

The 20th Annual National Institute on Health Care Fraud

**May
12-14, 2010**

Eden Roc
Renaissance
Miami Beach
Miami Beach, FL



Presented by
**The American Bar Association
Criminal Justice Section,
Health Law Section,
the ABA Center for
Continuing Legal Education,
and the National Association of
Medicaid Fraud Control Units**

The 20th Annual National Institute on Health Care Fraud

May 12-14, 2010 | Eden Roc Renaissance Miami Beach | Miami Beach, FL

Don't miss this comprehensive program! To register, please call 800.285.2221 or visit www.abacle.org/programs/n10hcf1.html.

Program Description

The 20th Annual National Institute on Health Care Fraud will provide a rewarding educational experience for health care attorneys, compliance professionals, regulators, prosecutors, criminal defense attorneys and *qui tam* relators' counsel. The National Institute draws panelists, facilitators and participants from each of these significant interest groups and it offers unique opportunities to meet and share experiences and concerns in a non-adversarial setting.

The planning committee for this program 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.

National Institute Planning Committee

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Barbara L. Zelner

Director
National Association of Medicaid Fraud Control Units
Washington, DC

Program Agenda

Day One ■ Wednesday ■ May 12, 2010

12:00 p.m. REGISTRATION BEGINS

2:00 p.m. FOUNDATIONS OF HEALTH LAW AND HEALTH CARE REFORM

This session is intended to serve as both an introduction to and a review of current and proposed aspects of public and private health care programs in order to understand the context in which health care fraud and abuse can arise and to examine key aspects of the health care regulatory system that subject providers to the most scrutiny.

Moderator: David W. Hilgers
Carol J. Bennett
Michael K. Loucks
Donald H. Romano

4:00 p.m. BREAK

4:30 p.m. FOUNDATIONS OF WHITE COLLAR LAW AND PRACTICE AND HANDLING A HEALTH CARE FRAUD CASE

This session will address issues and aspects of representing and advising clients involved in white collar criminal or civil actions and review common practice and ethical situations typically encountered in the handling of a health care fraud case both from the perspective of representing an individual or an organization.

Moderator: Mark P. Schnapp
Virginia A. Gibson
Paul B. Murphy

6:00 p.m. ADJOURN

Day Two ■ Thursday ■ May 13, 2010

8:00 a.m. GENERAL REGISTRATION AND WELCOMING REMARKS

Gabriel L. Imperato, Program Chair

8:15 a.m. KEYNOTE SPEAKER

Tony West, Assistant Attorney General, Civil Division,
United States Department of Justice, Washington, DC

8:45 a.m. HEALTH CARE REFORM AND HEALTH CARE FRAUD ENFORCEMENT

This panel will discuss the impact of health care reform on the application of the health care fraud and abuse laws and criminal and civil health care fraud enforcement.

Moderator: John T. Brennan, Jr.
Kirk Ogrosky
Vicki L. Robinson

10:00 a.m. BREAK

10:15 a.m. GOVERNMENT ENFORCEMENT PANEL

This panel will discuss the basis for criminal and civil liability for health care fraud, recent enforcement actions and initiatives and the future of criminal and civil health care fraud enforcement.

Moderator: Katherine A. Lauer
Mark Collins
Robert K. DeConti
Margaret Hutchinson
Paul E. Pelletier

12:00 p.m. LUNCH – Keynote Speaker

Gary Grindler, Acting Deputy Attorney General, United States Department of Justice, Washington, DC

2:00 p.m. FRAUD ENFORCEMENT AND RECOVERY ACT AND FALSE CLAIMS ACT DEVELOPMENTS

This panel will discuss important recent developments in the application of the Fraud Enforcement and Recovery Act of 2009 and the False Claims Act and related litigation and settlement of state and federal False Claims Act cases.

Moderator: John T. Boese
Joyce Branda
Jonathan L. Diesenhaus

3:30 p.m. BREAK

3:45 p.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 discussions, with the goal of eliciting the views and knowledge of the participants, many of whom have a vast amount of practical experience. The number and subject matter of the workshops may be determined by registration and thus are subject to change.

A. NEGOTIATING CORPORATE INTEGRITY AGREEMENTS

Workshop Leaders: Gary W. Thompson
Edward Nowicki
John S. Rah

B. STATE ENFORCEMENT AND MEDICAID FRAUD

Workshop Leaders: Mark Collins
Paul R. Cirel

C. PHARMACEUTICAL AND MEDICAL DEVICE FRAUD AND ABUSE

Workshop Leaders: Sara M. Bloom
Robert P. Brady
Ronald L. Wisor, Jr.

4:45 p.m. BREAK

5:00 p.m. CONCURRENT PANEL SESSIONS

A. CRIMINAL AND CIVIL ENFORCEMENT OF ANTI-KICKBACK STATUTE

This presentation will review different enforcement and litigation matters involving application of the Anti-Kickback Statute to federal and commercial health insurance programs.

Moderator: Roger S. Goldman
Louise Dobbe
Amy L. Easton

B. NEGOTIATING COMPLEX CIVIL SETTLEMENTS

This panel will review the increasingly complex issues and aspects of settlement of federal and multi-state enforcement actions.

Moderator: James J. Breen
Daniel R. Anderson
Peter A. Mullin

6:15 p.m. ADJOURN

6:30 - 8:30 p.m. WELCOME RECEPTION

Sponsored By: Broad and Cassel
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Day Three ■ Friday ■ May 14, 2010

8:30 a.m. TRIAL PRACTICE DEMONSTRATION – *U.S. v. Valladares*

This case was an original Strike Force case brought in Miami involving the Department of Justice and the Office of Inspector General of Health and Human Services. The scheme to defraud in this case included bribes and kickbacks to Medicare beneficiaries for their Medicare health insurance information and to physicians to obtain prescriptions in order to submit claims for medically unnecessary respiratory medications and equipment. The case is an excellent example of the cases that the Strike Force has focused on in Miami and other parts of the country.

Moderator: Marcos D. Jimenez
Robert K. DeConti
Hank Walther

10:00 a.m. BREAK

10:15 a.m. HEALTH CARE FRAUD WORKSHOPS

A. FEDERAL SENTENCING GUIDELINES AND CRIMINAL AND CIVIL DAMAGES

Workshop Leaders: Stephen J. Bronis
Tim Renjilian

B. AFFIRMATIVE RESPONSES TO GOVERNMENT INVESTIGATIONS, GRAND JURY INVESTIGATIONS, SEARCH WARRANTS AND SUBPOENAS

Workshop Leaders: Randy Chartash
Joshua S. Levy

C. STARK LAW AND COMPLIANCE

Workshop Leaders: S. Craig Holden
Jesse A. Witten

11:15 a.m. BREAK

11:30 a.m. CONCURRENT PANEL SESSIONS

A. THE ROLE OF COMPLIANCE OFFICER, GENERAL COUNSEL AND MANAGEMENT AND THE BOARD

This panel will discuss the roles and responsibilities of the key organization representatives in internal and external compliance and enforcement matters.

Moderator: Gabriel L. Imperato
Michael C. Hemsley
Denise E. Pedulla
Erik Skramstad

B. LITIGATING FALSE CLAIMS ACT CASES

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

Moderator: Laura Laemmle-Widenfeld
Janet L. Goldstein
Margaret Hutchinson

12:45 p.m. Break

1:00 p.m. SPECIALTY WORKSHOPS – Box Lunch Available

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

A. WORKSHOP FOR DEFENSE AND IN-HOUSE COUNSEL

Workshop Leaders: Joshua S. Levy
Roger S. Goldman

B. WORKSHOP FOR GOVERNMENT COUNSEL

Workshop Leaders: Virginia A. Gibson
Randy Chartash

C. WORKSHOP FOR QUI TAM/RELATORS' AND OTHER PLAINTIFFS' COUNSEL

Workshop Leaders: Daniel R. Miller
James J. Breen

2:00 p.m. BREAK

2:15 p.m. CONCURRENT PANEL SESSIONS

A. VOLUNTARY DISCLOSURE AND COOPERATION IN GOVERNMENT INVESTIGATIONS

This panel will discuss the dynamics and issues arising in "voluntary disclosure" matters and "cooperation" in government investigations.

Moderator: S. Craig Holden
Stephen J. Bronis
Joan M. Silverstein
Joe D. Whitley

ETHICS

B. ETHICAL ISSUES IN CRIMINAL AND CIVIL FRAUD CASES

This session will review the most common ethical issues encountered in representing health care clients in transaction and litigation matters.

Moderator: William W. Horton
Michael K. Loucks

3:30 p.m. ADJOURN

UNABLE TO ATTEND?



See registration and order form for course materials from this program.

For more information about this National Institute, the ABA, the ABA Criminal Justice Section, the Health Law Section, and/or ABA-CLE phone ABA Member Services at 800.285.2221 or visit our Web site at www.abacle.org.

Program Information

REGISTRATION FEES

To register, or for additional information, call **800.285.2221** or **312.988.5522**. Attend the entire program and network with other registrants and faculty and pay...

\$875 for the General Public

\$775 for ABA Members (*\$100 Savings*)

\$725 for ABA Criminal Justice Section and Health Law Section Members (*\$150 Savings*)

\$350 for Government Employees

GROUP AND OTHER DISCOUNTS

Register three or more people at the same time to receive an additional \$50 reduction on each program tuition. Larger group discounts and special rates for full-time law students, academics and government employees also are available. **For more information, contact Earnestine Murphy.**

MCLE

Mandatory continuing legal education (MCLE) accreditation has been requested from all states which require continuing legal education. **16.75** hours of CLE credit including **1.25** hours of Ethics credit have been requested from those states recognizing a 60-minute credit hour and **20.10** hours of CLE credit including **1.50** hours of Ethics credit have been requested from those states recognizing a 50-minute credit hour. **For NY-licensed attorneys:** This transitional CLE program has been approved for all NY-licensed attorneys in accordance with the requirements of the New York State CLE Board of New York MCLE (**18.00** total NY transitional MCLE credits including **1.50** hour of Ethics credit).

SCHOLARSHIPS

Scholarships to defray tuition expense for National Institutes are available upon application. Preference will be given to public interest lawyers, government lawyers, law professors and solo or small firm practitioners. For more information, on scholarships go to www.abacle.org/scholarship.

SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required, please contact Earnestine Murphy at 312.988.6204. Reasonable advance notice is requested.

IN-PERSON REGISTRATION

If you plan to register in person, please call the ABA at least 24 hours in advance to confirm that the program is being held as scheduled and that space is available. Cash payments will not be accepted.

SPONSORSHIP OPPORTUNITIES

For information on sponsorship opportunities, please contact Earnestine Murphy.

CANCELLATIONS

Cancellations received 5 business days or more before the program will receive a 100% refund, less

a \$50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome at any time. To cancel your registration or substitute another individual, please call the ABA Service Center at 800.285.2221 or fax your request to 312.988.5850. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after the program.

PROGRAM CONFIRMATION

Written confirmation of your registration will be sent to you upon receipt. Please take it with you to the National Institute as proof of registration. If you do not receive the confirmation notice prior to the presentation, please call the ABA at least 24 hours in advance to confirm that your registration was received and the program is being held as scheduled.

HOTEL INFORMATION

Eden Roc Renaissance Miami Beach

4525 Collins Avenue

Miami Beach, FL 33140

305.531.0000 or 800.319.5354

Single/Double: \$239

All room rates are subject to city occupancy and sales tax. **Mention this ABA meeting to receive the special discounted rate.**

AIRLINE INFORMATION

Discounted fares are available from ABA Orbitz for Business including ABA negotiated discounts on American and United. To book online, go to www.abanet.org/travel, click under the Orbitz for Business logo at the top of the page, click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 1-877-222-4185. Discounts can also be obtained directly from the carrier. American: Call 800-433-1790, code **A1210SS**; United: Call 800-521-4041, code **5781G**.

STANDING COMMITTEE ON CONTINUING LEGAL EDUCATION

Under the guidance of the Standing Committee on Continuing Legal Education, the Center for Continuing Legal Education administers and produces National Institutes, teleconferences, other technology-based offerings, and written course materials to assist lawyers with their continuing legal education efforts.

David W. Hilgers, Chair, *Brown McCarroll LLP*, Austin, TX

ABA CENTER FOR CONTINUING LEGAL EDUCATION

Jill Eckert McCall, *Director*

Earnestine Murphy, *Deputy Director of Programming*

Registration and Order Form

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TUITION

- ☐ \$875 General Public
☐ \$775 ABA Members (\$100 Savings)
ABA # _____
☐ \$725 Criminal Justice Section and Health Law
Section Members (\$150 Savings)
ABA # _____
☐ \$350 Government Employees

Two or more people have registered with me. Please apply the \$50 tuition reduction to each tuition rate indicated above.

HEALTH CARE FRAUD 2010 WORKSHOPS

Please check one workshop for each day and time slot.

Wednesday ■ May 12 ■ 2:00 p.m.

- ☐ Foundations of Health Law and Health Care Reform

Wednesday ■ May 12 ■ 4:30 p.m.

- ☐ Foundations of White Collar Law and Practice and Handling a Health Care Fraud Case

Thursday ■ May 13 ■ 3:45 p.m.

- ☐ A. Negotiating Corporate Integrity Agreements
☐ B. State Enforcement and Medicaid Fraud
☐ C. Pharmaceutical and Medical Device Fraud and Abuse

Thursday ■ May 13 ■ 5:00 p.m.

- ☐ A. Criminal and Civil Enforcement of Anti-Kickback Statutes
☐ B. Negotiating Complex Civil Settlements

Friday ■ May 14 ■ 10:15 a.m.

- ☐ A. Federal Sentencing Guidelines and Criminal and Civil Damages
☐ B. Affirmative Responses to Government Investigations, Grand Jury Investigations, Search Warrants and Subpoenas
☐ C. Stark Law and Compliance

Friday ■ May 14 ■ 11:30 a.m.

- ☐ A. The Role of Compliance Officer, General Counsel and Management and the Board
☐ B. Litigating False Claims Act Cases

SPECIALTY WORKSHOPS

Friday ■ May 14 ■ 1:00 p.m.

- ☐ A. Workshop for Defense and In-House Counsel
☐ 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 \$22.00. (Lunch options will be available at program registration.)

Friday ■ May 14 ■ 2:15 p.m. - Concurrent Panel Session

- ☐ A. Voluntary Disclosure and Cooperation in Government Investigations
☐ B. Ethical Issues in Criminal and Civil Fraud Cases

Every registrant will receive a copy of the informative course materials book that can be used as a comprehensive resource long after the program is held.

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Illinois residents, add 10.25% sales tax; District of Columbia residents, add 5.75% use tax. Price is subject to change after **5/14/10**.

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Teleconferences/Webcasts

Fundamentals of Tax-Exempt Healthcare
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April 22, 2010

www.abacle.org/programs/t10teh1.html

HIPAA Fundamentals

May 6, 2010

www.abacle.org/programs/t10hpf1.html

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Managed Care

June 17, 2010

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For additional information, see the
calendar at www.abacle.org



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