



AMERICAN BAR ASSOCIATION HEALTH LAW SECTION  
AND CHICAGO MEDICAL SOCIETY



# MIDWEST CLINICAL & PHYSICIANS LEGAL ISSUES CONFERENCE

Earn up to  
21.25 CME  
credits!

June 7-9, 2018

InterContinental Chicago Magnificent Mile  
CHICAGO, IL

# Program Detail

## TARGET AUDIENCE & SCOPE OF PROFESSIONAL PRACTICE

This CME conference is targeted towards all physicians, in any practice setting or simply just entering the field of healthcare. This conference will provide valuable insight and strategies that can improve your practice.

## DESCRIPTION

The economic and regulatory forces under the Affordable Care Act continue to change the delivery and payment of healthcare. These changes have caused physicians' practices and community hospitals to consolidate, forming large super groups and/or large health systems which are transforming the delivery of care through clinical integration. In addition, market conditions continue to move physicians and hospitals to contracting that is a mix of fee-for-service and value-based contracting. Despite shifts in healthcare law and policy, the shift to value-based care continues to be driven by MACRA directed programs such as MIPS and APM models, as well as by commercial insurers increasingly pushing towards value-based contracting models, such as ACOs, Bundled Payment and other APMs.

This program brings together physicians, legal experts, government and insurer representatives, who will provide the tools, educational materials, and strategies to improve patient care and address the learners competence-based needs within their practice and profession.

Sessions will cover employment contracting and non-compete clauses, disruption and impairment in the workplace, managed care contracting, compliance issues and government enforcement, healthcare mergers and consolidations, telemedicine, new payment models, physician and private equity investments, and data privacy and security.

## GLOBAL LEARNING OBJECTIVES:

- Examine recent payment models and initiatives in the insurance marketplace and discuss how the ACA has affected payor alignment and marketplace strategies.
- Discuss key policies for implementing clinical integration and the need for physician leadership.

- Identify how high-performing networks play a vital role in the evolution of provider delivery payment from fee-for-service to value-based reimbursement.
- Examine the promise and limitations of federal healthcare reform and identify which risks need to be considered.
- Review current trends in recent False Claims Act cases and provide practical, real-world ideas for physicians to address and prevent False Claims Act exposure.
- Provide an overview on how to minimize the risks in prescribing controlled substances.
- Provide insight and practical advice on how to treat the client or patient struggling in addiction while offering a front-row seat to the state of current and proposed public policy on addiction issues.
- Discuss the impact of the Quality Payment Program, including MIPS and Advanced APMs, on physicians as well as how physicians can act today to avoid a payment penalty in 2019
- Equip providers and legal counsel with the tools to analyze commercial reasonableness of physician compensation considering the evolving healthcare delivery system.
- Explain potential changes resulting from healthcare reform legislation and other initiatives that will impact practicing physicians.
- Address key issues when facing an audit and successful strategies for appeals.
- Review and discuss the practical implications of the revisions and clarifications to the Stark regulations in the 2016 Medicare Physician Fee Schedule.
- Provide an overview of employment contracting and guidance on hospital contract negotiations.
- Address ways to combat physician burn-out and promote physician health.
- Grasp the challenges presented by advances in technology that may result in professional responsibility concerns for both physicians and attorneys.

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**THURSDAY, JUNE 7, 2018**

7:30am - 5:00 pm	<b>Registration and Information</b>
7:30 - 8:30 am	<b>Continental Breakfast</b>
8:00 - 8:15 am	<b>Opening Remarks</b> Chair, Health Law Section Hilary H. Young, JD, Joy & Young LLP, Austin, TX
8:15 - 9:00 am	<b>Keynote Presentation</b> Dr. Bertha K. Madras, PhD, The Presidential Commission on Combating Drug Addiction and the Opioid Crisis & Professor, Dept. of Psychiatry, Harvard Medical School will be speaking on addiction in America and the opioid crisis.
9:00 - 10:00 am	<b>Navigating the Minefields of a Successful Physician Hospital Collaboration</b>
10:00 - 10:15 am	<b>BREAK</b>
10:15 - 11:15 am	<b>Will the FTC Block Your Physician Practice Merger? Here's How to Tell</b>
11:15 am - 12:15 pm	<b>The Dollars and Sense of Out-of-Network Reimbursement</b>
12:15 - 1:15 pm	<b>LUNCH ON YOUR OWN</b>
1:15 - 2:15 pm	<b>Healthcare Dispute Trends and Innovative Conflict Resolution</b>
2:15 - 3:15 pm	<b>False Claims Act - An Open Relator and Defense Counsel Conversation</b>
3:15 - 3:30 pm	<b>BREAK</b>
3:30 - 4:30 pm	<b>Physician Investment Opportunities - What Are the Regulatory Pitfalls?</b>
4:30 - 5:30 pm	<b>Myth of the Multiple - How to Agree on a Price</b>
6:00 - 7:00 pm	<b>Networking Reception</b> Enjoy a chance to relax and network with colleagues over drinks and hors d'oeuvres. You will have the opportunity to meet our speakers, as well as members of the American Bar Association Health Law Section and the Chicago Medical Society.

**FRIDAY, JUNE 8, 2018**

7:30 am - 5:00 pm	<b>Registration and Information</b>
7:30 - 8:30 am	<b>Continental Breakfast</b>
8:00 - 8:45 am	<b>Keynote Presentation</b> Alec Alexander, JD, Deputy Administrator & Director, Center for Program Integrity, Centers for Medicare and Medicaid Services will be giving a presentation discussing the CMS Program Integrity initiatives.

8:45 - 9:45 am	<b>Will Medicare Revoke Your Billing Privileges? Don't Answer "No" Too Quickly</b>
9:45 - 10:15 am	<b>Halifax False Claims Act Case: The Relator's Perspective with the Taxpayers Against Fraud Education Fund</b>
10:15 - 10:30 am	<b>BREAK</b>
10:30 - 11:30 am	<b>Disruptions and Impairments in the Physician Workplace: Practical Solutions to Tough Questions</b>
11:30 am - 12:30 pm	<b>HIPAA in a Digital World: Taking the Paper Out of Healthcare</b>
12:30 - 1:30 pm	<b>LUNCH</b> <b>Asset Protection Strategies and Estate Planning</b>
1:30 - 2:00 pm	<b>BREAK</b>
2:00 - 3:00 pm	<b>Private Equity Investments in Healthcare: Recent Trends, Regulatory Considerations, and Market Implications</b>
2:00 - 3:00 pm	<b>Anatomy of a Physician Employment Agreement</b>
3:00 - 4:00 pm	<b>Negotiating Effective Payer-Provider Contracts</b>
3:00 - 4:00 pm	<b>There Is No Such Thing as a Free Lunch: The Application of Fraud and Abuse Laws in Telemedicine Deals</b>
4:00 - 4:15 pm	<b>BREAK</b>
4:15 - 5:15 pm	<b>Structuring Physician Super Groups: Key Regulatory Issues and Challenges</b>
4:15 - 5:15 pm	<b>Fireside Chat on the Unionization of Physicians</b>
5:15 - 6:00 pm	<b>ETHICS</b> <b>Don't Get Smacked: Ethical Obligations and Traps for the Unwary</b>

**SATURDAY, JUNE 9, 2018**

7:30 - 8:30 am	<b>Continental Breakfast</b>
8:00 - 9:00 am	<b>The Pace Picks Up: MACRA and Value-Based Payment in 2018 and Beyond</b>
8:30 - 11:15 am	<b>You Spoke We Listened! Efforts to Empower Women's Physicians</b>
9:00 - 10:00 am	<b>Communication in Medicine</b>
10:00 - 10:15 am	<b>BREAK</b>
10:15 - 11:15 am	<b>Cannabis Debate</b>
11:15 am - 1:30pm	<b>Anatomy of a Malpractice Lawsuit</b>

## THURSDAY, JUNE 7, 2018

7:30 am - 5:00 pm	<b>Registration and Information</b>		
7:30 - 8:30 am	<b>Continental Breakfast</b>		
8:00 - 8:15 am	<b>Opening Remarks</b> Chair, Health Law Section <b>Hilary H. Young, JD</b> , Joy & Young LLP, Austin, TX		
8:15 - 9:00 am	<b>Addiction in America: The Opioid Crisis &amp; Beyond</b> <b>SPEAKER:</b> <b>Dr. Bertha K. Madras, PhD</b> , The Presidential Commission on Combating Drug Addiction and the Opioid Crisis & Professor, Dept. of Psychiatry, Harvard Medical School will be speaking on addiction in America and the opioid crisis.		
9:00 - 10:00 am	<b>Navigating the Minefields of a Successful Physician Hospital Collaboration</b> Physicians and hospitals are pursuing different forms of collaborative arrangements, including affiliations, joint ventures, PHOs, ACOs, and other networks. These collaborations may help providers expand into new service areas or new payment models focused on quality and efficiency goals. The panelists will discuss: <ul style="list-style-type: none"> <li>• Strategic considerations for hospitals and physicians;</li> <li>• Evolving physician hospital collaboration models beyond employment or clinical co-management;</li> <li>• Overlap of strategic business objectives and legal issues;</li> <li>• Checklists to address legal and business issues during informational and operational phases</li> </ul> <b>SPEAKERS:</b> <b>Violet Anderson, JD</b> , Vice President, Regional General Counsel, Christus Health, Irving, TX <b>Clay Countryman, JD</b> , Breazeale, Sachse & Wilson, Baton Rouge, LA		
10:00 - 10:15 am	<b>Break</b>		
		10:15 - 11:15 am	<b>Will the FTC Block Your Physician Practice Merger? Here's How to Tell</b> Physician practice mergers are now a major focus of FTC enforcement efforts, but how do you tell whether a transaction could be challenged? When might you need specialized antitrust guidance? What are the danger signs? What types of evidence might you face? Two experienced healthcare antitrust attorneys will discuss these questions and others. After providing a short background, they will explain how physician practice mergers, whether resulting from a hospital acquisition or a merger of independent practices, whether horizontal, vertical, or both, are analyzed, focusing on the major variables and types of evidence agencies consider, and a number of practical considerations that inform an analysis. <b>SPEAKERS:</b> <b>Christi J. Braun, JD</b> , Managing Counsel, Vanderbilt University Medical Center, Nashville, TN <b>Jeff Miles, JD</b> , Senior Counsel, Baker Donelson, Washington, DC
		11:15 am - 12:15 pm	<b>The Dollars and Sense of Out-of-Network Reimbursement</b> Out-of-network (OON) providers face many challenges, such as payments from payers that fall short of billed charges and difficulties with balancing billing patients. To help providers successfully navigate this landscape, the speakers will offer insights on: <ul style="list-style-type: none"> <li>• Key types of OON payment methodologies</li> <li>• OON laws in CA, TX and IL, including aims, differences and effectiveness of such laws</li> <li>• Emerging trends in federal and state legislation</li> <li>• Practical solutions and approaches to resolve disputes with payers</li> </ul> <b>SPEAKERS:</b> <b>Christian Puff, JD</b> , Hall Render, Dallas, TX <b>David M. Rosenberg-Wohl, PhD, JD</b> , President, Hershenson, Rosenberg, Wohl APC, San Francisco, CA
		12:15 - 1:15 pm	<b>Lunch on your own</b>

1:15 - 2:15 pm

**Healthcare Dispute Trends and Innovative Conflict Resolution**

Physicians, hospitals and health plans have disputes. The forum and process for addressing case disputes can significantly impact the resolution of a dispute and how to salvage the relationships of those involved. The panel will:

- Provide guidelines for Alternative Dispute Resolution (ADR); including differences between mediation and arbitration
- Review national healthcare ADR trends
- Explore the pioneering approach of a Mediation and Conflict Resolution Officer within a healthcare system to resolve conflicts among and between providers, care teams, hospital departments, and relevant third parties

**SPEAKERS:**

**Melinda Reid Hatton, JD**, General Counsel, American Hospital Association, Washington, DC

**Michelle Skipper**, Vice President, American Arbitration Association, Charlotte, NC

**Martin Stillman, MD, JD**, Mediation and Conflict Resolution Officer, Hennepin County Medical Center, Minneapolis, MN

2:15 - 3:15 pm

**False Claims Act - An Open Relator and Defense Counsel Conversation**

Relator and defense counsel have different perspectives and priorities in alleged fraud cases. This session brings these varying, often conflicting, viewpoints together for a lively discussion of:

- Recent False Claims Act case updates
- Practical real-world ideas for physicians to address and prevent relators and the government from asserting False Claims Act violations
- The government’s use of data analytics to scrutinize physician billing
- Future enforcement and case trends

2:15 - 3:15 pm  
(continued)

**SPEAKERS:**

**Lisa M. Noller, JD**, Foley & Lardner, Chicago, IL

**Matthew K. Organ, JD**, Partner, Goldberg Kohn, Chicago, IL  
Moderator:

**Philip Brewster, JD**, Brewster Law Firm LLC, Winnetka, IL

3:15 - 3:30 pm

**Break**

3:30 - 4:30 pm

**Physician Investment Opportunities - What Are The Regulatory Pitfalls?**

Physician investment in healthcare businesses, such as ancillary or management services organizations, must be carefully scrutinized to ensure compliance with various state and federal healthcare laws. This presentation will provide an overview of investment opportunities and explain why they are offered. In particular, this presentation will discuss:

- Why these investment opportunities convey regulatory risks with potential civil and criminal sanctions
- Structuring investment arrangements to meet applicable Stark Law exceptions and Anti-Kickback Statute safe harbors
- Compensation structures that may be deemed problematic, along with fair market value and appraisal issues
- State corporate practice of medicine and fee-splitting implications when investing with non-physician entities or individuals

**SPEAKERS:**

**Richard Y. Cheng, JD, CHC**, Dykema Cox Smith, PLLC, Dallas, TX

**Nicholas A. Newsad**, Healthcare Transaction Advisors, Littleton, CO

4:30 - 5:30 pm	<p><b>Myth of the Multiple - How to Agree on a Price</b></p> <p>Healthcare M&amp;A is fraught with misperceptions on how fair market value (FMV) is determined and how it relates to the final purchase price. This session aims to educate on how FMV is determined, how FMV relates to and informs purchase price negotiations, key compliance issues that may impact FMV, and how non-financial deal terms can impact purchase price. Specific topics include:</p> <ul style="list-style-type: none"> <li>• Legal reasons for obtaining a FMV opinion</li> <li>• How “legal” terms (e.g., non-competes, representations and warranties) affect FMV and purchase price</li> <li>• Overview of the underlying variables that impact valuation multiples</li> </ul> <p><b>SPEAKERS:</b>  <b>Jason Ruchaber, CFA, ASA</b>, Managing Director, VMG Health, Denver, CO  <b>Emily Tremmel, JD</b>, Associate General Counsel, Advocate Health Care, Downers Grove, IL</p>
6:00 - 7:00 pm	<p><b>Networking Reception</b></p> <p>Enjoy a chance to relax and network with colleagues over drinks and hors d'oeuvres. You will have the opportunity to meet our speakers, as well as members of the American Bar Association Health Law Section and the Chicago Medical Society.</p>

## FRIDAY, JUNE 8, 2018

7:30 am - 5:00 pm	<b>Registration and Information</b>
7:30 - 8:30 am	<b>Continental Breakfast</b>
8:00 - 8:45 am	<p><b>Alec Alexander, JD</b>, Deputy Administrator &amp; Director, Center for Program Integrity, Centers for Medicare and Medicaid Services will be giving a presentation discussing the CMS Program Integrity initiatives.</p>
8:45 - 9:45 am	<p><b>Will Medicare Revoke Your Billing Privileges? Don't Answer “No” Too Quickly</b></p> <p>The Centers for Medicare &amp; Medicaid Services (CMS) wields broad authority to revoke providers’ and suppliers’ Medicare billing privileges. This authority, one of CMS’s most potent program integrity tools, has been applied in seemingly draconian ways. This session addresses key issues for providers and suppliers facing revocation of billing privileges, including:</p> <ul style="list-style-type: none"> <li>• An overview of CMS’s revocation authority</li> <li>• How CMS is using this authority against provider and suppliers</li> <li>• Strategies for appealing revocation</li> </ul> <p><b>SPEAKERS:</b>  <b>Jessica L. Gustafson, JD</b>, The Health Law Partners, Farmington Hills, MI  <b>Donald Romano, JD</b>, Foley &amp; Lardner, Washington, DC</p>

9:45 - 10:15 am	<p><b>Halifax False Claims Act Case: The Relator's Perspective with the Taxpayers Against Fraud Education Fund</b></p> <p>Healthcare fraud is a persistent industry problem and costs taxpayers hundreds of millions of dollars a year. False Claims Act and <i>qui tam</i> whistleblowers can be one of the government's strongest tools for combating this fraud, recouping taxpayer dollars, and protecting patients. This panel provides an inside look at a whistleblower's experience through a discussion with a former whistleblower in the health care industry.</p> <p><b>SPEAKERS:</b>  <b>Elin Baklid-Kunz, MBA, CHC, CPC, CPMA, CCS</b>, Relator, <i>United States ex rel. Baklid-Kunz v. Halifax Hospital Medical Center</i>  <b>Jacklyn DeMar, JD</b>, Director of Legal Education, Taxpayers Against Fraud Education Fund, Washington, DC</p>	11:30 am - 12:30 pm	<p><b>HIPAA in a Digital World: Taking the Paper out of Healthcare</b></p> <p>Since passage of HIPAA, pocket-size supercomputers are now common. Outside healthcare, almost any transaction can occur digitally. Healthcare clings to paper and ink. Matt Fisher will talk to Deven McGraw, former HHS Office for Civil Rights Deputy Director for Health Information, and Lucia Savage, former HHS Office of the National Coordinator for Health IT Chief Privacy Officer, about HIPAA myths in a digital age, including</p> <ul style="list-style-type: none"> <li>• How technology can advance privacy &amp; security</li> <li>• Why apps &amp; application program interfaces are the future</li> <li>• How HIPAA encourages data sharing</li> <li>• How attorneys can break down barriers to digital solutions</li> </ul> <p><b>SPEAKERS:</b>  <b>Deven McGraw, JD</b>, Chief Regulatory Officer, Citizen Corporation, Palo Alto, CA  <b>Lucia Savage, JD</b>, Chief Privacy and Regulatory Officer, Omada Health, San Francisco, CA</p> <p><b>MODERATOR:</b>  <b>Matthew Fisher, JD</b>, Mirick O'Connell LLP, Worcester, MA</p>
10:15 - 10:30 am	<b>Break</b>	12:30 - 1:30 pm	<p><b>LUNCH</b></p> <p><b>Asset Protection Strategies and Estate Planning</b></p>
10:30 - 11:30 am	<p><b>Disruptions and Impairments in the Physician Workplace: Practical Solutions to Tough Questions</b></p> <p>When disruptive behavior or impairment potentially impact the quality of physician care, tensions can rise. This session examines the unique and parallel HR and medical executive committee (MEC) issues that can result. Topics will include:</p> <ul style="list-style-type: none"> <li>• Disruptive behavior — HR or MEC issue, or both? Pros and cons for pursuing each path</li> <li>• Impairments: disability, age, drugs/alcohol</li> <li>• "Fitness for duty tests" or other exams? Mandatory retirement?</li> <li>• Options when drugs/alcohol are suspected</li> </ul> <p><b>SPEAKERS:</b>  <b>Tizgel K. S. High, JD</b>, Vice President, Associate General Counsel, LifePoint Health, Brentwood, TN  <b>Mark W. Peters, JD</b>, Labor and Employment Practice Group, Waller LLP, Nashville, TN</p>	1:30 - 2:00 pm	<b>Break</b>

CONCURRENT  
SESSION  
2:00 - 3:00 pm

**Private Equity Investments in Healthcare: Recent Trends, Regulatory Considerations, and Market Implications**

Private equity (PE) firm investment in health care is trendy. Traditionally, PE firms focused investments into health care entities with high-reimbursement potential. Some PE firms are now expanding into other areas of health care, such as primary care and other strategic targets. This session will examine the factors driving these trends, as well as the regulatory and market implications, including:

- How the strategy for PE in healthcare has changed in recent years and why
- Regulatory and practical issues surrounding PE investments in healthcare
- Implications of PE investments in physician practices for hospitals and health systems
- Important considerations for physician practice owners and their advisors

**SPEAKERS:**

**Rud Blumentritt, JD**, Horne LLP, Baton Rouge, LA  
**Thomas Hutchinson, JD**, Krieg De Vault LLP, Carmel, IN

2:00 - 3:00 pm

**Anatomy of a Physician Employment Agreement**

Whether the physician employment agreement is with a hospital, group practice, or other health care organization, the terms of such agreement are critical for defining each party's responsibilities and protecting the physician's professional and economic interests. This panel will dissect key elements of a physician employment agreement, identify must-have provisions and common traps, discuss the negotiation process between physician and employer, provide legal and regulatory guidance, and address practical tips for entering into such agreements.

2:00 - 3:00 pm  
(continued)

**SPEAKERS:**

**Kathleen L. DeBruhl, JD**, Kathleen L. DeBruhl & Associates, LLC, New Orleans, LA  
**Arthur Rosenson, JD**, Cohen, Rosenson & Zuckerman, LLC, Chicago, IL

CONCURRENT  
SESSION  
3:00 - 4:00 pm

**Negotiating Effective Payer-Provider Contracts**

A point and counter-point conversation to maximize revenue, improve timeliness, and reduce disputes in payer-provider contacts. Topics will include:

- Common contractual pitfalls that impact reimbursement levels
- Pro-active language to address and encourage changing payment models
- Best practices for managing claim authorizations, claims processing, and denials/appeals

**SPEAKERS:**

**Layna C. Rush, JD**, Baker Donelson, Baton Rouge, LA  
**Michael Wilmoth, JD, COO**, Praxis Healthcare Solutions, Plano, TX

3:00 - 4:00 pm

**There Is No Such Thing as a Free Lunch: The Application of Fraud and Abuse Laws in Telemedicine Deals**

The spotlight on telemedicine remains bright. Increased regulation and reimbursement of telemedicine demands that providers carefully assess compliance with fraud and abuse laws. Understanding what fair market value is (FMV) and commercially reasonable is essential. Experienced telemedicine valuation and legal advisors will explore relevant transaction considerations, including the nuanced challenges of fraud and abuse laws and the FMV and commercial reasonableness analysis based on existing regulatory guidance and industry practices.

**SPEAKERS:**

**Christopher G. Fete, JD**, Manager, Pinnacle Healthcare Consulting, St. Louis, MO  
**Lisa Schmitz Mazur, JD**, McDermott, Will & Emery LLP, Chicago, IL



4:00 - 4:15 pm	<b>Break</b>
<p>CONCURRENT SESSION</p> <p>4:15 - 5:15 pm</p>	<p><b>Structuring Physician Super Groups: Key Regulatory Issues and Challenges</b></p> <p>In light of the constantly changing health care environment and increased government scrutiny and enforcement actions, this session will utilize hypothetical scenarios to:</p> <ul style="list-style-type: none"> <li>• Look at the movement towards the formation of super groups</li> <li>• Explore the process from a regulatory, operational, and business vantage point</li> <li>• Provide an overview of the key regulatory compliance issues related to patient referrals and the performance of ancillary services by super groups.</li> </ul> <p><b>SPEAKERS:</b>  <b>Jayme R. Matchinski, JD</b>, Officer, Greensfelder, Hemker &amp; Gale, PC, Chicago, IL  <b>Hayden S. Wool, JD</b>, Partner Director, Garfunkel Wild PC, Great Neck, NY</p>
5:15 - 6:00 pm	<p><b>ETHICS</b></p> <p><b>Don't Get Smacked: Ethical Obligations and Traps for the Unwary</b></p> <p>A physician and a lawyer will lead this interactive discussion on scenarios from the front lines of the opioid crisis that implicate medical ethics and the rules of professional conduct that apply to attorneys. Consent, confidentiality and their exceptions in both medical and legal practice will be addressed.</p> <p><b>SPEAKERS:</b>  <b>David J. Banayan MD, MSc, FRCPC</b>, Assistant Professor, Section of Psychiatry &amp; Medicine, Rush University Medical Center, Chicago, IL  <b>Lisa D. Taylor, JD</b>, Inglesino, Webster, Wyciskala &amp; Taylor, LLC, Parsippany, NJ</p>

**SATURDAY, JUNE 9, 2018**

7:30 - 1:30 pm	<b>Registration and Information</b>
8:00 - 9:00 am	<p><b>The Pace Picks Up: MACRA &amp; Value-Based Payment in 2018 &amp; Beyond</b></p> <p>After a period of uncertainty, CMS has committed to moving forward with Medicare value-based payment initiatives. Providers must navigate regulatory changes, new legislative requirements, and an array of participation options. This session addresses key considerations in addressing this fast- changing area, including:</p> <ul style="list-style-type: none"> <li>• History and status of CMS value-based programs</li> <li>• Summary of the current Quality Payment Program (including the new Costcategory and other changes for Year 2)</li> <li>• Participation options for different kinds of providers and practices.</li> <li>• Sec. Azar's "Bolder Moves" Initiative &amp; upcoming CMS models.</li> </ul> <p><b>SPEAKER:</b>  <b>Neal D. Shah, JD</b>, Polsinelli PC, Chicago, IL</p>
<p>CONCURRENT SESSION</p> <p>8:30-11:15 am</p>	<p><b>You spoke we listened! Efforts to Empower Women Physicians</b></p> <p>Women are changing the physician workforce and may soon outnumber men. However, according to the American Medical Association, there is a gender inequality in medicine that has resulted in "a lack of women in leadership positions, a gender pay gap, [and] stereotypes." This program has been designed to foster discussion about counseling and supporting women physicians in the workplace, including:</p> <ul style="list-style-type: none"> <li>• Effectively negotiating employment arrangements and independent contracts in a manner that promotes equitable compensation and career advancement.</li> <li>• Breaking down barriers, including how to recognize and respond to harassment and other illegal conduct in the workplace.</li> <li>• Marketing, self-promotion, and tools—such as executive coaching—to help women physicians achieve their career goals.</li> </ul> <p>PANEL: Melinda Malecki, JD, Michael Holy, JD, Julie Bird, CPA</p>

# 10 PROGRAM AGENDA

9:00 - 10:00 am	<p><b>Communication in Medicine</b> The Chief Medical Officer at Rush Medical Center will address the importance of communication in medicine. <b>SPEAKER:</b> <b>Omar B. Lateef, DO</b>, Rush University Medical Center, Chicago, IL</p>
10:00 - 10:15 am	<p><b>Break</b></p>
10:15 - 11:15 am	<p><b>Cannabis Debate</b> The medical community has been the center of a vigorous debate surrounding the appropriate use of medical cannabis, under what conditions to permit it and how to regulate it. Panelists will have a moderated debate about certifying patients for cannabis use and the pros and cons to patients' utilization of cannabis. <b>SPEAKERS:</b> <b>Ashwani K. Garg, MD</b>, North Shore Medical Group, Glenview, IL <b>Jerrold B. Leikin, MD</b>, Director of Medical Toxicology, NorthShore University HealthSystem – OMEGA, Clinical Professor, University of Chicago Pritzker School of Medicine, Glenview, IL <b>MODERATOR:</b> <b>David J. Banayan MD, MSc, FRCPC</b>, Assistant Professor, Section of Psychiatry &amp; Medicine, Rush University Medical Center, Chicago, IL</p>
11:15 am - 1:30pm	<p><b>Anatomy of a Malpractice Lawsuit</b> Receiving your first (or any) notice of being summoned in a medical malpractice lawsuit can be a frightening time. Lawyers on this panel will provide real-world perspectives in medical malpractice litigation by discussing hot topics relating to malpractice claims, notice requirements, selecting and handling medical expert witnesses, deposition and trial preparation, jury selection, and settlement strategies. The presentation will also address the impact of tort reform on medical malpractice lawsuits. <b>SPEAKER</b> <b>Michael Cogan, JD</b>, Cogan &amp; Power PC, Chicago, IL</p>

## ABA HEALTH LAW SECTION PLANNING COMMITTEE

The following planning committee members of the American Bar Association (ABA) Health Law Section have disclosed that they do not have any relevant financial relationships with commercial interest.

### Co-Chairs:

Adrienne D. Dresevic, JD  
Tammy M. Woffenden, JD

### Planning Committee:

Philip Brewster, JD  
Anthony H. Choe, JD  
Wes M. Cleveland, JD  
Jena Grady, JD,  
Hal Katz, JD

## CHICAGO MEDICAL SOCIETY PLANNING COMMITTEE

The following planning committee members of the Chicago Medical Society's CME Committee have disclosed that they do not have any relevant financial relationships with commercial interest:

### The planning committee members from CMS:

David J. Banayan MD, MSc, FRCPC,  
Theodore D. Kanellakes, Executive Director, CMS  
Scott Leikin, D.O.  
Vemuri S. Murthy, MD, President, CMS

### CME Planning Committee:

Michael Hanak MD, Chairman  
Eric A. Eason, MD  
Arjang Khorasani, MD  
Vemuri S. Murthy, MD  
Candice Cole, CME Coordinator

CME Information and Speaker disclosures are online at <http://www.cmsdocs.org/events/2018-physicians-legal-issues-conference>

**Alec Alexander, JD**  
Deputy Administrator  
& Director, Center for  
Program Integrity, Centers  
for Medicare and Medicaid  
Services

**Violet Anderson, JD**  
Vice President, Regional  
General Counsel, Christus  
Health, Irving, TX

**Elin Baklid-Kunz, MBA,  
CHC, CPC, CPMA, CCS,**  
Relator, *United States ex  
rel. Baklid-Kunz v. Halifax  
Hospital Medical Center*

**David J. Banayan MD, MSc,  
FRCPC**  
Assistant Professor, Section  
of Psychiatry & Medicine,  
Rush University Medical  
Center, Chicago, IL

**Rud Blumentritt, JD**  
Horne LLP, Baton Rouge, LA

**Christi J. Braun, JD**  
Managing Counsel,  
Vanderbilt University Medical  
Center, Nashville, TN

**Philip S. Brewster, JD**  
Brewster Law Firm LLC,  
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**Hayden S. Wool, JD**  
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## ADVANCE REGISTRATION

To ensure your name is included on the distributed registration list, register by **June 2, 2018**, online or by mail. Registration will be accepted only when accompanied by check, money order, VISA, American Express or MasterCard information. Registrations will not be held without payment.

Online: <http://www.cmsdocs.org/>

US Mail: Chicago Medical Society  
Education Department  
515 N. Dearborn Street  
Chicago, IL 60654

## ON SITE REGISTRATION

Please call 312-988-5146 by **June 6, 2018**, to ensure space availability. On-site registration will only be accepted when accompanied by check, money order, VISA, American Express, or MasterCard information.

## CANCELLATION POLICY

Tuition, less a \$50 handling charge for each registration, will be refunded upon written cancellation received no later than **May 23, 2018**. Cancellations received after this date cannot be refunded but substitutions are encouraged. The CMS reserves the right to cancel any program and assumes no responsibility for personal expenses.

## REGISTRATION FEE

Registration fee for (Thursday-Saturday), your payment will include admission to the program, continental breakfasts, coffee breaks, one lunch, reception, the Physician Law Book, 5th Edition, and electronic course materials.

## Conference Location

The Midwest Clinical & Physician Legal Issues Conference will take place at InterContinental Chicago Magnificent Mile Hotel in downtown Chicago on Thursday, June 7 from 8:00 am - 7:00 pm, Friday, June 8, 8:00 am – 5:00 pm and Saturday, June 9, 8:00 am – 1:30 pm

## Hotel Information

A block of rooms has been reserved at InterContinental Chicago Magnificent Mile Chicago at the rate of \$259 single/double with 17.4% tax. InterContinental Chicago Magnificent Mile Chicago is located at 505 N Michigan Ave, Chicago, IL. You can reserve your room by visiting the website at: <https://goo.gl/1ji7Vbor> you can call the Hotel directly at 1-800-628-2112 (312-944-4100 for International Calls) and identify yourself as a participant of the ABA Physician Legal Issues Conference 2018 (or group code KFF). The room block expires on Tuesday May 15, 2018.

## Airline Information

The hotel is approximately 18 miles (35–60 minutes) from O'Hare International Airport (ORD) and 12 miles (30–40 minutes) from Chicago Midway Airport (MDW). Discounted airfares are available from ABA Orbitz for Business, including ABA negotiated discounts on American, Virgin and United. For details, go to <http://ambar.org/PLI2018> and select travel.

## ABA NEGOTIATED AIRFARE DISCOUNTS – AVAILABLE ONLINE!

With ABA Egencia\*, you can automatically obtain ABA negotiated airfare discounts for travel to ABA Meetings. ABA Orbitz for Business enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination.

Reservations with ABA Egencia for Business can be made online or offline. For offline reservations, call 877-833-6285. ABA Egencia is available online via ABA Travel Services\*. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

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Discount available at [www.united.com](http://www.united.com)  
Online Discount Code: ZE6X633818  
Not for Leisure Travel

**Delta Airlines** 800-328-1111 ABA File Global Meeting Code: NMR3V  
Discount available at [www.delta.com](http://www.delta.com) Online Meeting Event Code: NMR3V

\*A Travel Profile is required when booking airline reservations with ABA Egencia, visit [www.americanbar.org/travel](http://www.americanbar.org/travel) for more information.

**CME Information**

Physicians that attend this conference may earn up to 21.25 CME credits. For additional information about this CME activity, including any updates regarding faculty members and/or commercial support disclosures, please visit the Chicago Medical Society's (CMS) website at [www.cmsdocs.org](http://www.cmsdocs.org). You can also contact the Education Department of the CMS Office via email at: [cms@cmsdocs.org](mailto:cms@cmsdocs.org) or via phone at: 312-670-2550.

This activity has been planned and implemented in accordance with the accreditation requirements and policies of the Accreditation Council for Continuing Medical Education (ACCME) through the joint-providership of the Chicago Medical Society, and the American Bar Association's Health Law Section. The Chicago Medical Society is accredited by the ACCME to provide continuing medical education for physicians.

The Chicago Medical Society designates this live activity for a maximum of 21.25 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

**Tax Deduction for Educational Expenses**

An income tax deduction may be allowed for Educational expenses undertaken to maintain or improve professional skills. This includes registration fees, travel, meals, and lodging expenses. (See Treas. Reg. 1.162-5) (Coughlin vs. Commissioners, 203 F 2d 307).

**Services for Persons with Disabilities**

If special arrangements are required for an individual with a disability to attend this program, please submit your request in writing to Health Law Section, American Bar Association, 321 N. Clark St., Chicago, IL 60654.

**Planning Committee Disclosures:**

The following Planning Committee Members of the American Bar Association (ABA)-Health Law section have disclosed that they do not have any relevant financial relationships with commercial interests. Co-Chairs: Adrienne D. Dresevic, JD and Tammy M. Woffenden, Anthony H. Choe, JD, Wes M. Cleveland, JD, Jena Grady, JD, Hal Katz, JD, David, Banayan MD, Philip Brewster.

Chicago Medical Society Planning Committee  
The following Planning Members of the Chicago Medical Society's CME Committee have disclosed that they do not have any relevant financial relationships with commercial interests:  
Michael Hanak, MD, FAA, Eric A. Eason, MD;  
Theodore D. Kanellakes, Executive Director, CMS;  
Arjang Khorasani, MD; Vemuri S. Murthy, MD,  
Candice Cole MHA.

**Speaker Disclosures:**

Speakers Include: Bertha Madras, Alec Alexander, Tizgel K. S. High, Mark Peters, Richard Cheng, Nicholas A. Newsad, MHSA, Thomas Hutchinson, Rud Blumentritt, Christopher Fete, Lisa Schmitz Mazur, Jason Ruchaber, Emily Tremmel, Jeff Miles, Christi Braun, Jayme Matchinski, Hayden Wool, Clay Countryman, Violet Anderson, David Rosenberg-Wohl, Christian Puff, Michael Wilmoth, Layna Rush, Neal D. Shah, Don Romano, Jessica Gustafson, Philip Brewster, Matthew K. Organ, Lisa M. Noller, Lucia Savage, Matt Fisher, Michelle Skipper, Martin Stillman, MD JD, Melinda Reid Hatton, Jacklyn DeMar, Elin Baklid-Kunz, Philip Brewster, David J. Banayan, MD. MSc. FRCPC, Lisa D. Taylor, Arthur Rosenson, Kathleen L. DeBruhl, Esq, Omar B Lateef, DO, Jerrold B Leikin, MD, Ashwani K Garg, MD.

Speaker Disclosures: Bertha Madras has disclosed she is a speaker for "Speakers for Change". Devin McGraw has disclosed he is an employee for Citizen Corp, Jason Ruchaber has disclosed he is the owner of VMC Health, Lucia Savage has disclosed she is an employee for Omada Health, Nicholas Newsad has disclosed he is an employee for Healthcare Transactions Advisors.

**Dress Code**

Business and business casual attire are appropriate for the program.

## WAY'S TO REGISTER



BY MAIL

Chicago  
Medical Society  
Attn: Education  
515 N. Dearborn St.  
Chicago IL 60654

[www.cmsdocs.org](http://www.cmsdocs.org)

Fax: 312-670-3646

HL1806

Chicago Medical Society  
American Bar Association Health Law Section  
**Midwest Clinical & Physicians Legal Issues  
Conference**

June 7-9 at the InterContinental Chicago Magnificent Mile

NAME FIRST NAME FOR NAME BADGE FIRM/COMPANY/AGENCY ADDRESS

PHONE

FAX

E-MAIL ADDRESS

ABA ID #

STATE(S) IN WHICH YOU ARE LICENSED:

Please email me regarding hotel room share

### CONFERENCE LUNCHEON

Your registration fee includes a ticket to the Thursday night Welcome Reception and the Friday Lunch, please let us know if you plan to attend.

I will attend the Thursday Welcome Reception and Friday lunch

**Please share any dietary restrictions:**

Vegetarian  Kosher  Lactose Intolerant  Vegan  Gluten-free

Food Allergies \_\_\_\_\_

### REGISTRATION FEES

#### CMS Members

Physician	\$325
Resident/Fellow	\$ 30
Student	Free
Non-MD	\$ 99

#### Non-Members

Physician	\$525
Resident/Fellow	\$ 50
Student	\$ 50
Non-MD	\$199

Total Fees \$ \_\_\_\_\_

### METHOD OF PAYMENT

- Check enclosed (payable to the American Bar Association)  
 Credit Card  
 VISA  MasterCard  American Express

CARD # \_\_\_\_\_

EXP. DATE \_\_\_\_\_

CCV \_\_\_\_\_

CARDHOLDER SIGNATURE \_\_\_\_\_