

A photograph of the Monterey Plaza Hotel & Spa, a large, multi-story building with a mix of white and orange-tinted facades. The building features numerous balconies with glass railings and is situated on a cliffside overlooking the ocean. The sky is a clear, deep blue, and the water is calm. In the foreground, there is a balcony with a dark metal railing and a stone balustrade.

CSHA ANNUAL MEETING AND SPRING SEMINAR

California Society for Healthcare Attorneys
April 9-11, 2010
Monterey Plaza Hotel & Spa



President's Message

Please join us for the CSHA 2010 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 the MCLE-approved sessions that await you, as well as the knowledge and experience of our presenters. We selected our topics to appeal to our members' diverse practices, which include representing facilities, physicians, health plans and government agencies. Our presentations include the following:

- An in-depth educational session covering basic coding for lawyers, as well as the legal issues raised by coding compliance;
- DMHC's timely access regulations;
- Medi-Cal fraud enforcement at the federal and state levels;
- Hot topics in telemedicine and telehealth;
- Creating a successful and legally compliant workplace wellness program;
- Credentialing and peer review at the California Department of Corrections and Rehabilitation;
- Legal and practical issues regarding information technology and "meaningful use";
- Privacy and medical identity theft issues;

- Professional ethics when advising clients about self-reporting (this presentation qualifies for MCLE ethics units);
- Evidence-based medicine;
- Labor and employment issues impacting the healthcare industry;
- EMTALA compliance issues; and
- Hospital vicarious liability and the impact of courts treating physicians as ostensible agents.

We will also have a brief business meeting to bring you current information about our Society's operations, finances and initiatives.

Our Friday kickoff luncheon features a presentation from Timothy Brady, Regional Inspector General for Region IX who will discuss the OIG's current enforcement efforts. And our popular Friday evening Welcome Reception and Saturday evening Annual Dinner (with entertainment) offer you an opportunity to network with your health law colleagues.

Please read this brochure carefully for further information on our program. Whether a novice or veteran healthcare attorney, you are sure to find CSHA's 2010 Annual Meeting & Spring Seminar a worthwhile investment of your time. I look forward to greeting you there.

Ky Lewis, CSHA President

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.

Reservations

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 \$175 (inland view), \$255 (ocean view), or \$275 (ocean view/balcony), plus resort fee of \$25 and tax. The deadline for reserving rooms at this rate is March 23, 2010. 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 Friday, March 12, 2010, qualify for Early Registration.

TUITION AND FEES

	Early <i>Postmarked by March 12</i>	Regular <i>Postmarked after March 12</i>
CSHA Member	\$ 495.00	\$ 550.00
Nonmember Attorneys*	\$ 750.00	\$ 795.00
Annual Dinner Guest	\$ 65.00	\$ 65.00

*Includes a 2010 CSHA Membership

Note: CSHA has a pilot project in 2010 that grants a discount to eligible government attorneys. Please call the CSHA offices for information.

SOCIAL GATHERINGS

Welcome Reception

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

Annual Dinner

This year's Annual Dinner will be held on Saturday evening 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 \$65.00. Plan to join us for this ever-popular event!

GENERAL 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 Monterey Plaza Hotel & Spa directly.

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.

Additional Information

If you have any questions regarding the 2010 Annual Meeting & Spring Seminar or CSHA membership, please contact Lois Richardson, Executive Director, at (916) 552-7611 or lrichardson@calhealth.org.

AGENDA

Friday, April 9, 2010

8:00 am Registration and Continental Breakfast

9:00 am to 12:00 noon Basic Coding for Healthcare Attorneys

Gloryanne Bryant, RHIA, CCS, CCDS
Regional Managing Director of Health Information Management,
Kaiser Foundation Health Plan & Hospitals
Lloyd Bookman, Hooper, Lundy & Bookman, Inc.

This session will provide insight and instruction into the complex area of coding for diagnosis and medical services/procedures that occur in hospitals and in physician offices. Documentation and coding errors can ultimately produce mistakes in billing government and private payors, resulting in significant financial risks, civil penalties and even criminal prosecution. Attendees will gain an appreciation for the difficulties faced by physicians in documenting medical services and by coders in interpreting that documentation. Attendees will have an opportunity to try their own hand at coding medical procedures.

Additionally, counsel will discuss the compliance issues that arise as a result of errant coding, provide insight into how coding audits should be undertaken, and outline how disputes with payors arising out of differing viewpoints on coding can be negotiated and resolved.

12:00 pm to 1:25 pm Lunch (hosted)

Timothy S. Brady, Ph.D., FACHE, FHFMA, Regional Inspector General
U.S. Department of Health and Human Services
Office of Inspector General, Region IX

The Office of Inspector General is responsible for protecting the integrity of the HHS programs and providing oversight to prevent waste, fraud, and abuse. The presentation will highlight some of the work the OIG has done nationally and in California to improve program effectiveness and stop fraud and waste in Medicare and Medicaid.

Mr. Brady's presentation is sponsored by the Health Law Committee of the Business Section of the California State Bar.

1:25 pm to 1:30 pm Welcome

Ky Lewis, President, California Society for Healthcare Attorneys

1:30 pm to 2:15 pm New DMHC Timely Access Regulations: What Do They Mean to California's Providers and Payors?

William J. Barcellona, California Association of Physician Groups

The new DMHC timely access to care regulation has been eight long years in the making, yet several unanswered questions remain. How will this new regulation affect California's doctors, hospitals and health plans? This session will provide an up-to-date analysis of the new regulation's impact.

2:15 pm to 3:15 pm Medi-Cal Enforcement: New Federal and Continued State Focus

Judith Waltz, Foley & Lardner LLP
Vince Blackburn, California Department of Health Care Services

This session will address enforcement efforts which are ramping up at the federal level through the Medicaid Integrity Program and simultaneously continuing at California's Department of Health Care Services. Providers and suppliers must be prepared for data mining scrutiny of both their quality of care and the integrity of their claims; increased audits; and enforcement tools which range from scrutiny during provider enrollment to payment suspensions and provider number deactivation.

3:15 pm to 3:30 pm Break

3:30 pm to 4:30 pm Recent Developments and Hot Topics in Telemedicine and Telehealth

Tara Kepler, Epstein Becker & Green, PC
Elizabeth O'Neill, McDonough Holland & Allen PC

As technology evolves, so does the delivery of health care. The speakers will introduce a framework for analyzing the unique compliance risks of telemedicine and other ventures that deliver health care services remotely that sometimes do not arise to the definition of "telemedicine" as defined by California law ("telehealth").

4:30 pm to 5:15 pm Creating Successful and Legally Compliant Workplace Wellness Programs

Marcia Augsburg, McDonough Holland & Allen PC

Many hospitals are implementing wellness programs because of the savings they offer the hospitals' self-insured plans. Some hospitals and health plans are getting involved with local employers to offer wellness services as a marketing and revenue generating tool. This presentation will address why keeping people out of hospital beds may be smart business for providers; the extent to which state and federal law permit the use of incentives and penalties to change behaviors relating to legal but unhealthy conduct such as smoking, overeating, and excessive alcohol consumption; how employers can legally gather and use health outcome data; and how to avoid other concerns under HIPAA, ERISA, GINA, and the ADA.

5:15 pm to 5:30 pm CSHA Annual Member Meeting

5:30 pm to 7:00 pm Welcome Reception (hosted)

The annual cocktail reception provides an excellent opportunity to network with your health lawyer colleagues while enjoying some tasty tidbits. Please join us!

Saturday, April 10, 2010

7:00 am to 8:00 am Breakfast Roundtables

Join your colleagues for a buffet breakfast and discussion of current topics in healthcare law. A topic and discussion leader will be announced in advance for each table – choose the one that you're most interested in!

8:00 am to 9:00 am Credentiaing and Peer Review Activities at the California Department of Corrections and Rehabilitation

Steven V. Schnier, Hanson Bridgett LLP

Robert Chapnick, M.D., Chief Medical Officer, Quality Programs, CDCR

Hear from a physician author of CDCR's peer review policies as well as from medical staff legal counsel about the complexities involved in conducting peer review in a setting of 33 institutions, hundreds of health professionals, and more than 160,000 inmates. The speakers will discuss what CDCR has done to afford fair procedure to practitioners and appropriate quality of care to inmates, and the lessons that might be imparted to legal counsel for medical groups, hospitals, medical staffs, and physicians in less penitential settings.

9:00 am to 10:00 am Stimulating Meaningful Use: Legal and Practical Issues Facing Hospitals, Physicians and Medical Groups

Bill Spooner, Sr. VP and CIO, Sharp HealthCare

William Bernstein, Manatt, Phelps & Phillips, LLP

In a field in which progress is often measured through the creation of new acronyms, the term "meaningful use" has taken the industry by storm. The federal investment in health information technology has lofty goals, but the legal and operational realities of turning data into information that advances the goals of healthcare reform is causing both heartache and new opportunities. This session will focus on exploring the on-the-ground issues hospitals and physicians are facing as they respond to the new legal requirements.

10:00 am to 10:15 am Break

10:15 am to 11:15 am Patient Privacy and Medical Identity Theft

Allan Jergesen, Hanson Bridgett LLP

Lara Carney, Hanson Bridgett LLP

An eye-opening discussion of the various situations in which medical identity theft occurs and the laws that govern providers and payors as they attempt to prevent it, respond to it, and mitigate its effects.

11:15 am to 12:15 pm Ethical Issues for Healthcare Attorneys in the Land of Overpayment Disclosures and HIPAA Violations

Mark Hardiman, Hooper, Lundy & Bookman, Inc.

John Hellow, Hooper, Lundy & Bookman, Inc.

In the health care arena where a client's failure to disclose an overpayment may be both a crime and a civil false claim, an attorney's advice regarding the client's disclosure obligations can create some complicated ethical dilemmas. Likewise, HIPAA's snitch rules were apparently drafted without consideration of whether an attorney may ethically report a client's HIPAA violations when they are unrelated to the subject matter of the representation. This session will explore and illuminate the ethical dilemmas faced by healthcare attorneys in advising clients about disclosing overpayments and HIPAA violations, and will also address other recent developments affecting all attorneys' ethical obligations. This presentation qualifies for MCLE ethics units.

6:00 pm to 9:00 pm CSHA 2010 Annual Dinner (hosted)

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

Sunday, April 11, 2010

7:00 am to 8:00 am Continental Breakfast

8:00 am to 9:00 am Evidence-Based Medicine

James Wood, Reed Smith LLP

"The President's stimulus package is pumping money into research to compare how well various medical treatments work. Is surgery, radiation or careful monitoring best for prostate cancer? Is the latest and most expensive cholesterol-lowering drug any better than its generic competitors? Several pending bills would spend additional money to accelerate this effort." (*New York Times*)

This presentation will describe the background behind the growth of efficacy-based medicine as well as philosophical and legal issues, including the risks and benefits to healthcare providers who adopt the practice, the liabilities for being wrong, and whether a preemption defense exists for those in the medical chain.

9:00 am to 10:00 am Labor & Employment Issues

Gail Blanchard-Saiger, Law Offices of Gail Blanchard-Saiger

Given the high stakes of labor and employment law, it is important for healthcare attorneys to have an understanding of pressing labor and employment issues and how they impact operations. This discussion will highlight such topics as the ongoing wave of wage and hour class action litigation, the status of union organizing in healthcare, and proposed federal staffing and lift legislation.

10:00 am to 10:15 am Break

10:15 am – 11:15 am EMTALA 2010: Compliance Issues in the Law's Third Decade

Lowell Brown, Arent Fox LLP

The Emergency Medical Treatment and Active Labor Act has been with us for 24 years now. Is the government still enforcing this now-mature law? What are the most recent compliance issues and enforcement trends? How does EMTALA line up with California's own "patient-dumping" law in Health & Safety Code Section 1317? Our speaker will address all these questions and more.

11:15 am – 12:15 pm Hospital Vicarious Liability: The Negligent Physician as Ostensible Agent

David M. Axelrad, Horvitz & Levy LLP

Dennis J. Sinclitico, Sinclitico & Burns

The 2002 Court of Appeal decision in *Mejia v. Community Hospital of San Bernardino* made it easier for California plaintiffs to hold hospitals responsible for the negligence of independent-contractor physicians. The speakers will explore the current state of the law on this type of imputed liability and discuss what steps hospitals can take to avoid the presumption of ostensible agency.

12:15 pm Adjournment and Distribution of MCLE Certificates



SPONSORS

CSHA is fortunate to receive generous sponsorship of the 2010 Annual Meeting & Spring Seminar, including the Welcome Reception and Annual Dinner, from the following firms:

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THEODORA ORINGHER MILLER & RICHMAN PC

The Health Law Committee of the Business Section of the California State Bar

SEMINAR REGISTRATION FORM

CSHA Annual Meeting & Spring Seminar — April 9-11, 2010

To register by mail, send this completed form with payment to:

California Society for Healthcare Attorneys
Attention: Patricia Ward
1215 K Street, Suite 800
Sacramento, CA 95814

To register by fax (credit cards only):

Complete this form and fax to (916) 554-2211.

Please type or print clearly and use one form per person.

Name: _____ Nickname for Badge: _____

Firm/Organization: _____

Address: _____ City: _____ State/Zip: _____

Telephone: _____ Email: _____

Special meal requirements (e.g., vegetarian): _____

TUITION AND FEES

	Early <i>Postmarked by March 12</i>	Regular <i>Postmarked after March 12</i>	Amount
CSHA Member	\$ 495.00	\$ 550.00	
Nonmember Attorneys*	\$ 750.00	\$ 795.00	
Annual Dinner Guest	\$ 65.00	\$ 65.00	
	TOTAL		\$ _____

* The non-member tuition includes membership dues for membership through 2010.

Note: CSHA has a pilot project in 2010 that grants a discount to eligible government attorneys. Please call the CSHA offices for information.

Please indicate which social events you will attend:

- Friday Breakfast Saturday Breakfast Roundtables Sunday Breakfast
 Friday Lunch Saturday Annual Dinner
 Reception (Friday Evening) Annual Dinner Guest (see fees above) Guest Name: _____

PAYMENT METHOD

- Check enclosed (make payable to CSHA) Credit Card
 Visa Mastercard

Name as it appears on card: _____

Billing Address: _____

Card Number: _____

Expiration Date: _____ V-Code: _____

Cardholder Signature: _____

For Office Use Only	Date	Check#/Auth#	D/B	Acct.
			<input type="checkbox"/>	<input type="checkbox"/>



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