



PRESENTED BY THE  
LOUISIANA SOCIETY OF HOSPITAL ATTORNEYS

# Health Law Symposium

December 9, 2022 • LHA Conference Center • Baton Rouge

## DATE

Friday, December 9, 2022

## LOCATION

LHA Conference Center  
2334 Weymouth Drive  
Baton Rouge, LA 70809

## WHO SHOULD ATTEND

COOs, chief compliance officers, hospital legal counsel, healthcare attorneys, and members of the Louisiana Society of Hospital Attorneys

## CONTINUING EDUCATION

### MCLEs and Health Law

**Specialization CLEs:** Applied for

**Nursing:** 6.0 contact hours will be awarded for this offering by the Louisiana Hospital Association for complete attendance of the program. The LHA is approved by the Louisiana State Board of Nursing – CE Provider #39.

**Other Participants** will receive, upon completion of workshop, a certificate documenting the completed continuing education/clock hours.

## [EDUCATION CALENDAR](#)

## [HOTEL WITH LHA GROUP RATE](#)

## OVERVIEW

The Health Law Symposium aims to educate and inform attorneys and healthcare leaders on current trends and legislative changes that affect the way healthcare is practiced. This year's focus will include updates from a variety of subject-matter experts who will review recent opinions concerning medical malpractice; review recent rules and regulations implementing the No Surprises Act; provide updates on Stark and Anti-kickback opinions; provide an overview of fraud and abuse cases resulting from the pandemic; and review conduct standards outlined in the professionalism and ethics requirements for legal counsel.

## PROGRAM OBJECTIVES:

Upon completion of this program, participants will be able to:

### From Theory to Practice: Pro Bono and the Legal Profession

- Recognize the importance of pro bono service to the legal system, the legal profession, and the public; and
- Identify benefits of an attorney participating in pro bono services.

### Recent Regulatory Changes Require Fresh Look at Physician Compensation

- Provide an overview of regulatory changes impacting physician compensation;
- Connect the regulatory changes to physician compensation trends; and
- Provide case studies through compensation valuation examples.

### Medical Malpractice Update and Issues Related to the Louisiana Emergency Powers Act

- Review significant jurisprudence related to medical malpractice issues, including prematurity, prescription, summary judgment, and other related issues; and
- Analyze the impact of the Louisiana Health Emergency Powers Act on issues related to medical malpractice.

### Hot Compliance Challenges for Hospitals: Stark Law / Anti-Kickback Statute Enforcement and No Surprises Act (NSA)

- Understand the general requirements of the NSA;
- Discuss the challenges to NSA implementation, including the dispute resolution process; and
- Review recent Stark Law and Anti-Kickback enforcement actions and settlements involving hospitals and physicians.

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## PROGRAM OBJECTIVES CONTINUED

### **Fraud and Abuse Investigations in a Post-Pandemic, Post-Hurricane State**

- Understand areas of concern for federal and state investigators in fraud and abuse investigations;
- Understand the legal theories of recovery and the specific obligations that come with the federal grand money; and
- Review how to prevent being targeted by the investigating authorities.

### **Understanding How to Handle Potential Ethics Issues**

- Understand the role of the Louisiana State Bar Association Ethics Advisory Service;
- Identify steps to take to avoid being caught up in an ethical quagmire; and
- Recite how you would handle various ethical quandaries.

## AGENDA

7:30 a.m.      **Registration & Networking**

8:00 a.m.      **Welcome and Introduction**

8:15 a.m.      **From Theory to Practice: Pro Bono and the Legal Profession**

**Rodney B. Hastings, Administrative Law Judge, Louisiana Division of Administrative Law**

As our modern legal profession has developed from its early origins, the commitment to improving our society has continued to be a mainstay of the profession. This presentation will provide a historical overview of the development of professional canons emphasizing the ethical requirement for performance of pro bono public service in the legal profession. Additionally, this presentation will provide a glimpse of some ways in which the legal profession, particularly the legal profession in Louisiana, has worked to incorporate this theory of work for the “good of the public” into practice.

9:15 a.m.      **Recent Regulatory Changes Require Fresh Look at Physician Compensation**

**Angie Caldwell, Principal – Healthcare Consulting, PYA**

In the 2022 Medical Physician Fee Schedule (MPFS), the Centers for Medicare & Medicaid Services (CMS) clarified the definition of indirect compensation arrangements and its guidance on personal productivity. These revisions and clarifications may require updates to physician compensation formulas and structures and the surrounding determinations of fair market values, commercial reasonableness, and the volume or value/other business generated standard under the Stark Law.

10:15 a.m.      Break

10:30 a.m.      **Medical Malpractice Update and Issues Related to the Louisiana Emergency Powers Act**

**Chris Leblanc, JD, Partner, Watson, Blanche, Wilson & Posner, LLP**

This session will cover recent medical malpractice cases and decisions affecting hospitals and physicians in Louisiana. The session presenter will also analyze cases related to various aspects of the Louisiana Health Emergency Powers Act and related issues.

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## AGENDA CONTINUED

11:30 a.m. **Lunch (Provided)**

12:15 p.m. **Hot Compliance Challenges for Hospitals: Stark Law / Anti-Kickback Statute Enforcement and NSA**

**Clay J. Countryman, JD, Partner, Breazeale, Sachse & Wilson, LLP**

**Catherine B. Moore, JD, Partner, Breazeale, Sachse & Wilson, LLP**

This presentation will address hot compliance challenges facing hospitals, including recent enforcement actions and False Claims Act settlements involving alleged violations of the Stark Law and Federal Anti-Kickback Statute and implementation challenges and recent clarifications of the No Surprises Act (NSA), such as the dispute resolution process.

1:15 p.m. **Fraud and Abuse Investigations in a Post-Pandemic, Post-Hurricane State**

**Catherine Maraist, JD, Partner, Breazeale, Sachse & Wilson, LLP**

The course will outline the scope of federal and state fraud and abuse investigations related to pandemic and hurricane relief funding. The presenter will discuss investigative processes, the theories of criminal and civil liability for recovery, and best practices in preventing or responding to a federal or state investigation.

2:15 p.m. **Break**

2:30 p.m. **Understanding How to Handle Potential Ethics Issues**

**Eric K. Barefield, JD, Ethics Counsel, Louisiana State Bar Association**

The Louisiana Rules of Professional Conduct are the minimum ethical standards attorneys are required to follow. Lawyers are free to set their ethical standards higher. You never hear a lawyer say "...*Today I will be unethical...*" or "...*Let's violate the Louisiana Rules of Professional Conduct...*" To avoid problems and pitfalls, Louisiana lawyers need to be aware of the Louisiana Rules of Professional Conduct. During this session, the speaker will cover various factual scenarios for discussion on the best ethical approach and review resources available to assist counsel to avoid ethical or professional misconduct scenarios.

3:30 p.m. **Evaluations**

3:45 p.m. **Adjourn**

## SYMPOSIUM FACULTY:



**Eric K. Barefield, JD**, is Ethics Counsel for the Louisiana State Bar Association (LSBA). A 1995 graduate of Louisiana State University (LSU) Paul M. Hebert Law Center, Barefield began his professional career as an Assistant District Attorney in Orleans Parish from 1995-1998. From 1998-2005, he served as Deputy Disciplinary Counsel with the Office of Disciplinary Counsel and was responsible for investigating and prosecuting violations of the Louisiana Rules of Professional Conduct. He joined the LSBA staff in 2005, working first with the Practice Assistance Program's alternatives to discipline. Barefield coordinated the launch of the LSBA's Law Office Management Assistance Program and the Solo and Small Firm Conference before accepting his current position focusing on the Ethics Advisory Service.

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## SYMPOSIUM FACULTY CONTINUED:



**Angie Caldwell**, serves at the managing partner of PYA's Tampa office. She consults with physician practices and healthcare systems in the areas of fair market value compensation; commercial reasonableness; physician compensation design, development, and strategy; physician/hospital alignment models; and value-based compensation. She assists physician practices and healthcare systems with strategic, financial, and operational issues.



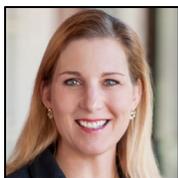
**Clay Countryman, JD**, is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, LLP (BSW). Countryman represents clients in all areas of the healthcare industry, with a primary focus on healthcare business transactions, including mergers and acquisitions, joint ventures, private equity investments and other business transactions. He has extensive experience in advising healthcare clients on the Stark Law, Anti-Kickback Statute, government investigations and other healthcare fraud and compliance matters.



**Rodney Hastings, JD**, is the administrative law judge with the Louisiana Division of Administrative Law. Prior to becoming an administrative law judge, he worked in the child welfare law arena, where he primarily provided legal representation for children in foster care. During law school and following his admission to practice law, Hastings worked in several positions with the Louisiana Attorney Disciplinary Board, including serving as counsel for the Board and as a deputy disciplinary counsel with the Office of the Disciplinary Counsel. He has presented at multiple CLEs and speaking events on topics relating to child welfare law, computer forensics, and ethics and professionalism.



**Chris LeBlanc, JD**, is a Partner with Watson, Blanche, Wilson & Posner, LLP, where he practices in medical malpractice and healthcare litigation. He earned a B.B.A in Business, *summa cum laude*, in 1991 from Lamar University in Beaumont Texas, and a JD degree from LSU Law School in 1995, where he was the senior editor of the *Louisiana Law Review*. He has a statewide litigation practice that includes representing hospitals, physicians, and other healthcare providers.



**Catherine M. Maraist, JD**, is a partner in the Baton Rouge office of BSW. She focuses her practice on white collar civil and criminal defense and healthcare. Maraist has extensive experience in matters involving federal criminal law, federal civil law and procedure, civil and criminal healthcare fraud, appellate advocacy, trial advocacy, and professional responsibility. She is a writer and lecturer in various areas of federal civil and criminal law, including healthcare fraud and compliance. In addition, she served as an instructor in criminal and civil trial advocacy and appellate advocacy programs at the LSU Law School and at the U.S. Department of Justice's National Advocacy Center.



**Catherine Moore, JD**, is a partner with BSW and advises healthcare providers on a wide range of regulatory and transactional matters, fraud and abuse, and regulatory compliance. She has extensive experience in Medicaid supplemental reimbursement and dealings with managed care organizations, with an in-depth knowledge of advising hospitals, physician practices, ambulance providers, and dentists in their participation in supplemental reimbursement programs. Moore is a Health Law Specialist, certified by the Louisiana Board of Legal Specialization.



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**REGISTER ONLINE:** <https://lhaonline.org/Event.aspx?EventKey=M2241103>

**DATE:** Friday, December 9, 2022

**TIME:** 7:30 a.m. – 3:45 p.m.

(Registration opens at 7:30 a.m., Session begins at 8:00 a.m.)

**PRICE:**

- Hospital Member: \$195 (Per Person Rate)
- Attorney Society Member, Associate or Corporate Member: \$250 (Per Person Rate)
  - *In order to receive the Attorney Society Member rate, you must have paid your 2022 Attorney Society dues.*
- Non-Member Hospital: \$400 (Per Person Rate)

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**REGISTRATION:**

Registrations are accepted online only, and VISA, Master Card, Discover, and American Express are accepted. Email confirmations will be sent to all registrants who list an accurate email address. Program material and access information are not meant to be shared with anyone other than registered participants. This is intellectual property of the speakers and as such, is intended only for those who registered and participated in the seminar. Sharing of this information with others within your organization will result in an additional registration fee.

**CANCELLATION POLICY:**

Individuals who cancel **more than seven business days prior to a scheduled event** will be charged a cancellation fee of \$50 per person. Written notice of the cancellation must be emailed to [marthur@lhaonline.org](mailto:marthur@lhaonline.org). No refunds will be issued for cancellations received **within seven business days of the event or for no-shows.**

**SUBSTITUTION POLICY:**

Registrants who are unable to participate in an LHA educational event are permitted, and encouraged, to have an eligible substitute; however, written notice of the substitution must be emailed to [marthur@lhaonline.org](mailto:marthur@lhaonline.org) **at least seven business days in advance of the event.** The substitution option is not available if written notification is received by the LHA less than seven business days prior to the scheduled program.

**ACCOMODATIONS:**

Please contact the LHA if you have a disability that may require special accommodations for this educational opportunity. The LHA is committed to ensuring full accessibility for all registrants.

**LHA Code # M2241103**