michigan's behavioral health system is currently funded and learn about proposed changes on the horizon. Get up to date on the emerging issues surrounding the integration of behavioral health and physical health care services under a managed care approach.

Mark S. Kopson, Plunkett Cooney PC, *Bloomfield Hills*; Willie Brooks, Detroit Wayne Mental Health Authority, *Detroit*; Dr. Lisa Knysz, Behavioral Health Professionals, Inc., *Detroit*

2:30pm/Thursday

The Stark Reality of Coordinated Care

In the shift from fee-for-service to a value-based system, aspects of Stark have created barriers to coordinated care. Learn how to comply with a Stark exception for coordinated care arrangements, plus review recent Stark settlements, cases and advisory opinions. Gain expert insight on how to evidence fair market value and commercial reasonableness for Stark compliance, including options for alternative payment models, subsidies, value-based payments, incentives, and metrics.

David B. Fink, Health Care Appraisers, *Schaumburg, IL*;
 Cynthia F. Wisner, Trinity Health, *Livonia*

3:35pm/Thursday

Transitioning Payor Arrangements in Health Care Transactions from the Provider and Payor Perspective

Learn how to conduct effective due diligence on payor arrangements and integrate proven strategies for minimizing payment disruptions in health care transactions. Explore best practices for transitioning commercial payor arrangements and discover how to help your clients successfully navigate the Medicare change of ownership (CHOW) process.

Jennifer L. Benedict, Honigman Miller Schwartz and Cohn LLP, *Detroit*;
 Gail D. Pabarue, Henry Ford Health System, Health Alliance Plan Campus, *Detroit*

Tracks



Moderator
Core Concepts Track
Andrew B. Wachler
Wachler &
Associates PC,
Royal Oak



Moderator
Technology Track
Cynthia F. Wisner
Trinity Health,
Livonia

4:35pm/Thursday

Is It Reportable? Licensing Reporting in Michigan

Michigan licensing reporting requirements necessitate that a health facility report disciplinary action taken against a health professional, but the interplay between human resources, medical staff bylaws, and the statutory language can be tricky. Obtain valuable insight on who and what should be reported, when reporting is required, and what happens when the Bureau receives a report. Take away best practices for advising your clients on disciplinary matters that may lead to reporting.

Andrew Hudson, Bureau of Professional Licensing, *Lansing*;
Robert Alan Welch, Jr., Ascension Michigan, *Warren*

Controlled Substances Track

10:05am/Friday

Opioid Prescribing in Michigan: Regulatory Changes and Best Practices

Don't miss critical guidance on the current legislative landscape of opioid prescribing in Michigan. Learn best practice tips for advising clients on recent regulatory developments including MAPS checks, informed consent, and bona fide prescriber-patient relationship. Take an up-close look at the licensing complaint and enforcement process and explore initiatives your clients can use to monitor and reduce opioid prescribing.

Amber Daniels, MI Department of Licensing & Regulatory Affairs, *Lansing*; Martha Rabaut Boonstra, JD, RN, Spectrum Health Medical Group, *Grand Rapids*; Jared Welehodsky, MI Department of Health & Human Services, *Lansing*

11:00am/Friday

Cutting Through the Haze: Marijuana in Michigan

Stay ahead of the curve with the latest updates on marijuana in Michigan. From the federal-state law conflict to recent DOJ enforcement actions, it's all here. Learn how to navigate the licensing pitfalls and identify risks in order to effectively advise clients on investment opportunities and medical directorships. Explore the impact of Michigan marijuana laws on employment issues, including drug-free workplace policies and termination considerations.

Timothy C. Gutwald, Miller Johnson, *Grand Rapids*; Jeffrey M. Schroder, Plunkett Cooney PC, *Bloomfield Hills*

Technology Track

10:05am/Friday

Cybersecurity: Data Privacy and Security Concerns in Health Care

Data security vulnerabilities and patient privacy concerns continue to be a moving target for health care providers. Gain valuable insight into the potential risks lurking in your client's business, from the latest cyber threats aimed at providers to critical business associate agreement terms. Find out what you need to know about the application of the EU General Data Protection Regulation to health care. Take away valuable cybersecurity tips from the front lines to better advise your clients.

Brian J. Arnold, Henry Ford Health System, *Detroit*;
William Kowalski, Rehmann LLC, *Troy*

11:00am/Friday

Artificial Intelligence in Health Care

Artificial Intelligence (AI) is rapidly changing health care as we know it. The intersection of big data and machine learning in medicine has resulted in the ability to find complex patterns within health care data to make predictions. While these predictive capabilities offer tremendous potential benefit, they also raise new legal questions. Take a first-hand look at the ethical and legal issues raised by the use of AI in health care and explore real-world AI projects happening right here in Michigan.

Dr. Karandeep Singh, MD, MMSc, University of Michigan, *Ann Arbor*

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Prices guaranteed until 03/08/19. Cannot combine discounts. ¹Please attach additional sheet listing registrants attending. ²Current sitting state court judges (limit 40) attend free and must complete order form or call ICLE to register. ³Electronic 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 02/21/19. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 02/28/19. **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. **Persons with Disabilities or Dietary Restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar.

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