

2016

ANNUAL MEETING AND SPRING SEMINAR



CALIFORNIA SOCIETY FOR HEALTHCARE ATTORNEYS
APRIL 8-10 | MONTEREY PLAZA HOTEL & SPA



PRESIDENT'S MESSAGE

Please join us for the CSHA 2016 Annual Meeting & Spring Seminar at the beautiful Monterey Plaza Hotel & Spa. Weekend sessions are scheduled in the mornings, leaving time for you and your family to enjoy the Monterey Bay, the world-renowned aquarium, Carmel and other local attractions.

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 live entertainment) provide opportunities to network with your health law colleagues. In addition, we will host a new member luncheon on Saturday afternoon. Attorneys who are new to CSHA, committee members and current or 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 2016 Annual Meeting & Spring Seminar is sure to be a worthwhile investment of your time. I look forward to greeting you there.

Stephen K. Phillips CSHA President

GENERAL INFORMATION

LOCATION

Located on historic Cannery Row, the Monterey Plaza Hotel & Spa is perched over Monterey Bay and offers expansive views of the Monterey Peninsula. It is located within walking distance of the world-renowned Monterey Bay Aquarium, Fisherman's Wharf, Old Town Monterey, and the Maritime Museum at Stanton Center. The Monterey Plaza Hotel & Spa is also a short drive from Carmel, Pebble Beach, 17-Mile Drive and Big Sur. The hotel's address is 400 Cannery Row, Monterey, CA 93940.

ACCOMMODATIONS

CSHA has reserved a limited number of rooms at the Monterey Plaza Hotel & Spa, available on a first-come, first-served basis at a nightly rate of \$224 (inland view), \$264 (partial-ocean view), \$324 (ocean view), or \$394 (ocean view/balcony), plus resort fee of \$27 and tax. The deadline for reserving rooms at this rate is March 21, 2016. After that date, reservations will be confirmed subject to general availability. Contact the hotel directly at (800) 334-3999 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 March 11, 2016, qualify for a discount in registration.

SEMINAR TUITION

Rate	Early Payment received by March 11	Regular Payment received after March 11
Member Rate	\$545	\$600
Nonmember Rate*	\$800	\$855

*Includes 2016 CSHA Membership

Note: CSHA has a pilot project that grants a discount to eligible government attorneys and retired attorneys. Please visit the CSHA website for additional information.

REFUNDS/SUBSTITUTIONS/CANCELLATIONS

All cancellations must be in writing and received in the CSHA office by March 18, 2016. Seminar registration fees, minus a \$75 processing fee, will be refunded for cancellations received by the March 18 deadline. Substitutions may be arranged by contacting the CSHA offices.

MINIMUM CONTINUING LEGAL EDUCATION

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 participatory MCLE credit.

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 Monterey Plaza Hotel & Spa directly at (831) 646-5937.

SOCIAL EVENTS

WELCOME RECEPTION

We are pleased to continue the long-standing tradition of social collegiality by offering a Welcome Reception for registered program participants and guests on Friday evening, April 8. 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 Saturday evening, April 9, at the Monterey Plaza Hotel & Spa and will feature California cuisine, local wines and 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!

SATURDAY NEW MEMBER LUNCHEON

We are pleased to offer a networking opportunity specifically for attorneys new to CSHA. Members who joined CSHA after April 2015 are invited to attend, as are CSHA committee members and current CSHA Board members. The luncheon will take place Saturday, April 9, immediately following the morning's educational session.

ADDITIONAL INFORMATION

ATTIRE

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

TAPE RECORDING

Tape recording of the education sessions is strictly prohibited.

CONTACT

If you have any questions regarding the 2016 Annual Meeting and Spring Seminar or CSHA membership, please contact Mahsa Farahani, Program & Operations Manager, at (916) 552-7605 or mfarahani@calhealth.org. You may also visit the CSHA website at www.csha.info.

AGENDA

FRIDAY, APRIL 8

7:30 – 8:15 am | Registration and Continental Breakfast

8:15 – 8:30 am | Welcome and Introductions

Stephen K. Phillips, President, California Society for Healthcare Attorneys

8:30 – 9:30 am | From Revolution to Evolution: The Next Chapter of Health Reform

Katrina A. Pagonis and Felicia Sze, Hooper, Lundy & Bookman, P.C.

The ACA catalyzed significant changes to the healthcare reimbursement climate for healthcare providers in California. This panel will focus on the health care delivery system changes begun by the ACA, including an update on Covered California, the Medi-Cal expansion and reimbursement reform, site neutrality, and Medicare reform. This panel will also provide concrete recommendations for providers to prepare for the continuing evolution of health care reform.

9:30 – 10:30 am | The New World of Anti-Discrimination Law for Health Providers and Plans

Marisa Adelson and David Johnson, Crowell & Moring LLP

Health reform has imposed successive waves of anti-discrimination rules on health providers and plans. Affordable Care Act Section 1557 applies pre-existing civil rights laws to health providers and plans that receive federal financial assistance. Under its proposed rule, HHS is expanding this authority to cover operations that don't participate in federal programs and impose costly IT and translation accessibility requirements. The Mental Health Parity and Addiction Equity Act (MHPAEA) requires parity in treatment limitations between mental and physical health coverage. Regulators have also given MHPAEA far more sweeping scope. This session will explore how regulators and courts are interpreting and enforcing these new anti-discrimination rules and offer strategies to help providers and plans cope.

10:45 – 11:30 am | Implementation of the ACA From a National Perspective: What's Happened, and What's to Come?

Lanhee J. Chen, Arent Fox LLP

This session will provide a national overview of the implementation of the Affordable Care Act, and a look-ahead to how the coming elections might impact the law in future years. The goals of the ACA were to expand affordable coverage to more Americans, migrate payments in health care away from volume toward value, and reduce the growth in health costs. Have these goals been achieved and what have been the impacts of reform on the health care system and economy more broadly? How might these goals be impacted by the electoral context? And what policy changes should we expect to see in 2017 and beyond?

11:30 am – 12:15 pm | Issues in Negotiating Healthcare Technology Agreements

Michael Ellis, Blue Shield of California; Melody Harris, Qualcomm Life, Inc.; and Stephen K. Phillips, Hooper, Lundy & Bookman, P.C.

This panel will discuss common issues that arise in the negotiation of

healthcare technology agreements between technology vendors and their health care customers. The core of the discussion will address common points of contention stemming from different perspectives on what is fair and reasonable with respect to risk sharing and remedy provisions, as well as different operational and compliance needs. In addition, the participants will address legal issues in new healthcare technologies and best practices in organizing and conducting healthcare technology negotiations.

12:15 – 1:30 pm | Lunch (hosted)

1:30 – 2:45 pm | Compliance Update 2016: Issues You Need to Prepare for NOW

Zuzana Ikels, Polsinelli LLP, and Judith A. Waltz, Foley & Lardner LLP

Government agencies and private whistleblowers have become more aggressive in interpreting, pursuing actions under, and enforcing the federal and state false claims acts. This presentation will highlight some of the biggest recent developments and their actual and potential impact. The topics to be covered include CMS rules regarding the FCA amendments and the obligations of providers to report and refund overpayments; recent revisions to the Stark regulations; new strategies by private relators, both in federal and California state court, including qui tam actions against individual defendants; and a new focus for OIG, DOJ, and CMS: drug diversion and related drug enforcement actions.

3:00 – 3:45 pm | Human Resources Overview

Spencer Hamer, Michelman & Robinson, LLP

Employment-related lawsuits are on the rise nationwide, and health care industry employers must comply with an ever-increasing variety of state and federal employment laws. This session will provide an overview of the risks health care industry employers face, key employment policies to implement, how to manage an investigation, and advice about how to recognize and respond to risky situations.

3:45 – 4:30 pm | Antitrust Update

David Garcia, Sheppard, Mullin, Richter & Hampton LLP; Martin Thompson, Manatt, Phelps & Phillips, LLP; and John Wiegand, Federal Trade Commission

The ACA has led to consolidation among hospitals, physician groups and other companies ... not to mention that the nation's top five health insurance companies are now jockeying through merger proposals that could leave just three large national health insurers. The big question is, what do these consolidations mean for consumers and the rest of the healthcare industry – and how do you advise your clients? We'll hear from a healthcare antitrust attorney from the Federal Trade Commission, and an attorney who focuses on antitrust litigation and counseling on provider side healthcare joint ventures, mergers and acquisitions and competitor collaborations.

4:30 – 5:15 pm | The Increasing Importance of Physician Well-Being Committees

Elizabeth Becker, LCSW, and Tom Curtis, Nossaman LLP

The physician population is aging and is experiencing increasing rates of stress, burnout and substance abuse. At this time of

physician shortages, physician wellness is vitally important. This presentation will address the responsibility of the medical staff to provide a non-disciplinary, rehabilitative approach to issues of physician wellness and suggest strategies to fulfill that responsibility.

5:15 – 5:30 pm | CSHA Annual Member Meeting

Stephen K. Phillips, President, California Society for Healthcare Attorneys

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

SATURDAY, APRIL 9

7:30 – 8:45 am | Breakfast Roundtables

9:00 – 10:00 am | Health Litigation Update

Peder K. Batalden and H. Thomas Watson, Horvitz & Levy, LLP

This popular annual session will highlight recent, significant appellate court decisions that will affect the California healthcare industry for years to come. Panelists will focus on decisions impacting hospitals, physicians, medical staffs and payors.

10:00 – 10:45 am | Who's in Charge of Peer Review? Medical Staff Self-Governance vs. Hospital Board Corporate Responsibility

Carlo Coppo, DiCaro, Coppo & Popcke; John Harwell, Attorney at Law; and Terri Keville, Davis Wright Tremaine, LLP

Hospital boards and medical staffs are interdependent—but controversy persists over who has what authority when the two groups disagree about peer review matters. The presenters in this session will review relevant legal authorities and discuss differing perspectives on practical issues such as who can conduct peer review; who has legitimate access to peer review records; whether/when a physician can be terminated (or not reappointed) by administrative/board action or inaction; whether administrative members of medical staff committees can vote; and whether a medical executive committee can hold executive sessions from which ex officio non-physician members such as the hospital CEO are excluded.

11:00 – 11:45 am | Collaborative Peer Review: What It Is and How It Can Improve Peer Review and Patient Care

Richard Barton, Procopio, Cory, Hargreaves & Savitch LLP, and Arthur R. Chenen, Theodora Oringer PC

Many insiders believe the hospital peer review system is broken. The Business and Professions Code mandates that peer review “be done efficiently, on an ongoing basis, and with an emphasis on early detection of potential quality problems and resolutions through informal educational interventions.” However, the process is now far too adversarial. This presentation will focus on practical and concrete steps that can be taken to help steer the process in a direction that is more collaborative, cost-effective and fair.

Noon – 1:00 pm | New Member Luncheon for Pre-registered Participants

Members who joined CSHA after April 2015 are invited to attend, as are current CSHA committee and Board members.

6:00 – 9:00 pm | CSHA 2016 Annual Dinner (hosted)

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

SUNDAY, APRIL 10

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

8:30 – 9:15 am | Understanding HIPAA, HITECH and E-Discovery Obligations in the Context of ADR: What Every Health Lawyer Needs to Know

Barbara A. Reeves, JAMS

Health care lawyers often handle massive volumes of electronic protected health information in the course of litigation, arbitration, mediation and counseling. When handling this PHI, it is essential to have a complete understanding of the confidentiality obligations imposed by HIPAA and HITECH and the significant legal liability for non-compliance. In addition, careful consideration must be given to your clients' e-discovery obligations. This session will provide an overview of the rules and the most important steps attorneys can take to ensure compliance.

9:15 – 10:00 am | Cal/OSHA's Impending Regulations on Healthcare Workplace Violence Prevention

Gail Blanchard-Saiger, California Hospital Association

Cal/OSHA is developing comprehensive healthcare workplace violence prevention regulations that will apply to all providers, including hospitals, physician offices, skilled nursing facilities, retail pharmacies, firefighters and paramedics, home health, mobile clinics and others. Our speaker will explain the details of the proposed regulations and review steps that providers should take now to prepare for compliance by the Oct 1 deadline, including developing a written plan and training employees.

10:15 – 11:15 am | Legal Ethics for the Healthcare Attorney

Christopher Bakes and Brandie Gasper, Locke Lord LLP

This session will outline the most pressing and prevalent issues in legal ethics and professional liability that are likely to be encountered by healthcare attorneys, focusing on the California Rules of Professional Conduct and the ABA Model Rules of Professional Conduct as well as recent and pending decisions and ethics opinions. This presentation provides the hard-to-get ethics credit while focusing on ethical issues that you may find yourself grappling with in your healthcare law practice.

11:15 – Noon | Navigating the Hornet's Nest of Reimbursement

Amir Shlesinger, Reed Smith LLP, and Andrew H. Selesnick, Michelman & Robinson, LLP

Attorneys representing provider and payer perspectives will address the reimbursement conundrum in the face of payment pressures and increased regulatory and payer scrutiny. Attendees will learn about the different methodologies for determining Usual & Customary Reimbursement (UCR), what providers and payers can do to defuse and avoid reimbursement disputes, resolving issues pre-litigation, and if necessary, what to expect in litigation. In addition, the panelists will discuss reimbursement audits, compliance programs, and valuable contracting tips.

Noon | Adjournment and Distribution of MCLE Certificates

SPONSORS

CSHA is fortunate to receive generous sponsorship of the 2016 Annual Meeting & Spring Seminar, including the Welcome Reception and Annual Dinner, from the following firms:



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CSHA ANNUAL MEETING AND SPRING SEMINAR

April 8-10, 2016 — MONTEREY PLAZA HOTEL & SPA

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visit www.csha.info/2016-spring-seminar

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 requirements (e.g., vegetarian): _____

TUITION AND FEES

	<i>Payment received by March 11</i>	<i>Payment received after March 11</i>	Amount
Member Rate	\$ 545	\$ 600	
Non-member Rate*	\$ 800	\$ 855	
Annual Dinner Guest	\$ 65	\$ 65	
TOTAL			\$ _____

* The non-member tuition includes dues for membership through 2016.

Note: CSHA has a pilot program that grants a discount to eligible government attorneys, and retired attorneys. Please contact the CSHA office for more information.

Please indicate which social events you will attend:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Friday Breakfast | <input type="checkbox"/> Friday Lunch | <input type="checkbox"/> Reception (Friday Evening) | <input type="checkbox"/> Saturday Breakfast Roundtables |
| <input type="checkbox"/> Saturday New Member Luncheon** | <input type="checkbox"/> Saturday Annual Dinner | <input type="checkbox"/> Sunday Breakfast | <input type="checkbox"/> Annual Dinner Guest (fees above) |

Guest Name: _____

** Members who joined CSHA after April 2015 are invited to attend, as are current CSHA committee members and Board members.

PAYMENT METHOD

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

Name as it appears on card: _____

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CALIFORNIA
SOCIETY *for* HEALTHCARE
ATTORNEYS

1215 K Street, Suite 800
Sacramento, CA 95814
(916) 552-7605

www.csha.info