

9TH ANNUAL
**NASHVILLE HEALTHCARE
 FRAUD CONFERENCE**
 VIRTUAL | DECEMBER 14-15, 2023

**BASS
 BERRY
 SIMS**



Thursday, December 14, 2023

MORNING (9:00 a.m. – 12:15 p.m.)

<p>9:00 – 10:00 a.m.</p>	<p>Healthcare Fraud Year in Review</p> <p>This session will provide an overview of the healthcare fraud developments in 2023, including enforcement trends and priorities, key settlements, and case law updates. Our panelists will also cover issues to watch in the months ahead.</p> <ul style="list-style-type: none"> ❖ Taylor Chenery Member Bass, Berry & Sims ❖ Brian Roark Member Bass, Berry & Sims ❖ Molly Ruberg Member Bass, Berry & Sims
<p>10:00 – 10:45 a.m.</p>	<p>Unpacking DOJ's Compliance Guidance</p> <p>Our panelists will provide a comprehensive overview of the Department of Justice's (DOJ) compliance guidance. Attendees will gain valuable insights into the practical applications and challenges associated with implementing DOJ compliance measures and explore how organizations can navigate and interpret this crucial guidance in their quest for legal and ethical compliance.</p> <ul style="list-style-type: none"> ❖ Hannah Choate Associate Bass, Berry & Sims ❖ Matt Curley Member Bass, Berry & Sims ❖ Kathi Whalen Senior Vice President and Chief Ethics and Compliance Officer HCA Healthcare
<p>10:45 – 11:00 a.m.</p>	<p>Break</p>
<p>11:00 – 11:30 a.m.</p>	<p>Criminal Enforcement: A Hospital's Case Study About the Actions of a Clinician (Ethics)</p> <p>During this case study, we will walk through the challenges that a healthcare provider faces when criminal charges are brought against one of its own. From investigation to legal and PR strategy, with numerous internal and external factors, we will discuss the realities of a criminal case context and response considerations.</p> <ul style="list-style-type: none"> ❖ Michael Regier General Counsel and Secretary Vanderbilt University Medical Center ❖ Moderator: Lisa Rivera Member Bass, Berry & Sims
<p>11:30 a.m. – 12:15 p.m.</p>	<p>Enforcement Focus: Hospitals & Health Systems</p> <p>Hospitals and health systems continue to be the subject of significant enforcement attention, no doubt a reflection of the central role they play in healthcare. We will review a number of noteworthy cases involving hospitals and health systems, including several involving alleged violations of the Stark Law and Anti-Kickback Statute, and provide practical takeaways.</p> <ul style="list-style-type: none"> ❖ Anna Grizzle Member Bass, Berry & Sims ❖ Travis Lloyd Member Bass, Berry & Sims

AFTERNOON (12:30 p.m. – 2:30 p.m.)

12:30 – 1:15 p.m.	<p>Enforcement Focus: Managed Care</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>❖ Lindsey Fetzer Member Bass, Berry & Sims</p> <p>❖ Cole Williams Associate Director, Compliance UnitedHealth Group</p>
1:15 – 2:00 p.m.	<p>Keynote Remarks: Henry C. Leventis, United States Attorney for the Middle District of Tennessee (Q&A to Follow)</p> <p>Henry Leventis, United States Attorney for the Middle District of Tennessee, heads one of the most active offices in the country when it comes to healthcare fraud enforcement. In this interactive session, Henry will provide insights into his office's activities in this area, as well as its enforcement priorities and objectives going forward.</p> <p>❖ Henry Leventis U.S. Attorney Middle District of Tennessee</p> <p>❖ Moderator: Jeff Gibson Member Bass, Berry & Sims</p>
2:00 – 2:30 p.m.	<p>Enforcement Focus: Anti-Kickback Statute Enforcement Issues</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 (AKS). This session will explore AKS issues shaping the enforcement landscape. Join panelists for a focused discussion on Office of Inspector General guidance issued this year, including advisory opinions and the new General Compliance Program Guidance issued in November, as indicators of where AKS enforcement may be headed in the coming months and years.</p> <p>❖ Stewart Kameen Member Bass, Berry & Sims</p> <p>❖ Christine Morse Member Bass, Berry & Sims</p>

Friday, December 15, 2023

MORNING (9:00 a.m. – 11:45 a.m.)

9:00 – 9:45 a.m.	<p>Enforcement Focus: Laboratory & Diagnostic Providers</p> <p>The federal government has continued to focus its enforcement efforts on laboratory and diagnostic companies and related providers, with its scrutiny most often focused on potential overutilization or violations of the Anti-Kickback Statute and Stark Law. This session will cover recent government guidance, settlements, and enforcement trends involving such providers, along with proactive measures companies should consider to minimize exposure.</p> <ul style="list-style-type: none">❖ John Eason Member Bass, Berry & Sims❖ Danielle Sloane Member Bass, Berry & Sims❖ Sarah Thomas General Counsel Sameday Health
9:45 – 10:30 a.m.	<p>Enforcement Focus: Behavioral Health & Substance Abuse Treatment</p> <p>In the face of exploding demand for behavioral health services and substance abuse treatment, the industry faces a host of enforcement and compliance risks. This session will explore those risks through a look at recent enforcement matters, as well as some of the compliance risks that may be on the horizon.</p> <ul style="list-style-type: none">❖ Scott Gallisdorfer Member Bass, Berry & Sims❖ Bill Mathias Member Bass, Berry & Sims❖ Ben Waters Associate General Counsel – Litigation Universal Health Services
10:30 – 10:45 a.m.	<p>Break</p>
10:45 – 11:15 a.m.	<p>Healthcare Fraud Enforcement: A First Person Perspective (Ethics)</p> <p>Dr. Nate Scott, former owner of a multi-location dental practice, provides a firsthand account of his experience navigating healthcare fraud enforcement issues. This presentation will offer an authentic look at key decision points and lessons learned for a healthcare provider facing a government investigation.</p> <ul style="list-style-type: none">❖ Matt Curley Member Bass, Berry & Sims❖ Dr. Nate Schott former owner Dental Excellence
11:15 – 11:45 a.m.	<p>Don't Let Your Deal Become a Disaster</p> <p>Our panelists will discuss ways that target entities can help ensure the diligence process goes smoothly before it even starts, steps both parties to a deal can take if the diligence process exposes potential risk areas, and how buyers can protect themselves if and when a problem arises after the deal closes. The panelists will also discuss how to mitigate risks associated with professional services agreements (PSAs) and management services agreements (MSAs) between hospitals and physician groups.</p> <ul style="list-style-type: none">❖ Jennifer Michael Member Bass, Berry & Sims❖ Scott Shanker Member Bass, Berry & Sims

AFTERNOON (12:00 p.m. – 2:00 p.m.)

12:00 – 1:00 p.m.	<p>Hypothetical Drug Diversion & DEA Inspection: Best Practices for Providers (Ethics)</p> <p>Over the last several years the government has increased enforcement under the Controlled Substances Act and the Food, Drug and Cosmetics Act and is more often seeking to hold healthcare providers liable for controlled substances violations at their facilities. Our panel, which includes a former lead diversion investigator for the Drug Enforcement Administration (DEA), will provide a hypothetical drug diversion from a hospital's inventory of controlled substances and a follow-up DEA inspection at the facility. We will discuss challenges, pitfalls, and best practices for how providers should respond to these events. We will also provide an update on government enforcement priorities in this area.</p> <ul style="list-style-type: none">❖ Nathan Brown Associate Bass, Berry & Sims❖ Hannah Choate Associate Bass, Berry & Sims❖ Susannah Herkert Managing Director Guidepost Solutions❖ Moderator: Brian Irving Member Bass, Berry & Sims
1:00 – 1:30 p.m.	<p>Enforcement Focus: Hospice & Home Health Enforcement Issues</p> <p>Hospice and home health providers continue to generate heightened scrutiny from government enforcement agencies. This panel will review recent settlements and share lessons learned in this critical sector.</p> <ul style="list-style-type: none">❖ Anna Grizzle Member Bass, Berry & Sims❖ Monica Raines Executive Vice President, Chief Compliance & Quality Officer Addus HomeCare
1:30 – 2:00 p.m.	<p>Tackling Discovery Issues in False Claims Act Litigation</p> <p>In some ways, False Claims Act cases are similar to other federal court actions, but often they can present unique challenges. In this panel, we will discuss discovery tools that are particularly important and unique challenges that can arise in False Claims Act litigation.</p> <ul style="list-style-type: none">❖ Taylor Sample Associate Bass, Berry & Sims❖ Hannah Webber Associate Bass, Berry & Sims