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28TH ANNUAL

# Health Law Institute

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# Keep Pace with Critical Change in Health Care Law

Join us in person for critical updates on state and federal regulations, fraud and abuse, and Stark. Examine important reimbursement issues—from getting paid and staying paid, to surprise billing and provider payments under the updated no-fault law. Get the latest thinking on ransomware and cybersecurity. Whether you represent hospitals/health systems or physicians/medical practices, there’s something for everyone.

## THE MAJOR UPDATES YOU EXPECT

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Get up-to-the-minute information on state and federal regulatory changes and fraud and abuse developments. Better serve your clients with keen insights from trusted Michigan practitioners.



Ann T. Hollenbeck  
*Jones Day, Detroit*

Ann has 25 years of experience advising clients on digital health, reimbursement, and more. She previously served as assistant general counsel at the University of Michigan. She shares keen insights on the latest changes in federal regulation.



Andrew J. Hull  
*U.S. Attorney’s Office,  
Grand Rapids*

Andrew is an assistant U.S. attorney for the Western District of Michigan. He was previously a lawyer at a food and drug law firm in Washington, DC. He is joined by Stacy Race of the Michigan Department of Attorney General to deliver the critical “Fraud and Abuse Update.”

## FOR HOSPITALS/HEALTH SYSTEMS

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### Telemedicine

Video appointments were a game changer when COVID first hit. But where is telemedicine at today? And where is it headed? Review the intersection of state, federal, and payor rules. Keep current on a service that seems here to stay.



**Tiana Korley**  
University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*

Tiana has broad experience as a regulatory health lawyer, having worked at several hospitals and at a national law firm. She joins Tim Gutwald of ADHD Online to talk all things telemedicine.

### Medical Staff Issues

Take away best practices for reporting and sharing disciplinary reports and learn what safeguards to implement in order to protect medical staff—and patients. Ensure a fair process and collaborate appropriately.

### Ransomware and Cybersecurity

Don't just read the headlines—be prepared with the latest thinking on this timely issue. Experts walk you through a mock ransomware attack to show how they would address a crisis in real time. Walk away with an action plan.

## FOR PHYSICIANS/MEDICAL PRACTICES

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### Getting Paid, Staying Paid

Get your clients paid and avoid retroactive audits and denials. Understand the evolving landscape, identify the areas most susceptible to denials, and take steps to protect clients going forward.



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

Drew is principal of the firm and has 44 years of experience—most of those in health care law. A frequent speaker and writer, he shares secrets to help you navigate the evolving payment landscape.

### Compliance Programs

Develop and implement an effective compliance program with practical tips you can use right away. Get answers to questions like, Who should the chief compliance officer report to and what does the OIG have to say about it?

### Surprise Billing

Dig deeper into surprise billing with an overview of new state and federal regulations that aim to restrict excessive out-of-pocket costs. What do the laws mean for all sides? What has been the impact over the last year? Avoid pitfalls.



“The opportunity this program offers to stay ahead of a fast-changing area is priceless.”

- J. Marc Vezina, Vezina Law PLC, *Lake Orion*

## Schedule

CLE: 9.25 Level: Basic/Intermediate/Advanced

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

### THURSDAY, MARCH 9, 2023

- 9:00am Welcome and Update on Health Care Law Section Activities
- 9:15am Addressing Social and Structural Determinants of Population Health
- 10:15am Federal Regulatory Update
- 11:00am Networking Break
- 11:15am State Regulatory Update
- 12:00pm Networking Lunch

#### Core Concepts Track

#### Intermediate/Advanced Track

1:30pm	Getting Paid, Staying Paid	Stark Law Update and Practical Implications
2:30pm	Collaboration and Clashes: Navigate the Legal and Compliance Relationship	Surprise Billing: State and Federal Overview
3:20pm	Networking Break	Networking Break
3:35pm	Understanding Representations and Warranties Insurance in Health Care Transactions	Hospital Medical Staff: Hearings and Discipline

- 4:35pm Diversity, Equity, and Inclusion in Health Care
- 5:30pm Networking Reception

### FRIDAY, MARCH 10, 2023

- 9:00am Fraud and Abuse Update
- 9:50am Networking Break

#### Hot Topics Track

#### IT Track

10:05am	No-Fault Law Update for Health Care Providers*	Ransomware Attacks: Initial Decision-Making and Legal Implications*
11:10am	Telemedicine: Past, Present, and Future*	Data Wars: The New Rules on Sharing Patient Information*

- 11:55am Payors and Providers: Can't We All Just Get Along?

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

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## Tracks

### Plenary Sessions



**Moderator: Plenary Session Day 1 and Core Concepts Track**

Rose Willis

Chair, Health Care Law Section of the State Bar of Michigan, American Vision Partners, *Tempe, AZ*



**Moderator: Plenary Session Day 2**

Reesa N. Benkoff

Benkoff Health Law PLLC, *Bloomfield Hills*

9:00am/Thursday

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

Rose Willis, Chair, Health Care Law Section of the State Bar of Michigan, American Vision Partners, *Tempe, AZ*

9:15am/Thursday

#### Addressing Social and Structural Determinants of Population Health

Gain a thorough understanding of programs, policies, and laws that advance health equity. Learn about patient experiences and expectations that affect the work of health care teams. Take away practical examples of how to identify and address social and structural barriers, including legal barriers that limit access to health care and undermine health equity.

Cara L. Jansma (moderator), Spectrum Health, *Grand Rapids*; Tricia Baird, Spectrum Health, *Grand Rapids*; Lynn C. Todman, Spectrum Health, *Grand Rapids*

10:15am/Thursday

#### Federal Regulatory Update

Don't miss this annual opportunity to stay current on federal law and regulations in health care. Take away keen analysis of the significance and implications of the past year's new and amended laws, regulations, and judicial interpretations.

Gerald M. Griffith, Jones Day, *Detroit*; Ann T. Hollenbeck, Jones Day, *Detroit*

11:15am/Thursday

#### State Regulatory Update

Stay up to date on the latest regulatory changes in Michigan, including 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*; Tulika Bhattacharya, Michigan Department of Health and Human Services, *Lansing*; Larry Horvath, Michigan Department of Licensing and Regulatory Affairs, *Lansing*

12:00pm/Thursday

#### Networking Lunch

4:35pm/Thursday

#### Diversity, Equity, and Inclusion in Health Care

Health care organizations play key roles in delivering care, but as employers, must also play a role in promoting a diverse workforce that goes beyond physicians. To ensure health equity, organizations must have a multifaceted approach that comes from the top leadership tier and is embraced throughout. Hear from leading health care systems in Michigan that are implementing comprehensive strategies to combat racism, implicit bias, care hesitancy, and more. From cultural humility to equity in the workforce to community engagement, learn how to set, implement, and achieve explicit goals and measures to ensure sustainable and lasting change.

Michelle Johnson Tidjani (moderator), Henry Ford Health System, *Detroit*; David J. Brown, Michigan Medicine Office for Health Equity and Inclusion, *Ann Arbor*; Carladenise A. Edwards, Parsley Health, *Grosse Pointe Park*; Kimberlydawn Wisdom, Henry Ford Health System, *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

Learn about the latest government activities straight from the U.S. Attorney's Office and the Michigan Department of Attorney General—and what precautions you must take to protect your clients. Get an inside look at the complex landscape of fraud and abuse prosecution and the impact on DOJ enforcement.

Andrew J. Hull, U.S. Attorney's Office, *Grand Rapids*; Stacy Race, Michigan Department of Attorney General, *Lansing*

## Tracks

11:55am/Friday

### Payors and Providers: Can't We All Just Get Along?

As payor and provider roles morph, adversarial relationships have become even more counterproductive. Gain valuable insight from a panel of providers and payors as they discuss differing perspectives, common interests and goals, changing roles, pet peeves, and best practices for creating amicable and profitable working relationships.

Mark S. Kopson (moderator), Plunkett Cooney PC, *Bloomfield Hills*; Jeremy Brieve, Priority Health, *Grand Rapids*; Rachel Brochert Roe, Munson Healthcare, *Traverse City*

## Core Concepts Track

1:30pm/Thursday

### Getting Paid, Staying Paid

Retroactive audits and prepayment review by Medicare, Medicaid, managed care organizations, and private payors are on the rise, impacting all health care providers. Whether you represent a health care system—or home health agency, laboratory, or physician—learn the secrets to both getting clients paid accurately and keeping payments already received. Understand the evolving landscape and identify the areas most susceptible to denials and what steps to take to protect clients going forward.

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

2:30pm/Thursday

### Collaboration and Clashes: Navigate the Legal and Compliance Relationship

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?

Colleen M. McClorey, University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*; Wedad Suleiman, Advanced Radiology Services PC, *Grand Rapids*

3:35pm/Thursday

### Understanding Representations and Warranties Insurance in Health Care Transactions

Parties to health care transactions are increasingly turning to representation and warranty insurance to help minimize the risk of such things as fraud and abuse claims, allegations of privacy, and security breaches or licensure issues. Get a general overview of RWI and examine when such insurance is appropriate to mitigate risk—and how to leverage such insurance in your next transaction.

Eric M. Jones, Honigman LLP, *Detroit*; John Kramp, Aon M&A and Transaction Solutions, *Chicago, IL*

## Intermediate/Advanced Track



Moderator: Intermediate/Advanced and Hot Topics Track

Nicole E. Stratton

Spectrum Health Hospital, *Grand Rapids*

1:30pm/Thursday

### Stark Law Update and Practical Implications

Take a look at how the Stark Law changes are impacting providers, and whether these value-based frameworks are



Kimberlydawn Wisdom  
Henry Ford Health System, *Detroit*

## CAN'T-MISS SESSION

### Diversity, Equity, and Inclusion

You can't afford to be left behind. Hear from leaders who are implementing measures to ensure a diverse workforce, equal access to care, community engagement, and so much more. Learn how health care organizations can do their part from the top on down. Tackle tough topics like racism and vaccine hesitancy.

providing the increased flexibility providers have been requesting. Strategize how providers can move forward with value-based arrangement implementation and overcome the various barriers to entry in this space.

Alyssa C. James, Hall Render Killian Heath & Lyman PC, *Indianapolis, IN*; C.J. Laird, HealthCare Appraisers Inc., *Baton Rouge, LA*

2:30pm/Thursday

## Surprise Billing: State and Federal Overview

The U.S. Department of Health and Human Services (HHS) issued new regulations designed to restrict excessive out-of-pocket costs to consumers from surprise billing and balance billing. Michigan passed its surprise billing law in 2021. In this session, get an overview of what both laws mean to physicians, health systems, insurers, and health plans. Take a look at the impact of the Michigan regulations over the past year and what pitfalls to avoid with your billing practices.

Lisa A. Lucido, Hall Render Killian Heath & Lyman PLLC, *Troy*; Tripp VanderWal, Miller Johnson, *Grand Rapids*

3:35pm/Thursday

## Hospital Medical Staff: Hearings and Discipline

Hospital medical staff are required to perform peer review of their members related to performance and behavior and, if necessary, recommend corrective action. How does the medical staff work with hospital leadership to ensure patient safety and effective hospital operations all while maintaining the peer review privilege and simultaneously protecting the member's rights? Take a look at best practices for reporting and sharing disciplinary reports and what safeguards to implement to protect the hospital, medical staff, and its members.

Rob Welch, Ascension Michigan, *Warren*

## Hot Topics Track

10:05am/Friday

### No-Fault Law Update for Health Care Providers

No-fault reform is here. Capped benefit policies, PIP opt outs, and increased claim volume to the Michigan Auto Insurance Placement Facility are now the norm. Phase one of the medical provider fee schedule went live on July 1, 2021, and the uncertainty continues over which insurer has priority and how much insurers must pay for motor vehicle

accident-related medical charges. Understand how the current law and as well as new legislation will impact your clients with this up-to-the-minute session.

Laura Appel, Michigan Health & Hospital Association, *Okemos*; Andrew D. Oostema, Miller Johnson, *Grand Rapids*

11:10am/Friday

## Telemedicine: Past, Present, and Future

During the pandemic, everyone was talking about telemedicine—and it seems here to stay. Review the intersection of state, federal, and payor rules. Take a look at where things are now and where telemedicine may be headed.

Timothy C. Gutwald, ADHD Online, *Grandville*; Tiana Korley, University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*

## IT Track



Moderator: IT Track

Ashley Weiner

Trinity Health, *Livonia*

10:05am/Friday

## Ransomware Attacks: Initial Decision-Making and Legal Implications

Using Weber Shandwick's proprietary, award-winning crisis simulation software, take part in a mock ransomware attack on a health care system. Explore the real-world legal and reputational implications of initial decision-making and crisis management. Panel members and audience participants will defend the health care system using interactive crisis simulation and engage in real-time problem-solving to mitigate reputational and legal crises.

Logan Booth, Weber Shandwick, *Chicago, IL*; Peter K. Duda, Weber Shandwick, *New York, NY*

11:10am/Friday

## Data Wars: The New Rules on Sharing Patient Information

The 21st Century Cures Act is mandating the sharing of all patient data by 2023. So what does that mean for your provider clients? Understand the practicalities for phasing in these new requirements, what compliance measures must be implemented, and the legal pitfalls to avoid. Identify information-blocking practices that could subject you to penalties and learn what patient information may be excluded.

Michael D. Bossenbroek, Beaumont Health, *Southfield*; Michelle Antoinette Busuito, Blue Cross Blue Shield of Michigan, *Detroit*

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**Accommodations:** A block of rooms has been reserved at Saint John's Resort in Plymouth under group code IC030823A for 03/08–09/23. Visit [www.icle.org/health/hotel](http://www.icle.org/health/hotel) or call 734-414-0600 and mention ICLE's *Health Law Institute* to reserve a room. Reservations must be made by 02/22/23. Registrants are responsible for their own hotel expenses.