

32nd Annual Health Law Forum

October 8-9, 2020 – Virtual Forum



Program Producer: J.D. Thomas, Waller Lansden Dortch & Davis LLP

Total Credits: 12 General; 3 Dual

Recognized as one of the premier health law programs in the country, this annual forum addresses key issues impacting our practice area. Sessions will provide insight from health law providers, practitioners and regulators. This year's forum will feature a virtual format designed with your time, the topics you have been asking for and an esteemed list of panelists and health law experts from right here in Tennessee.

Thursday, Oct. 8

10 – 11 a.m. CDT

Regulatory Fraud and Abuse Update

The session will provide an update of the latest Fraud and Abuse developments, including federal case law and settlements under the FCA, and OIG and CMS activity.

Julie Kass, Baker Ober Health Law

Patsy Powers, Waller Lansden Dortch & Davis LLP

Sandy Teplitzky, Baker Ober Health Law

Travis Lloyd, Bradley Arant Boult Cummings LLP

11 a.m. – 12 p.m.

COVID-19: Navigating a Global Pandemic in Tennessee

The COVID-19 pandemic has fundamentally changed our way of life, with some changes possibly permanent. Tennessee Health Commissioner Dr. Lisa Piercey will provide an overview of the state's response to the pandemic and reflect on how lessons learned to date can inform our answers to COVID-19's continued challenges.

Dr. Lisa Piercey, Commissioner, Tennessee Department of Health

12 – 12:30 p.m.

Break

12:30 – 1:30 p.m.

Tennessee Health Law and Legislative Updates

This annual update will focus on hot topics impacting health care law from the 2020 sessions of the Tennessee General Assembly as well as recap significant Tennessee state civil court cases and Attorney General Opinions affecting health care from the past year.

Jerry Taylor, Thompson Burton PLLC

Mandy Young, Butler Snow LLP

Yarnell Beatty, Tennessee Medical Association

1:30 – 2:30 p.m. **Health Care Fraud Enforcement in Tennessee**
The presenters will share the latest in federal and state health care fraud enforcement actions in 2020, including settlements, court decisions, and trends.
Ellen Bowden McIntyre, US Attorney's Office M.D. of Tenn.
Rob McConkey, US Attorney's Office E.D. of Tenn.
Tony Hullender, Deputy Attorney General, Medicaid Fraud and Integrity Division

Friday, Oct. 9

10 – 11 a.m. **Telehealth and Privacy**
This presentation will cover how the COVID-19 pandemic has dramatically shifted the regulatory and reimbursement landscape of telemedicine, as well as how to navigate privacy and security challenges in the rapid expansion of telehealth.
Joan Kavuru, Forefront Telecare Inc.
Nesrin Tift, Bass, Berry & Sims PLC

11 a.m. – 12 p.m. **In-house Counsel Panel**
The speakers will discuss how their organizations are managing the COVID-19 response, responding to regulatory and economic changes, and reacting to challenges that have been highlighted by the pandemic, such as remote workforces and resulting risks.
Hal McCard, Quorum Health
Imad Abdullah, Regional One Health
Jennifer Peters, LifePoint Health
Robyn Diaz, St. Jude Children's Research Hospital

12 – 12:30 p.m. **Break – Health Law Section Lunch Business Meeting**

12:30 – 2:30 p.m.
DUAL **Ethics**
Practicing law in "COVIDland" can be challenging! Join us for a run-down of the ethical issues involved in remote work, practicing via teleconference and videoconference (even if you are in a real office), and the annual updates. The only thing you will be exposed to is knowledge and practical tips.
Lucian Pera, Adams and Reese LLP
Phil Pomerance, Best Practices Inpatient Care Ltd.
Sheree Wright, Vanderbilt University

On Demand Sessions

COVID-19 and Long-term Care

This session will focus on changes to protocol, and what's on the horizon for long-term care facilities and assistance.
Chris Puri, Bradley Arant Boult Cummings

HHS Provider Relief Fund Compliance – New Day, New Rules

Providers that benefited from the HHS Relief Funds now face a myriad of issues. This session will address the challenges faced by providers as they account for and work to comply with ever evolving HHS guidance.
Colbey Reagan, Waller Lansden Dortch & Davis LLP
Lucy Carter, Kraft CPAs PLLC

Ethical Issues During the COVID-19 Pandemic

This session will explore the historical basis and evolution of frameworks for medical decision-making during pandemics and other public health crises. Discussion will include the allocation of scarce resources in a public health crisis in an ethical, fair and compassionate manner; the role of local, state and federal government involvement and legal challenges to such plans; and real-time ethical issues and lessons learned during the current COVID-19 pandemic.
Brian Keller, Disability Rights Tennessee
Julia Morris, Vanderbilt University Medical Center
Kathryn Payne, VUMC Center for Biomedical Ethics and Society

Free the Data! How the New Information Blocking Rule Creates New Opportunities – and New Risks -- for Providers and Vendors

HHS published the final information blocking rule under the 21st Century Cures Act on May 1, 2020. That rule establishes conditions under which providers, health IT developers of certified health IT, and health information networks and exchanges cannot interfere with the access, exchange or use of electronic health information. The HHS Office of the Inspector General (OIG) has proposed how it will analyze these claims, enforce civil monetary penalties, and sought comment on when enforcement should begin. Join a representative from the HHS OIG and a veteran health IT lawyer for a discussion on the emerging regulatory developments and compliance framework under the Cures Act.
Amy Leopard, Bradley Arant Boult Cummings LLP
Andrew VanLandingham, U.S. Department of Health & Human Services

Healthcare Fraud Enforcement Update

Three experienced healthcare fraud litigators discuss how government enforcement and qui tam litigation has been impacted by COVID and also cover the most important healthcare fraud developments from the past year.

Brian Roark, Bass Berry & Sims PLC

Chris Sabis, Sherrard Roe Voigt & Harbison PLC

Jennifer Weaver, Waller Lansden Dortch & Davis LLP

National Practitioner Data Bank: Reporting Adverse Clinical Privileges Actions

This presentation will cover The National Practitioner Data Bank (NPDB) reporting requirements, including the various updates over the last several years and guidance for entities reporting to the NPDB.

Molly Huffman, Waller Lansden Dortch & Davis LLP

Sally C. Na, INOVA Health System

TennCare Office of Program Integrity Overview

Join this session to hear from Stephen Smith, Deputy Commissioner and Director of TennCare, about agency updates and information about TennCare's COVID response as well as an overview of the TennCare fraud, waste and abuse process from Annette Dreifke, the Investigations Manager for the TennCare Office of Program Integrity.

Annette Dreifke, Office of Program Integrity, Bureau of TennCare

Katie Moss, Division of TennCare, Office of General Counsel

Stephen Smith, Deputy Commissioner, Department of TennCare