

# CSHA ANNUAL MEETING & SPRING SEMINAR



California Society for Healthcare Attorneys  
April 12-14, 2013  
Balboa Bay Club & Resort  
Newport Beach, California





## President's Message

Please join us for the CSHA 2013 Annual Meeting & Spring Seminar at the beautiful Balboa Bay Club & Resort. Weekend sessions are scheduled in the mornings, leaving the afternoons free for you and your family to enjoy Newport Beach as well as nearby amusement parks, concert venues, golf courses, sporting events and a variety of outdoor activities both on and off the water.

This is a time of uncertainty and change for the healthcare industry, and we have selected a diverse range of presentations to assist you in meeting some of the latest challenges and opportunities facing our clients. We are confident you will be delighted with both the breadth and depth of our MCLE-approved sessions, as well as the knowledge and experience of our presenters. Our topics are specifically designed to appeal to our members' diverse practices, whether they represent health facilities, physicians, health plans or government agencies.

We will hold a brief business meeting to bring you current information about our Society's operations, finances and initiatives. Our always-popular Friday evening Welcome Reception and Saturday evening Annual Dinner (with entertainment) provide opportunities to network with your health law colleagues. In addition, we will host a networking luncheon for attorneys new to healthcare law on Saturday afternoon. Attorneys who have been in practice for five or fewer years, law students, committee members and current/former Board members are encouraged to attend.

Please read this brochure carefully for further information on our program. Whether a novice or veteran healthcare attorney, CSHA's 2013 Annual Meeting & Spring Seminar is sure to be a worthwhile investment of your time. I look forward to greeting you there.

*Art Chenen, CSHA President*

## GENERAL INFORMATION

### Location

Located in the heart of Newport Beach, the Balboa Bay Club & Resort delights its guests with breathtaking bay views, first-class dining, enjoyable nightlife activities and an expansive, full-service spa. The award-winning resort is located just off California's Pacific Coast Highway and is a short drive from beautiful beaches, golf courses, museums and even Disneyland! The hotel's address is 1221 West Coast Highway, Newport Beach, CA 92663.

### Reservations

CSHA has reserved a limited number of rooms at the Balboa Bay Club & Resort, available on a first-come, first-served basis at a nightly rate of \$215 (standard/courtyard) or \$315 (bay view), plus tax. The deadline for reserving rooms at this rate is March 21, 2013. After that date, reservations will be confirmed subject to general availability. Contact the hotel directly at (888) 445-7153 and ask for the California Society for Healthcare Attorneys (CSHA) group rate.



## Tuition

Fees include seminar, handouts, breakfast each day, Friday lunch, the Friday evening Welcome Reception, and the Saturday evening Annual Dinner. Guests are welcome to attend the Annual Dinner (a guest fee applies). Registrations paid in full and postmarked by Friday, March 15, 2013, qualify for a discount in registration.

TUITION AND FEES		
	<b>Early</b> <i>Postmarked by March 15</i>	<b>Regular</b> <i>Postmarked after March 15</i>
<b>CSHA Member</b>	<b>\$545.00</b>	<b>\$600.00</b>
<b>Non-member Rate*</b>	<b>\$800.00</b>	<b>\$855.00</b>

\*Includes a 2013 CSHA Membership

Note: CSHA has a pilot project that grants a discount to eligible government attorneys, new attorneys and law students. Please call the CSHA offices for additional information.

## Refunds/Substitutions/ Cancellations

All cancellations must be in writing and received in the CSHA office by March 22, 2013. Seminar registration fees, minus a \$75 processing fee, will be refunded for cancellations received by the March 22 deadline. Substitutions may be arranged by contacting the CSHA offices.

## Additional Information

If you have any questions regarding the 2013 Annual Meeting & Spring Seminar or CSHA membership, please contact Amber McEwen, Program Coordinator, at (916) 552-7605 or [amcewen@calhealth.org](mailto:amcewen@calhealth.org). You may also visit the CSHA website at [www.csha.info](http://www.csha.info).

## Saturday New Attorney Networking Luncheon

We are pleased to offer a networking opportunity specifically for new healthcare attorneys. Members who have been in practice for five or fewer years are invited to attend, as well as law students, committee members, and current and former CSHA Board members. The luncheon will take place on Saturday, April 13, immediately following Saturday morning's educational session. Those who wish to attend this event must RSVP with their registration, or by contacting the CSHA office no later than March 29, 2012.

## SOCIAL EVENTS

### Welcome Reception

We are pleased to continue the longstanding tradition of social collegiality by offering a Welcome Reception for registered program participants and guests on Friday evening, April 12. The annual cocktail reception provides an excellent opportunity to network with your fellow health lawyer colleagues while enjoying some delicious delectables. Please join us!

### Annual Dinner

This year's Annual Dinner will be held on Saturday evening, April 13, at the Balboa Bay Club & Resort and will feature California cuisine, local wines, and special entertainment. Spouses and adult guests are welcome to attend for an additional fee of \$65. Be sure to join us for this ever-popular event!

## ADDITIONAL INFORMATION

### Reasonable Accommodation Pursuant to the ADA

If you require special accommodation related to your attendance at the educational seminar pursuant to the Americans with Disabilities Act, please contact the CSHA office at (916) 552-7605. If you require special accommodation related to your hotel accommodations, please contact the Balboa Bay Club & Resort directly at (888) 445-7153.

### Tape Recording

Not allowed.

### Attire

Casual attire is recommended. Guests may choose to dress up a bit more for the Annual Dinner on Saturday evening.

### MCLE

The California Society for Healthcare Attorneys is a State Bar of California-approved MCLE provider. The Annual Meeting & Spring Seminar provides up to 14 hours of MCLE credit.

# AGENDA

Friday, April 12, 2013

**8:00 – 8:45 am Registration & Continental Breakfast**

**8:45 – 9:00 am Welcome & Introductions**

*Art Chenen | President, California Society for Healthcare Attorneys*

**9:00 – 12:00 pm Health Reform Intensive**

**9:00 – 10:15 am The ACA and the Transformation of the California Health Care Marketplace**

*Anne McLeod | California Hospital Association*

Starting in 2014, millions of uninsured Californians will start receiving health care coverage from the California health insurance exchange or the expanded Medi-Cal program. In addition, currently-covered Californians may be moved into a new private plan or into Medi-Cal managed care. California is at the forefront of implementing the provisions of ACA, from the exchange (called Covered California), Medi-Cal's Coordination of Care Initiative (CCI) (including the Duals Demonstration), and efforts with respect to Medicaid expansion. Our speaker will provide detailed, up-to-the-minute information as well as predictions for the future of California's health care industry.

**10:30 – 11:00 am Wellness Programs under Health Reform**

*Andrew Hefly | Crowell & Moring LLP*

This presentation will provide an overview of compliance issues pertaining to ERISA-governed Wellness Programs, including compliance issues arising under health reform. The program will focus on the regulation of Wellness Programs under the Affordable Care Act (ACA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Genetic Information Nondiscrimination Act of 2008 (GINA), and additional state and federal law.

**11:00 – 11:30 am Accountable Care Organizations:**

**Transforming California Healthcare Delivery**

*David Klatsky | McDermott, Will & Emery*

Accountable Care Organizations have emerged as one of the most intriguing models for achieving greater clinical integration, improved quality and operational efficiency. This presentation will cover key developments regarding ACOs and other accountable care systems during the past year, in both the public and private sectors. Particular emphasis will be placed on development in the California marketplace.

**11:30 – 12:00 pm Health Reform Compliance**

*Judith Waltz | Foley & Lardner*

This federal and state update will focus on the recently-released 60-day overpayment refund rule; provider enrollment and cross-state enrollment actions; "credible allegation of fraud" suspensions; the Stark self-referral disclosure protocol; and the RAC expansion. Learn from an experienced practitioner how to guide your clients through newly-emerging compliance issues.

**12:00 – 1:15 pm Lunch** (hosted)

**1:15 – 2:30 pm Health Litigation Update**

*Abbie Maliniak | Fenton Nelson LLP, and  
Erin L. Muellenberg | Arent Fox LLP*

This session will highlight some of the recent, significant court decisions affecting the California health care industry.

**2:30 – 3:15 pm Direct Primary Care**

*Mike McClelland | McClelland Advocacy, Ltd., and  
M. Samir Qamar, MD | Medlion Direct Primary Care*

What will healthcare look like in the next ten years? What should it look like? This session provides an overview of the emerging Direct Primary Care (DPC) practice model evolving across the nation. The speakers will explore the different facets of DPC and its changing models, including differentiating concierge care and managed care capitation. The presentation will include an examination of the legal issues facing DPC practices in California and other states, emerging state regulatory responses and, particularly, the ramifications of the ACA as both a catapult for DPC practices and an obstacle to non-insurance innovation. Lastly, the session will consider the effect of federal preemption on state regulatory efforts.

**3:30 – 4:15 pm Telemedicine Amidst Health Reform:  
Avoiding Legal Pitfalls**

*Mark Kadzielski and Jee-Young Kim | Fulbright & Jaworski L.L.P.*

This session will cover the requirements of the 2011 CMS rule on telemedicine credentialing and privileging and its interplay with The Joint Commission's new telemedicine standards, and provide practical tips for implementing telemedicine practices while protecting patient privacy, monitoring telemedicine practitioners, and ensuring quality of care. We will provide guidance on these and other critical questions: What constitutes "telemedicine"? What should be included in the written agreement required between a healthcare facility and a telemedicine provider? As healthcare facilities increase their reliance on telemedicine, what standards, policies, and bylaws changes should they adopt to minimize liability risks?

**4:15 – 5:15 pm HIPAA/HITECH Update:  
The Privacy Rules Have Changed Again!**

*Hope Levy-Biehl | Hooper, Lundy & Bookman PC*

The federal government has released the long-awaited omnibus final rule. Health care providers and payers will have to change their policies and practices regarding breach notification, uses and disclosures of protected health information, patient privacy rights, and business associate relationships. Listen to a California privacy expert explain the new rule and, in particular, how state law impacts its implementation in California.

**5:15 – 5:30 pm CSHA Business Meeting**

*Art Chenen | President, California Society for Healthcare Attorneys*

**5:30 – 7:00 pm Welcome Reception** (hosted)

## Saturday, April 13, 2013

### 7:45 – 8:45 am Breakfast Roundtables

#### Intellectual Property for Healthcare Attorneys

*Seth Levy | Nixon Peabody*

#### Behavioral Health/Autism Mandate

*David Johnson | Crowell & Moring*

#### Role of Unions in Health Care

*Sam Maizel | Pachulski Stang Ziehl & Jones LLP, and  
Bruce Harland | Weinberg Roger & Rosenfeld*

### 9:00 – 10:15 am Competitive and Efficient Physician Organizations: Biomedical Informatics and Accountable Care Under Health Reform

*Paul DeMuro | Schwabe, Williamson & Wyatt, and  
John P. Wiegand | Federal Trade Commission*

Not only must California healthcare attorneys be facile with the complex antitrust laws that apply today in the context of clinical integration models, they must also understand the underpinnings of accountable care, biomedical informatics principles, and the special issues that exist in California. EHRs, CDSS, CPOE, E-prescribing, PCMH, HIT, and HIEs cannot merely be acronyms. This presentation will discuss the interplay among the relevant antitrust issues and biomedical informatics principles in the context of emerging models of physician/hospital and/or health plan collaboration in California.

### 10:30 – 11:30 am Promoting Quality Medical Management in Multi-Hospital Systems: A View from the Front Lines

*Rick Barton | Procopio, Cory, Hargreaves & Savitch LLP, and  
James LaBelle | Scripps Health*

Hospital systems face daunting challenges in implementing the changes needed to accommodate the ACA and other drivers of reform. Dr. LaBelle is at the forefront of developing Scripps Health's systemwide redesign of clinical care processes and population health management models that will best position Scripps for success under health care reform. Rick Barton, Esq., serves as Medical Staff counsel for Scripps and other multi-hospital systems. The structural and legal implications of the implementation of the changes all systems must address are complex and have created great uncertainty for the systems, their medical staffs and physicians. The speakers will discuss their experience and perspectives regarding the new environment and the changes therein.

### 11:30 – 12:30 pm Ethical Rules for Healthcare Lawyers: What You Don't Know Can Harm You (And Your Clients)

*Michael Roth | ADR Services, and  
Robert Kehr | Kehr, Schiff & Crane LLP*

Healthcare lawyers have become accustomed to working in an increasingly complex legal and regulatory environment corresponding to increasingly complicated healthcare structures and organizations. Arising out of this are numerous ethical quandaries that must first be recognized and then addressed by healthcare lawyers. In this session, we will focus on these ethical quandaries by looking at specific fact patterns uniquely faced by healthcare lawyers, apply what many consider (incorrectly) are arcane rules to these fact patterns, analyze the law and facts, and explain how application of these rules can frequently lead to counterintuitive conclusions. This is an ethics session designed specifically and especially for healthcare lawyers.

### 6:00 – 9:00 pm CSHA 2013 Annual Dinner (hosted)

This year's Annual Dinner, to be held at the Balboa Bay Club & Resort, features California cuisine, local wines and special entertainment. Be sure to join us for this ever-popular event!

## Sunday, April 14, 2013

### 7:30 – 8:30 am Registration and Continental Breakfast

### 8:30 – 9:30 am ACA Implementation from the National Perspective

*Joel Ario | Manatt Health Solutions*

This session will explore the national dynamics with the Affordable Care Act (ACA) and how they may affect California. While California moves steadily ahead with its exchange marketplace (Covered California), the ACA continues to be mired in partisan politics at the federal level and in many states. The federal government still has regulations to promulgate, the federal exchange will be active in more than half the states, and opponents are still trying to delay implementation. Get the latest news from the former director of the HHS Office of Exchanges on what is progressing with the ACA, what remains as stumbling blocks, and how the ACA is likely to change the marketplace in 2014.

### 9:45 – 11:00 am Judicial Review Committee Deliberations: Insight from the Insiders

*Keith Bartel | Carr, McClellan, Ingersoll, Thompson & Horn,  
Art Chenen | Theodora Oringher PC,  
Carlo Coppo | DiCaro, Coppo & Popcke, and  
John Harwell | Attorney at Law*

Three of California's most experienced hearing officers tell you everything you ever wanted to know about Judicial Review Committee deliberations, but couldn't ask! What voir dire questions should the practitioner ask? Which arguments resonate with physicians and which do not? Do physicians listen to and remember opening statements? Closing arguments? Do JRCs assume that the MEC has acted properly, or do they start out on the side of the practitioner? How important are procedural errors? Are JRCs receptive to claims of retaliation and/or anti-competitive conduct? How important are expert witnesses? Who really writes JRC decisions? What goes on when hospital boards deliberate appeals of JRC decisions? This program will help both physician attorneys and hospital attorneys be more effective advocates in peer review proceedings.

### 11:00 – 12:00 pm Employment Law Update for Health Lawyers

*Veronica Gray | Nossaman, and  
Alan Sedley | Hollywood Presbyterian Medical Center*

State and federal employment laws are constantly evolving, so it is essential for health lawyers to stay informed on the key developments that affect the health care industry. The program will review recent federal and California employment-related legislation and court decisions; explain how these new laws and court decisions impact your health care clients in many areas including wage & hour, discrimination/harassment, leave laws, and social media; and discuss employment cases and legislation for health lawyers to watch in 2013.

### 12:00 pm Adjournment and Distribution of MCLE Certificates

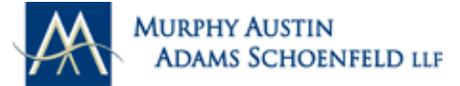
# SPONSORS

CSHA is fortunate to receive generous sponsorship of the 2013 Annual Meeting & Spring Seminar, including the Welcome Reception and Annual Dinner, from the following firms:

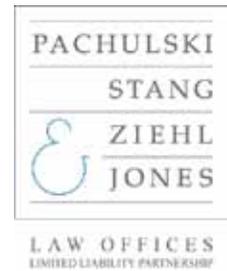


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# SEMINAR REGISTRATION FORM

## CSHA ANNUAL MEETING & SPRING SEMINAR APRIL 12-14, 2013 — BALBOA BAY CLUB & RESORT

**To register online:**visit [www.csha.info/spring-seminar-registration](http://www.csha.info/spring-seminar-registration)**To register by fax:**

Complete this form and fax to (916) 552-2607

**To register by mail:**Complete this form and mail to:  
California Society for Healthcare Attorneys  
1215 K Street, Suite 800  
Sacramento, CA 95814*Please type or print clearly and use one form per person. Make checks payable to CSHA.*

Name: \_\_\_\_\_ Nickname for Badge: \_\_\_\_\_

Firm/Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Special meal request (e.g., vegetarian): \_\_\_\_\_

### TUITION AND FEES

	<b>Early</b> <i>Postmarked by March 15</i>	<b>Regular</b> <i>Postmarked after March 15</i>	<b>Amount</b>
<b>CSHA Member</b>	<b>\$545</b>	<b>\$600</b>	
<b>Non-member Rate*</b>	<b>\$800</b>	<b>\$855</b>	
<b>Annual Dinner Guest</b>	<b>\$65</b>	<b>\$65</b>	
	<b>TOTAL</b>		<b>\$ _____</b>

\* The non-member tuition includes membership dues for membership through 2013.

Note: CSHA has a pilot project in 2013 that grants a discount to eligible government attorneys, new attorneys, and students.

Please contact the CSHA office for additional information.

**Please indicate which social events you will attend:**

- Friday Breakfast       Friday Lunch       Reception (Friday Evening)       Saturday Breakfast Roundtables  
 Saturday New Attorney Luncheon\*\*       Saturday Annual Dinner       Sunday Breakfast       Annual Dinner Guest (see fees above)

Guest Name: \_\_\_\_\_

\*\* Attorneys who have been practicing for five or fewer years, law students, CSHA committee members, and current/former CSHA Board members are invited to the New Attorney Luncheon.

### PAYMENT METHOD

- Check enclosed (make payable to CSHA)       American Express       Discover       Mastercard       Visa

Name as it appears on card: \_\_\_\_\_

Billing Address: \_\_\_\_\_

Card Number: \_\_\_\_\_

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CALIFORNIA  
SOCIETY *for* HEALTHCARE  
ATTORNEYS

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[www.csha.info](http://www.csha.info)