

8TH ANNUAL
**NASHVILLE HEALTHCARE
 FRAUD CONFERENCE**
 VIRTUAL | DECEMBER 15-16, 2022

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The in-person conference that took place on December 8 will be broadcast virtually on the mornings of December 15 and 16. As a bonus, we have included two additional virtual-only sessions each day.

Thursday, December 15, 2022

8:00 a.m. – 8:45 a.m.	<p>Healthcare Fraud Year in Review</p> <p>This session will provide an overview of the healthcare fraud developments in 2022, including enforcement trends and priorities, key settlements, and case law updates. Our panelists will also cover issues to watch in the months ahead.</p>
8:45 a.m. – 9:30 a.m.	<p>Self-Disclosure Considerations</p> <p>Determining whether to submit a self-disclosure requires careful consideration and navigating the process efficiently and effectively requires a seasoned hand. During this session, our panelists will discuss topics including:</p> <ul style="list-style-type: none"> • Determining whether self-disclosure to a government regulator is appropriate • Best practices for diversion prevention and detection • Best practices for investigating facts, quantifying potential exposure, and preparing a self-disclosure submission • What to expect throughout the self-disclosure process • Discussion of proposed updates to the Centers for Medicare and Medicaid Services (CMS) Self-Referral Disclosure Protocol (SDRP)
9:30 a.m. – 10:15 a.m.	<p>Stark Law and Anti-Kickback Statute Enforcement Developments</p> <p>The federal government deploys significant enforcement resources when investigating entities within the healthcare industry, with a substantial portion focusing on compliance with the Anti-Kickback Statute and the Stark Law. This session will explore the targets of recent enforcement efforts and also discuss future targets.</p>
10:15 a.m. – 10:20 a.m.	<p>Break</p>
10:20 a.m. – 11:05 a.m.	<p>Lessons Learned: Physician Compensation and Common Billing Issues</p> <p>Physician compensation and billing issues remain significant targets in government enforcement actions. This session will explore recent trends and discuss lessons learned to protect against the associated risks.</p>
11:05 a.m. – 11:50 a.m.	<p>Heightened Hospital and Enterprise-Wide Risks: Pharmacy & Nursing Drug Diversion</p> <p>In recent years, federal and state regulators have significantly heightened their scrutiny of drug diversions and compliance with the Controlled Substances Act. The panel, with a former Assistant U.S. Attorney alongside a former DEA Diversion Agent and agency trainer, will discuss:</p> <ul style="list-style-type: none"> • Provisions requiring timely disclosures to regulators for potential drug diversion incidents • Agencies and regulators typically involved, including DOJ, DEA, FDA, state Departments of Health, Boards of Pharmacy, and Boards of Nursing • What to expect from the regulators' response to a diversion incident and how to prepare • Best practices for diversion prevention and detection
11:50 a.m. – 11:55 a.m.	<p>Break</p>

<p>11:55 a.m. – 12:25 p.m. Virtual Panel Only</p>	<p>Telehealth: Compliance Challenges When the PHE Ends</p> <p>The use of telemedicine has become more prevalent as a necessary mode of care delivery during the COVID-19 pandemic but has become a high government enforcement target amidst its rapid emergence. Telemedicine offers providers a unique opportunity to deliver critical care to more isolated patient populations but also provides ample opportunities for regulatory missteps or fraud. Healthcare providers must understand the regulatory requirements and risk areas. This session will review the regulatory requirements that are currently in place and anticipated changes after the Public Health Emergency (PHE) expires. We will also address recent enforcement activities and current risk areas and offer practical tips for evaluating compliance.</p>
<p>12:25 p.m. – 1:10 p.m. Virtual Panel Only</p>	<p>Clinical Laboratory Update</p> <p>In this focused session, we will discuss recent cases in the laboratory space and how clinical laboratories and pathology practices are responding to protect their businesses. We will touch on, among other things, COVID-19 testing enforcement actions and payor disputes; recent laboratory-related enforcement actions involving telemedicine companies and technology vendors; and cases interpreting the applicability of the Eliminating Kickback in Recovery Act to sales commissions.</p>

Friday, December 16, 2022

<p>8:00 a.m. – 8:45 a.m.</p>	<p>In-House Counsel Perspectives on Enforcement Issues</p> <p>Healthcare is one of the country's most highly regulated industries, and providers of all types will eventually be called to action, whether it be responding to an investigation, conducting a compliance review, or proceeding with a self-disclosure. Hear directly from in-house counsel on their perspectives on enforcement matters, ethical issues related to these matters, and best practices to limit risk.</p>
<p>8:45 a.m. – 9:30 a.m.</p>	<p>Litigating False Claims Act Cases</p> <p>While the healthcare industry has dealt with a decade of unprecedented change and challenges, the government's healthcare fraud enforcement efforts have remained consistent. With continued enforcement comes an increased number of cases being tried. Given the complexity of FCA cases, it is important to understand the risks and benefits of litigating rather than settling. This panel will discuss the following:</p> <ul style="list-style-type: none"> • Intervened v. non-intervened cases • Pleading • Data management/document collection • Building a cohesive case • Experts • Trials
<p>9:30 a.m. – 10:15 a.m.</p>	<p>Managed Care Enforcement Trends and Compliance Risks</p> <p>Medicare Advantage (MA) enrollment numbers continue to grow and MA plans and providers are subject to heightened government scrutiny and enforcement. This session will highlight the following:</p> <ul style="list-style-type: none"> • Key risk areas and emerging trends • Recent settlements and intervention decisions • Best practices for minimizing exposure
<p>10:15 a.m. – 10:20 a.m.</p>	<p>Break</p>

<p>10:20 a.m. – 10:50 a.m. (Ethics)</p>	<p>Conducting Effective Investigative Interviews</p> <p>This panel will cover different strategies for conducting effective witness interviews. It will also address ethical pitfalls in speaking with current and former employees, privilege, and interviewing potential whistleblowers.</p>
<p>10:50 a.m. – 11:35 a.m.</p>	<p>DOJ Corporate Compliance Priorities</p> <p>In recent years, the DOJ has issued far-reaching guidance regarding its evaluation of corporate compliance programs and its criminal enforcement policies and practices with regard to individual and corporate accountability and cooperation. This panel will discuss the new guidance, its impact on companies in the healthcare space, and what steps companies should consider taking in response.</p>
<p>11:35 a.m. – 12:35 p.m. (Ethics)</p>	<p>Ethical Issues at the Door: Perspectives from the Compliance and Legal Departments</p> <p>This panel will discuss the ethical challenges legal and compliance officers face in an increasingly complex regulatory landscape. Our discussion will include recent developments impacting attorney-client privilege, including an in-depth look at <i>In re Grand Jury</i> and its potential impact.</p>
<p>12:35 p.m. – 12:40 p.m.</p>	<p>Break</p>
<p>12:40 p.m. – 1:10 p.m. Virtual Panel Only</p>	<p>Preventing the Whistleblower</p> <p>There are many ways that organizations can field and address compliance concerns before would-be whistleblowers take complaints to outside agencies. Should those efforts fail, what is your next step? This session will also address anti-retaliation laws under the False Claims Act.</p>
<p>1:10 p.m. – 1:40 p.m. Virtual Panel Only</p>	<p>Past the Finish Line: Where Things Stand with Value-Based Arrangements</p> <p>Two years after HHS issued the Regulatory Sprint to Coordinated Care regulations, this panel will look at the landscape of value-based arrangements and care coordination. Who is using the new CMS value-based exceptions and OIG value-based safe harbors? Who is not? Are they suitable for you? Where are there untapped opportunities?</p>