

25th

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**25th Annual National Institute
on Health Care Fraud**

May 13-15, 2015
Eden Roc Renaissance Miami
Miami Beach, FL



25th Annual National Institute on Health Care Fraud

Program Description

The 25th Annual National Institute on Health Care Fraud provides a rewarding educational experience for health care attorneys, regulators, compliance professionals, state and federal prosecutors, criminal defense attorneys, and qui tam relators' counsel. This National Institute draws panelists, facilitators, and participants from each of these significant groups and offers unique opportunities to meet and share experiences and concerns in a non-adversarial setting. The program planning committee is committed to creating a program that advances education, communication, professionalism, and discussion of current legal and ethical issues that arise in the health care fraud practice. These issues are addressed in panel discussions and small workshop formats designed to maximize audience participation.



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Agenda

Day One – Wednesday, May 13, 2015

10:00 a.m. – Registration Open

12:00 p.m. – 1:30 p.m. – Web Cast – Looking Ahead: Health Care Fraud and The False Claims Act in 2015

Panelists will discuss the government’s significant initiatives in health care fraud and False Claims Act prosecutions, including the Department’s directive to corporations to “root out” individual misconduct, and the industries which remain susceptible to prosecution in 2015 and beyond. Panelists will also analyze issues related to sentencing, civil investigative demands (CIDs), damages, medical necessity, proffers, and expert witnesses.

Live from the Meeting Webinar
**An extra fee applies to attend.*

Daniel Bernstein, Marissel Descalzo, Franklin Monsour, Susan Torres
Moderator: Andrew S. Feldman

2:00 p.m. – The Foundations of Health Law

This session is intended to serve as both an introduction to and a review of current aspects of public and private health care programs, including discussion of developing aspects of health care reform and implementation of the Affordable Care Act to understand the context in which health care fraud and abuse occurs and to examine which aspects of the health care delivery and regulatory system providers scrutinize the most.

William H. Horton, Robert Kaufman
Moderator: Stephanie Willis

4:00 p.m. – Break

4:15 p.m. – Introduction to Fraud and Compliance for Industry Groups

These breakout sessions introduce the basic fraud and abuse and compliance issues associated with the designated industry sectors while being a forum for dialog and networking among experienced practitioners.

A. Providers (Hospital and Physicians)

Felicia Heimer, Vanessa Benaviedas

B. Manufacturers and Suppliers (Pharmaceutical and Medical Device)

Daniel Dovdavany, Gary Kielty, Greg Luce

C. Commercial Payors and Managed Care Organizations

Joseph Dixon, Daniel Meron

5:30 p.m. – Adjourn

Agenda (continued)

Day Two – Thursday, May 14, 2015

8:45 a.m. — General Registration and Welcoming Remarks

Gabriel L. Imperato, Program Chairman

9:00 a.m. — Welcome to Miami and Keynote Introduction

Hon. Wifredo A. Ferrer
United States Attorney for the Southern District of Florida
Miami, FL



9:10 a.m. — Keynote Speaker — The State of Healthcare Fraud Enforcement in 2015

Hon. Leslie R. Caldwell
Assistant Attorney General, Criminal Division
U.S. Department of Justice, Washington, DC



9:45 a.m. — Twenty-five Years of Health Fraud Enforcement: Where Have We Been and Where Are We Going?

Joyce Branda, John Guthrie, Lewis Morris, Marc Raspanti, Sanford Teplitzky
Moderator: Jonathan L. Diesenhaus

10:45 a.m. — Break

11:00 a.m. — Health Care Fraud Workshops

Workshops have been planned to cover a variety of interesting and current topics. Facilitators experienced in the subject matter of each workshop will lead the discussion, with the goal of eliciting the views and knowledge of the participants, many of whom have a vast amount of practical experience.

A. Transactional Due Diligence and Compliance

Workshop Leaders: Robert G. Homchick, Thomas F. O'Neill

B. Managed Care Fraud and Enforcement

Workshop Leaders: Kathleen Von Hoene, Paul Pelletier

C. Medicaid Fraud Enforcement

Workshop Leaders: R. Joseph Burby, IV, Doug Thoren

Agenda (continued)

12:00 p.m. — Keynote Luncheon Speaker:

Daniel R. Levinson
Inspector General of the United States Department of
Health and Human Services
Washington, DC



1:30 p.m. — False Claims Act Developments

This panel will discuss important legal developments and current litigation and settlements in False Claims Act cases.

Daniel Anderson, Christen Nedwick, Rob Vogel
Moderator: Jack Boese

3:00 p.m. — Break

3:15 p.m. — Concurrent Panel Sessions

These extended sessions are designed to address some of the most important current fraud and abuse and compliance issues.

A. Litigating False Claims Act Cases

This panel will examine the key considerations, strategies and timing involved in motion practice, discovery, and procedural issues when it becomes necessary to litigate a health care False Claims Act case.

Carolyn Ellis, Eric Havian, David Wiseman
Moderator: Laura Laemmle-Weidenfeld

B. Quality Care, Medical Necessity and Enforcement and Compliance

This panel will discuss the evidentiary basis and related issues for establishing False Claims Act liability for “substandard care.”

David Cade, Thomas F. Corcoran, Shelly Martin
Moderator: Jeffrey Dickstein

4:15 p.m. — Break

Agenda (continued)

4:30 p.m. — Health Care Fraud Workshops

These workshops will focus on important topics which arise during litigation of False Claims Act cases.

A. Public Disclosure, Original Source and First to File

Workshop Leaders: Pam Brecht, David Levis, Ted Lotchin

B. Pre-Trial Motions

Workshop Leaders: Greg Luce, Ryan Stumphauzer, Susan Torres

C. Calculating Damages and Liability to Government Programs

Workshop Leaders: Marilyn May, Kris Swanson

5:30 p.m. — Adjourn

6:00 p.m. - 8:00 p.m. — Welcome Reception

Sponsored by: Arnold & Porter • Broad and Cassel • Crowell & Moring, LLP • Fried Frank • Hogan Lovells US LLP • Jones Day • Latham & Watkins LLP • Morgan Lewis • Pietragallo Gordon Alfano Bosick & Raspanti, LLP

Day Three - Friday, May 15, 2015

8:30 a.m. — Trial Practice Demonstration — *United States ex rel. Baklid-Kunz vs. Halifax Hospital Medical Ctr., et al., (M.D. Fla. 2014).*

This case study is a qui tam case brought by a compliance professional at Halifax Medical Center of Daytona Beach, Florida. The government initially declined to intervene in the case, but later partially intervened relating to: liability for the hospital/physician arrangements, including compensation above fair market value, and remuneration that took into account the volume or value of referrals. The case involved significant litigation activity between the relator, defense and government counsel before a settlement on the eve of trial for \$85 million and later on remaining medical necessity claims with the relator for an additional \$1 million. The issues litigated in the case and decisions by the Court involved application of privilege and the crime fraud exception, the scope of the Stark law and the conditions of payment necessary for liability under the False Claims Act, obstruction of justice and the Defendant's responses to discovery. Halifax has far-reaching implications for physician/hospital arrangements, the limited utility of advice of counsel, and the prohibitive expense of discovery and litigation and the risks associated with False Claims Act matters.

Adam Schwartz, Reed Stephens, Tony Upshaw, Marlan Wilbanks, L. Lin Wood
Moderator: Joe Whitley

10:00 a.m. — Break

Agenda (continued)

10:15 a.m. — Health Care Fraud Workshops (Con't.)

A. Negotiating False Claims Act Settlements and Corporate Integrity Agreements

Workshop Leaders: Tim Renjilian, Mike Theis

B. Federal Administrative Sanctions: Exclusions and Civil Money Penalties

Workshop Leaders: Susan Gillin, Howard Young

C. Electronic Health Records and Fraud and Compliance

Workshop Leaders: Daniel Gottlieb, Martha Talley

11:15 a.m. — Break

11:30 a.m. — Health Care Fraud Workshops (Con't.)

A. Hospice and Home Health: Enforcement and Compliance

Workshop Leaders: Daniel Bernstein, Howard Young

B. Responding to Private Contractor Actions and Sanctions: Suspension; Revocation of Enrollment, Audits and Overpayments

Workshop Leaders: Lester Perling, Troy Barsky

C. Fraud and Abuse in Long Term Care (Nursing Homes)

Workshop Leaders: Glenn Hendrix, Keesha Mitchell

12:45 p.m. — Specialty Workshops Box Lunch — *(An additional fee required for box lunch.)*

These workshops are designed to be confidential sessions where defense, government and relator's counsel can discuss matters unique to their roles in criminal and civil health care fraud cases.

A. Workshop for Defense and In-House Counsel-Enforcement and Compliance and Attorney Client Privilege

Workshop Leaders: Craig Holden, Ryan Stumphauzer, Lance Youts

B. Workshop For Government Counsel

Workshop Leaders: Amy L. Easton, Felicia Heimer, Doug Thoren

C. Workshop for *Qui Tam*/Relators and Other Plaintiffs' Counsel

Workshop Leaders: Marc Raspanti, Robert Vogel

Agenda (continued)

2:00 p.m. — Concurrent Panel Sessions (Con't.)

These extended sessions are designed to address some of the most important current fraud and abuse and compliance issues.

A. Enforcement and Compliance: Challenges and Strategies for In-House Counsel and Compliance Professionals

Audrey Andrews, David Shapiro
Moderator: Gabriel L. Imperato

B. Anti-Kickback and Stark Law Development and Disclosure of Physician Arrangements and Compliance Practices

Kim Brandt, Craig Holden, Kevin McAnaney
Moderator: Kirk Ogrosky

3:15 p.m. — Break

3:30 p.m. — Ethics Panel: Decisions Impacting Privilege Protections During Internal Investigations



This session will examine factual scenarios and discuss the application of privilege, ethical rules and considerations in health care fraud compliance and case matters


Roger Cruz, Joshua Levy
Moderator: Holly Pierson

4:15 p.m. — Adjourn

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	Early Bird Rates through March 5, 2015	Advance Rates Effective March 6, 2015	Standard Rates Effective April 2, 2015
General Public	\$1,190	\$1,285	\$1,375
ABA Members	\$1,095	\$1,175	\$1,255
Criminal Justice Section Members	\$950	\$1,025	\$1,095
Health Law Section Members	\$950	\$1,025	\$1,095
Young Lawyers Division Members	\$950	\$1,025	\$1,095
Government Lawyers/Employees	\$475	\$515	\$550

Step 2: Health Care Fraud Receptions and Workshops

Please check each box if you plan to attend the reception:

- Thursday, May 14, 2015 - Welcome Reception | 6:00 p.m. - 8:00 p.m.

Please check if you plan to attend the Webcast:

- Wednesday, May 13, 2015 - 12:00 p.m. -1:30 p.m.
 Web Cast - Looking Ahead: Health Care Fraud and The False Claims Act in 2015

Live from the Meeting Webinar
**An extra fee applies to attend.*

Please check one workshop for each day and time slot:

Wednesday, May 13, 2015 - Introduction to Fraud and Compliance for Industry Groups - 4:15 p.m

- A. Providers (Hospitals and Physicians)
- B. Manufacturers and Suppliers (Pharmaceutical and Medical Device)
- C. Commercial Payors and Managed Care Organizations

Thursday, May 14, 2015 - Health Care Fraud Workshops - 11:00 a.m

- A. Transactional Due Diligence and Compliance
- B. Managed Care Fraud and Enforcement
- C. Medicaid Fraud Enforcement

Thursday, May 14, 2015 - Concurrent Panel Sessions - 3:15 p.m.

- A. Litigating False Claims Act Cases
- B. Quality of Care, Medical Necessity and Enforcement

Thursday, May 14, 2015 - Health Care Fraud Workshops - 4:30 p.m.

- A. Public Disclosure, Original Source and First to File
- B. Pre-Trial Motions
- C. Calculating Damages and Liability to Government Programs

Friday, May 15, 2015 - Health Care Fraud Workshops - 10:15 a.m.

- A. Negotiating False Claims Act Settlements and Corporate Integrity Agreements
- B. Federal Administrative Sanctions: Exclusions and Civil Money Penalties
- C. Electronic Health Records and Fraud and Compliance

Friday, May 15, 2015 - Health Care Fraud Workshops - 11:30 a.m.

- A. Hospice and Home Health: Enforcement and Compliance
- B. Responding to Private Contractor Actions and Sanctions: Suspension; Revocation of Enrollment, Audits and Overpayments
- C. Fraud and Abuse in Long Term Care (Nursing Homes)

Friday, May 15, 2015 - Specialty Workshops (Box Lunch) - 12:45 p.m.

- A. Workshop for Defense and In-House Counsel- Enforcement and Compliance and Attorney-Client Privilege
- B. Workshop for Government Counsel
- C. Workshop for *Qui Tam*/Relators' and other Plaintiffs' Counsel

- Yes, I would like to purchase a box lunch for an additional \$45.**

Friday, May 15, 2015 - Concurrent Panel Sessions - 2:00 p.m.

- A. Enforcement and Compliance: Challenges and Strategies for In-House Counsel and Compliance Professionals
- B. Anti-Kickback and Stark Law Development and Disclosure of Physician Arrangements and Compliance Practices

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Electronic course materials are provided as part of your registration. Printed course materials are available on-site for an additional fee.

- Please provide printed course materials on-site for \$50. **Enter your \$50 fee on line 5E.**

If you cannot attend, but would like to order the **Course Materials**, please visit us at www.ShopABA.org/2015Health or call (800) 285-2221 for pricing and availability. Course materials will be shipped after the event.

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Registration Rate (from Step 1)	5A	\$ _____
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Box Lunch – Friday, May 15 - \$45 - (from Step 2)	5C	\$ + _____
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Hotel Deadline: April 21, 2015

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