

LONG TERM CARE AND THE LAW

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Premier Education in Health Law

February 27-March 1, 2019 | Phoenix, AZ

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LONG TERM CARE AND THE LAW

Planning Committee

Barbara J. Duffy, *Program Co-Chair*
Christopher C. Puri, *Program Co-Chair*
David C. Beck
Jennifer L. Hilliard
Ari J. Markenson

Learning Objectives

- Increase knowledge of the regulatory issues affecting the delivery of care by post-acute and long term care providers
- Learn practical information to increase operational effectiveness of long term care facilities
- Understand challenges and risks for post-acute and long term care providers
- This schedule indicates for which audience(s) a session is intended: Nursing Facility (NF); Assisted Living (AL), and/or Home Health (HH)

Program Sponsors



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Exhibitors

HORNE LLP
Housing and Healthcare Finance LLC
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Plante Moran PLLC
Polaris Group
Principle Valuation LLC
PYA

Hotel Information

Sheraton Grand Phoenix

340 North 3rd Street
Phoenix, AZ 85004
(602) 262-2500

Hotel accommodations are not included in the registration fee. Call Sheraton Gran Phoenix at number and indicate that you are attending the AHLA program. Rooms at the group rate of \$235 single/double occupancy are limited and may sell out prior to the **Wednesday February 6, 2019** cut-off.

Registration Fees:

Members of American Health Care Association, National Center for Assisted Living, LeadingAge, Argentum, and National Association for Homecare and Hospice are eligible to register at the AHLA Member Rate with a promotion code.

Postmarked and paid on or before February 6, 2019

\$865 first Member
\$790 each additional Member
\$1,115 Non-Member

Postmarked and paid between February 7-19, 2019*

\$990 first Member
\$915 each additional AHLA Member
\$1,240 Non-Member

** Fees increase \$100 after this date*

Discounts (please note: discounts cannot be combined)

\$100 off full applicable rate for In-House Counsel and Solo Practitioner

\$520 Government/Academician/Public Interest Professional Member

\$595 Government/Academician/Public Interest Professional Non-Member

\$695 Non-Attorney Provider (these are CEOs, CFOs, Administrators)

Practice Group Luncheon

\$60 Member of sponsoring Practice Group(s)

\$70 Non-Member of sponsoring Practice Group(s)

Continuing Education Credit Information

CLE/MCLE: AHLA will be applying for 17.75 credits (including 1.0 ethics credit) for 60-minute states and approximately 21.3 credits (including 1.2 ethics credit) for 50-minute states.

CPE: AHLA will be applying for 21.0 CPE credits.

AHLA is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Ave. North, Suite 700, Nashville, TN 37219-2417. NASBA's website is www.nasba.org.

CCB: AHLA will be applying for 21.3 Compliance Certification Board (CCB) credits.

NHA: AHLA will be applying for 17.0 Nursing Home Administrator (NHA) credits

Participants will be given Continuing Education Request forms at the program. Forms must be completed and returned to AHLA staff to receive credit. The sessions, unless otherwise designated, are intermediate in level. This program is designed to be an update on developments in the area of long term care health law. There are no prerequisites or advanced preparations required to register for this group live program. Those seeking accounting credits should be familiar with the basic concepts and terminology associated with health law in order to obtain the full educational benefit of this program.

Membership

Dues are \$235 for those admitted to the Bar/ graduated from college within the last four years; \$355 for those admitted/graduated between four

and seven years ago; and \$400 for those admitted/ graduated eight or more years ago. Dues are \$120 for government employees and full-time academicians; \$105 for paralegals, \$125 for public interest professionals, and \$100 for retired professionals. Include the applicable membership fee with your registration form and take advantage of the program registration fee for members.

Cancellations/Substitutions

Cancellations must be received in writing by February 15, 2019 and sent to Dorothy Johnson: djohnson@healthlawyers.org. Registration fee, minus the \$125 administrative fee, will be refunded approximately 3-4 weeks following the program in the same form of tender as the original payment. Refunds will not be issued for cancellations received after the cancellation date, to include no-shows.

Substitutions will be accepted, in writing to AHLA (djohnson@healthlawyers.org), up to 2 business days prior to the event date on a one time basis. Note, that the registration fee is based on AHLA membership status of the individual who actually attends the program. Non-member substitutes will be charged the fee difference if they are substituting for a member-discounted registration. An administrative fee of \$125 will be charged for a substitution request.

Transfer to an upcoming event within one year of equal or higher value is available on a one time basis only, and should be received in writing to AHLA (djohnson@healthlawyers.org) no later than 2 business days prior to the event. An administrative fee of \$125 will be charged for a transfer request.

Special Needs

If you have needs requiring special assistance or accommodations, including special dietary needs, or have questions about accessibility issues at the program, contact our special needs coordinator, **Valerie Eshleman at (202) 833-0784 or veshleman@healthlawyers.org.**

Spouse/Guest Fee

For an additional \$50 spouses and adult guests can register to attend the receptions on Wednesday and Thursday evenings and the breakfasts on Wednesday, Thursday, and Friday mornings. Please sign up on the registration form. (Children are welcome to attend these events at no additional charge.)

Travel

ATC Travel Management (ATC) has negotiated discounts with Delta, Hertz, and Alamo to bring you special airfares and car rental rates lower than those available to the public. Discounts apply for travel for AHLA 2019 meetings, discounts available 3 days pre/post meeting start/end dates. Restrictions and a service fee may apply. ATC will also search for the lowest available fare on any airline.

ATC TRAVEL MANAGEMENT

1-800-458-9383
email: reservations@atcmeetings.com

ATC is available for reservations from 8:30 am until 8:00 pm Eastern, Monday through Friday.

For the most up-to-date information and to register, visit our website at: www.healthlawyers.org/programs

Wednesday, February 27, 2019

7:45 am-12:45 pm

Assisted Living In-House General Counsel Roundtable sponsored by NCAL

Pre-registration is required: space is limited; open to Assisted Living In-House Counsel only

8:30 am-5:15 pm

Registration and Information

9:30-11:30 am

SNF Survey and Enforcement Update: The Landscape Changes Yet Again... (not repeated)

Michele A. Conroy
Sara A. Rudow

- The impact of the ROP
Guidance and new survey process after the first year of implementation
- The proposed enforcement updates/changes over the last year and how those changes have impacted providers
- The proposed changes to the ROPs and how those changes are expected to affect providers
- The proposed changes to Appendix Q and the application of immediate jeopardy and discuss how those changes are expected to impact the survey process

Interactive Session: Advanced Anti-Kickback Discussion

(not repeated)
(limited attendance; pre-registration required)

David C. Beck
Scot T. Hasselman

- Recent cases interpreting and applying the anti-kickback statute, including cases arising under the False Claims Act
- Exchange ideas for responding to civil investigative demands in this area, conducting internal investigations, and presenting to DOJ/OIG
- New risk areas for AKS issues, including managed care and provider networks, and how to manage those risks
- Share strategies for litigation AKS issues

10:00-11:30 am

Fundamentals of Medicare and Medicaid Reimbursement in Long-Term Care (not repeated)

Peggy E. Kozal
Christy VandeWater

- Structure and background of the Medicare Program: History, sources of Medicare law, program administration, and operation
- Medicare coverage: Statutes, manuals, LCDs, NCDs, ALJ decisions, legislative history, resources
- Components of Medicare programs, Parts A–D: Eligibility criteria, provider types, current and proposed reimbursement system, quality incentives affecting reimbursement, appeals process
- Medicaid fundamentals: State programs, eligibility criteria, covered benefits, delivery systems, reimbursement and financing, recent reform, and developments

11:30 am-1:30 pm

Lunch on your own

GENERAL SESSION

1:30-1:45 pm

Welcome and Introduction

*Robert R. Niccolini, AHLA
President-Elect*
Barbara J. Duffy, Program Co-Chair
Christopher C. Puri, Program Co-Chair

1:45-3:15 pm

Perspectives on the Future of Post-Acute and Long-Term Care

Clifton J. Porter, II (Moderator)
Sarah Barth
George V. Hager, Jr
John J. Kelliher
Brandon M. Ribar

- The future of long-term and post-acute care policy
- Changing demographics, chronic care needs and its effects on policy and reimbursement
- State Medicaid policy
- Provider-payer integration and the future of the provision of care
- The growth of managed care in Medicare and Medicaid

3:15-3:45 pm

Coffee Break, sponsored by
Plante Moran PLLC, Principle
Valuation LLC, and PYA

CONCURRENT SESSIONS

3:45-5:15 pm

Extended Sessions

A. Regulatory and Legislative Update for Assisted Living (AL) (not repeated)

Lilly Hummel
Daniel Z. Sternthal

- Recent federal legislative and regulatory developments that affect assisted living, including any possible focus from the new Congress
- The possible avenues for new oversight of assisted living, such as through increased oversight of Medicaid home and community-based waivers
- Trends in state licensure updates, surveys, and private claims

B. Home Health Legislative and Regulatory Update (HH)

William A. Dombi

- The 2019-2020 Medicare home health payment system changes
- The Medicare Home Health Value-Based Purchasing pilot program update
- Medicare Review Choice claim review demonstration program
- Medicare Home Infusion Therapy new benefit
- The Medicare Home Health Conditions of Participation and new Interpretive Guidelines
- Medicare hospice legislative and regulatory updates
- Hospice opioid disposal changes under the Controlled Substances Act
- Medicare home health and hospice regulatory burden reduction initiatives
- Medicare Advantage home care related supplemental health benefits allowance
- Medicaid managed care developments affecting home care
- Developments in the oversight of home care and hospice under Medicare and Medicaid

- Legal and legislative updates on new regulatory actions under the Fair Labor Standards Act impacting public and private pay home care
- Forecast for future legislative and regulatory changes in 2019

C. Case Law Update (NF/AL/HH)

William E. Hopkins
Emily M. Park

- False Claims and other fraud and abuse litigation
- Arbitration agreement litigation
- Survey, certification, and enforcement update
- Update on hospice eligibility cases
- Data breach and HIPAA enforcement actions
- General litigation developments, including bankruptcy and antitrust cases

D. Nursing Home Legislative and Regulatory Update (NF)

Marsha R. Greenfield
Carol Rolf

- Regulatory developments affecting the nursing home industry in the advent of the Trump Administration
- Guidance issued by the Centers for Medicare and Medicaid Services
- The effect that regulatory developments will have on your clients
- There was quite a bit of legislation affecting nursing homes in the second half of the 115th Congress; learn which bills were introduced and how they fared
- What is the outlook for nursing homes in the 116th Congress given the results of the midterm election?
- Medicare and Medicaid are the key financial and policy mechanisms for nursing homes; understand trends that affect the future of our field and how they might impact operational and legal issues

E. The Arc of the Deal (SNF/AL)

Michael D. Brent (Moderator)
Kevin M. Bohl
Lawrence Lopardo
Helen E. Quick

- Current trends in funding for skilled nursing facility and assisted living facility transactions

- The basics of the “deal arc,” from beginning to end of a transaction
- Your financing needs, with a review of options to complete the capital stack
- The trajectory starting at the base of the arc, with a term sheet/LOI
- Negotiations and actions needed to reach the apex and document/close the transaction
- The remainder of the trajectory, with continuing compliance and covenants until a subsequent sale of the facility, pay-off of the loan, termination of the lease, etc.
- Relationship challenges along the curve

5:15-6:15 pm

Networking and Diversity+ Inclusion Reception, hosted by AHLA’s Diversity+Inclusion Council, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA

Join us and your colleagues and learn more about AHLA’s diversity and inclusion initiatives and network with AHLA leaders and your fellow colleagues. This event is included in the program registration. Attendees, faculty, and registered spouses and guests are welcome.

Thursday, February 28, 2019

7:00 am-5:45 pm

Registration and Information

7:00-8:00 am

Continental Breakfast, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA

This event is included in the program registration fee. Attendees, faculty, children, and registered spouses and guests welcome.

CONCURRENT SESSIONS

8:00-9:30 am

Extended Sessions

F. Sexual Harassment in the Time of #MeToo—From Resident and Employee Complaints to Staff Handbook Provisions (SNF/AL/HH)

Timothy C. Gutwald
Elizabeth P. Tyler

- Recipient rights, licensure, accreditation, and regulatory issues raised by sexual assault and harassment complaints
- Preventing, investigating, and responding to sexual harassment and assault complaints from and against staff and residents
- Employee handbook provisions addressing employee rights and responsibilities in relation to sexual harassment, confidentiality, and disparagement

G. Should They Stay or Should They Go? Best Practices for Compliance with Admission, Transfer, and Discharge Rights for Long Term Care Facilities (SNF)

Caroline J. Berdzik
Minton P. Mayer
Beverly B. Wittekind

- Admission, transfer, and discharge rights (§483.15)
- Pre-Admission, admission, transfer and discharge processes, and policies and procedures that provide long term care facilities flexibility and compliance
- Discharge documentation, safe care transitions, required training, and monitoring outcomes
- Mandatory discharge notice, appeal, and documentation requirements for providers and the physician
- Residents rights, claims of inappropriate transfer or discharge, and when to permit a resident to return
- Transfers and discharges and how to minimize the possibility of regulatory or legal action

B. Home Health Legislative and Regulatory Update (HH)
(repeat)

C. Case Law Update (NF/AL/HH)
(repeat)

E. The Arc of the Deal (SNF/AL)
(repeat)

9:45-10:45 am

H. Modern Relationships between Physicians, Hospitals, and Long-Term Care Providers in a Time of Risk-Based Contracting (SNF/HH)
(not repeated)

Aaron Elias

Jeanna Palmer Gunville

- Key considerations when supporting initiatives between acute and post-acute care providers for success in risk-based contracts
- Factors driving a higher degree of partnership among providers
- Examples of relationships between acute and post-acute care providers, including in existing APMs like BPCI Advanced or ACOs
- Legal/valuation aspects of those relationships and things to consider
- Recent regulatory changes impacting compensation and data sharing among strategic partners
- How to make economic and clinical value arguments that appeal to consumers, payers, employers, and others that could engage providers in value-based payment models
- APM strategy considerations including timing and deadlines for governmental APMs and development of plans for clinical integration across providers
- Best practices and practical steps to prepare to manage risk

I. Telemedicine in the Long Term Care Setting: Tips for Success and Traps for the Unwary (SNF/AL)

Jody Erdfarb

Sherie Friedrich

Nicholas J. Mercadante

- Key considerations, challenges, and proven methods for success in serving the ever-growing LTC demand for care with established and emerging telehealth applications
- Trends and developments in state and federal law governing the provision of telemedicine—including broad and specific regulations for the use of interactive audio/video conferencing, requirements for provider licensing, and key changes on the horizon
- Getting reimbursed: How to meet CMS and payer requirements
- Key clinical considerations for telemedicine—transitioning from in-person care to the electronic medium, when and where it works, considerations for clinical outcomes
- Telemedicine is here to stay: What makes it vital to answering provider scarcity, successful transitions of care, and expanding available LTC services to meet individual patient needs

J. Lessons Learned Across Home Health and Hospice Corporate Integrity Agreements (HH/SNF)

Laura E. Ellis

Kathleen A. Hessler

Daniel Meier

- The government's guidance on risk areas through comparison of CIAs on home health and hospice
- Focus areas which have led to CIAs, including incentive programs for marketers and clinical professionals
- Processes for assisting your clients in choosing an Independent Review Organization (IRO)
- Real-life experiences and challenges negotiating and complying with CIAs

K. Will CMS Turn Down the Volume? Patient Driven Payment Model (PDPM) and the Effort to Replace RUGs (SNF)

Joseph M. Greenman

Mark E. Reagan

- The background of the SNF PPS payment methodology and the current Resource Utilization Groups, Version 4 (RUG-IV) for paying SNFs per diem rates for resident services
- Criticisms of RUG-IV system from CMS and other health care policy analysts, underlying the rationale for replacing RUGs
- Historical overview of CMS initiative to replace RUGs
- Pertinent timelines of CMS proposal for implementing PDPM. Currently, CMS is proposing to implement PDPM for federal FY20, effective October 1, 2019. We will monitor all communications from CMS to determine ongoing likelihood of full implementation on the planned timeline.
- Proposed new PDPM case-mix index components, underlying assessment criteria for each that will affect individual resident reimbursement level determinations, and additional resident data sources used by CMS to produce resident reimbursement
- The impact of alterations of resident assessments and other elements of PDPM to reduce or increase burdens to SNFs
- Consideration of impact of transition to PDPM on already existing payment reforms such as value-based purchasing and the development of a post-acute unified payment system
- How PDPM will impact health care fraud and abuse laws such as the false claims act
- Side-by-side comparison of RUGs with PDPM in an effort to impart understanding of how SNF Medicare payments will change when providing care to residents with varying care needs
- Anticipated impact of reimbursement changes on SNF models of operation, including SNF services provided by vendors under contract with providers

L. Anticipating and Managing Violence in Senior Care (AL)

*Pamela S. Kaufman
Gabriela Sanchez*

- Sources of violence in senior care and explore why this setting is vulnerable to violence
- Federal and state laws that address violence in senior care
- Caregivers' professional and ethical obligations to residents during a violent event, including an active shooter situation
- Practical risk management advice for handling violent situations and mitigating harm when violence does occur
- Practical tips for managing media and reputational issues arising from violence in senior communities
- How to manage the presence of guns in communities, especially those with vulnerable populations

11:00 am-12:00 noon

M. Litigation and Class Action Claims in Senior Living—A Gathering Storm (SNF/AL) (not repeated)

*John M. Atkinson
Timothy J. Cesar*

- The litigation trends affecting the industry and the types and causes of resident injury claims
- How to identify these trends in your own organization and to develop better defense strategies and loss mitigation measures
- Engage with experienced risk and litigation management leaders on the latest trends in class action litigation
- The insurance industry's reaction to these claims

N. Liability and Litigation Risks under the Updated COPs (SNF)

Jason E. Bring

- Impact of new assessment regulations on litigation
- Competency based staffing and discovery
- Keeping QAPI privileged
- Governing body changes and liability
- Person-centered care requirements
- Resident rights and grievances

O. Legal and Practical Considerations in Analyzing Potential Overpayments (SNF/HH)

*Tracy M. Field
Marian J. Hayden*

- What are "credible allegations" of a potential overpayment, including analysis under Escobar
- Audit strategies for internal or third party reviews
- Strategies for statistical sampling
- Practical suggestions for timely review and refunds

P. Home Health and Hospice M&A Transactions: Legal, Compliance, and Due Diligence Challenges (HH)

*Shannon L. Drake
Alan E. Schabes*

- Significant change of ownership and due diligence challenges in home health and hospice transactions
- Significant fraud and abuse and compliance challenges in home health and hospice transactions
- Strategies for successfully concluding sophisticated home health and hospice transactions for from the seller's and purchaser's perspectives

Q. Medicaid Managed Care Contracting

James F. Miles

This session will cover several key aspects of Medicaid managed care contract arrangements, including:

- Contracting strategies to avoid common disputes between post-acute providers and Medicaid managed care organizations (MCOs), such as insufficiency of reimbursement rates, prompt payment problems, retroactive utilization review, and unilateral amendment of contracts and payment policies
- How MCO network adequacy requirements can affect contractual negotiations
- Non-litigation and litigation options to resolve disputes if they occur
- The recently proposed rule by the Centers for Medicare and Medicaid Services that would give states greater latitude in administering Medicaid managed care, and how such rule could affect contracting with MCOs

12:00-1:30 pm

Lunch on your own or attend the Post-Acute and Long Term Services Practice Group Luncheon

This event is not included in the program registration fee. There is an additional fee; limited attendance; pre-registration required. Continuing Education Credits are not available for the luncheon.

CONCURRENT SESSIONS

1:45-2:45 pm

R. Show AR Who's in Charge—What You Need to Know to Get Control of Accounts Receivable (SNF) (not repeated)

*Ben Powell
Ashley Shudan*

Have you ever looked at a facility's AR in bewilderment, wondering how it got to this point, how you can turn it around, and how you can prevent the same problems in the future? Maybe you're already on top of your game but want to make sure you stay that way; maybe you're new to AR issues in a nursing facility setting and need to understand the basic issues. This session is for everyone! During our hour together, we will discuss common issues faced by those who work with nursing facility AR, and provide practical tips and solutions to help you overcome these obstacles.

- An ounce of prevention—what you can do at admission to prevent or minimize problems down the road
- Warning signs—understanding how to identify accounts that show all the signs they're on their way to problem status or accounts that are already there. Now that you've identified the problem, how do you fix it?
- Maximizing Medicaid—tips for effectively managing your Medicaid accounts in order to maximize benefits. When should an application be filed? Who can file an application? Should you file an appeal? What about IME/PEME/OME? What if a penalty period is imposed?

- Get that bread—when, why, and how to collect patient liability
- Avoiding bad debt—explore other options for collection on an account apart from Medicaid and private payments from the resident. Learn about your options for litigation, fraudulent transfer actions, and some creative solutions

S. The Quality Assurance “Privilege”—Are Your Documents as Safe from Disclosure as You Think? (SNF)

Joseph L. Bianculli
Alan C. Horowitz

- Background and policy for affording protection to at least some internal quality-related documents
- What is the “quality assurance privilege,” (if anything)?
- Recent case law, including the first precedential case (i.e., *Jewish Home of Eastern Pennsylvania v. HHS*) dealing with privilege, QA, and incident reports in the context of surveys
- Regulatory considerations
- Provisions of the Patient Safety Act that create a new “privilege”
- Practical considerations for protecting potentially harmful internal investigation records

T. Moving through the Continuum—Sticking Points and Nudges at a CCRC (SNF/AL)

Peter Carlson
Jason T. Lundy

- Common scenarios where CCRC residents resist a move to a higher level of care
- Legal rights and restrictions for CCRCs to require a resident to advance through the continuum
- Financial implications to a Life Care CCRC if a resident expends assets on private duty care rather than advancing to a CCRC’s higher level of care
- Challenges for non-profit CCRCs to balance mission with financial health

U. Legal Ethics: Exploring Common Ethical Dilemmas in Long Term Care

Gavin J. Gadberry
Christopher C. Puri

This legal ethics program will examine some common ethical situations that long term care attorneys confront, including:

- Who is the client—Operator, manager, receiver, trustee, etc.?
- What happens when the “client’s” executives are no longer in control
- How to deal with “conflicting” roles in these situations
- The application of the Model Rules to problematic ethical issues
- Other hypothetical situations

V. Secure Messaging in Nursing Facility Patient Care: HIPAA Challenges, Survey Scrutiny, and Possible Solutions (SNF)

Lee Anne Carroll
Nathan C. Mortier

- The legal and operational challenges of text messaging of patient care information
- HIPAA compliance risks with unsecure messaging platforms
- Survey and enforcement implications of unsecure messaging platforms
- Possible solutions
- A detailed look at one organization’s transition to a HIPAA-compliant instant messaging solution

3:00-4:00 pm

W. The Future of the Medicaid Program in Long Term Care—A Panel of State Government Experts (AL/HH/SNF) (not repeated)

Michael H. Cook
MaryAnne Lindeblad
Rachel C. Pryor
Jami Snyder

- Innovative strategies developed for addressing long term care in several states
- What the states are looking for in terms of developing these strategies

- Where facility based and home and community-based services fit into the process
- How managed care organizations fit into the process

X. Discharge or Dumping: Nursing Home Law, Policy, and Practice (SNF) (not repeated)

Mark A. Johnson
William Alvarado Rivera

- Current laws regarding resident transfers and discharges and protections against “dumping”
- Diverse perspectives on the issue: e.g., non-profit litigator and outside counsel for facilities
- Common institutional discharge policies and practices
- Legal and regulatory trends
- Best practices to ensure proper compliance with applicable laws and to promote resident health, safety, and well-being

Y. Compliance Risks Facing Hospice and Home Care Providers (HH)

Marianna Miyazaki-Grant
Randi E. Seigel

- Recent false claims act cases in home care and hospice organizations
- Recent enforcement actions against home care and hospice organizations
- Activities that home care and hospice providers should undertake to prevent and detect non-compliance and fraud, waste, and abuse
- Strategies for engaging senior management and the board of directors in prevention and detection efforts

Z. Changes of Ownership in a Constantly Evolving Regulatory Environment (SNF)

J. Timothy Gorman
Brian D. Jent

- Transaction/integration options for acquiring:
 - Skilled nursing facilities
 - Home health agencies
 - Hospices

- Durable medical equipment suppliers
- Key aspects of the due diligence process
- Timing issues related to licensure and certification notices / applications
- The spectrum of permits, certificates, and licenses to consider
- Potential options for consolidation of licenses, accreditations, or certifications
- Key aspect of the negotiation process
- Critical elements of the various transaction structure options
- Post-closing issues and strategies to avoid unwanted delays or gaps in reimbursement

P. Home Health and Hospice M&A Transactions: Legal, Compliance, and Due Diligence Challenges (HH) (repeat)

4:15-5:15 pm

AA. Mental Health Issues and Liability for Suicide Prevention in the Long Term Care Setting (SNF/AL) (not repeated)

Ashlee Gray

Aleah Yung Schutze

- The scope and severity of undiagnosed mental health issues and suicide risk in a long term care setting
- Legal responsibility of a long term care provider to screen its residents for previously undiagnosed mental health issues and suicidal ideation
- Identification and implementation of protocols to address suicidal behavior or ideation in long term care residents
- Legal liability for long term care providers if a resident does attempt or succeed at self-harm

I. Telemedicine in the Long Term Care Setting: Tips for Success and Traps for the Unwary (SNF/AL) (repeat)

J. Lessons Learned Across Home Health and Hospice Corporate Integrity Agreements (HH/SNF) (repeat)

4:15-5:45 pm

Extended Sessions

Interactive Session: General Counsel Roundtable Discussion (not repeated) (limited attendance; pre-registration required, In-House Counsel Only)

Geralyn Kidera

Teresa Salamon

- Cybersecurity—how prepared are our facilities to meet this risk and how can we protect them when our resources are limited
 - “Granny cams” in nursing facilities—effective measures to meet the concerns of family members and those of our employees consistent with applicable laws
 - How are facilities addressing issues raised by subcontractors involved in False Claims Act investigations/settlements and CIAs
 - PACE and other MCO plans—are you receiving appropriate reimbursement for the care (specifically when higher level is required based on patient’s needs) you are providing
 - Do your providers have the appropriate license to provide education or care in another state and what license is needed in the virtual world
 - Consolidated billing—what safeguards are needed
 - Feeling our way through PDPM
 - Finally phase 3 of ROPs
 - Mandatory arbitration in admission agreements
- D. Nursing Home Legislative and Regulatory Update (SNF) (repeat)**

5:15-6:30 pm

Networking Reception, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA

This event is included in the program registration fee. Attendees, faculty, children, and registered spouses and guests welcome.

Friday, March 1, 2019

7:30 am-1:00 pm

Registration and Information

7:30-8:30 am

Continental Breakfast, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA

This event is included in the program registration fee. Attendees, faculty, children, and registered spouses and guests welcome.

CONCURRENT SESSIONS

8:00-9:30 am

Extended Sessions

F. Sexual Harassment in the Time of #MeToo—From Resident and Employee Complaints to Staff Handbook Provisions (SNF/AL/HH) (repeat)

G. Should They Stay or Should They Go? Best Practices for Compliance with Admission, Transfer, and Discharge Rights for Long Term Care Facilities (SNF) (repeat)

8:30-9:30 am

BB. Emergency Preparedness (AL/SNF) (not repeated)

Annaliese Impink

Sandy Stoll

- Being prepared for the physical and regulatory risks of hurricanes and other natural disasters
- The importance of the comprehensive disaster response plan. What CMS is looking for with the new Emergency Preparedness regulation
- Communication and organization is critical to successful plan. Where do you start?
- The Aftermath. How to pick up the pieces after a disaster strikes

O. Legal and Practical Considerations in Analyzing Potential Overpayments (SNF/HH)
(repeat)

9:40-10:40 am

CC. Compliance and Quality for Skilled Nursing Providers
(SNF)
(not repeated)

Kelly Bagby

Felicia E. Heimer

- “Red Flags” demonstrating quality of care concerns within skilled nursing facilities
- Government’s enforcement efforts to address grossly substandard, worthless services, and failure of care
- Quality of care and compliance expectations for skilled nursing providers and their boards
- Systemic litigation risks that facilities should address immediately

U. Legal Ethics: Exploring Common Ethical Dilemmas in Long Term Care (repeat)

Y. Compliance Risks Facing Hospice and Home Care Providers (HH) (repeat)

Z. Changes of Ownership in a Constantly Evolving Regulatory Environment (SNF)
(repeat)

10:50-11:50 am

DD. Fair Housing Act: Recent Cases and Trends (AL)
(not repeated)

Paul A. Gordon

Betty J. Ulmer

- Rights of the hearing impaired
- Admission decisions and sexual orientation
- Health screening in communities with continuum of care
- State Regulations v. Fair Housing Act

L. Anticipating and Managing Violence in Senior Care (AL)
(repeat)

S. The Quality Assurance “Privilege”—Are Your Documents as Safe from Disclosure as You Think? (SNF) (repeat)

V. Secure Messaging in Nursing Facility Patient Care: HIPAA Challenges, Survey Scrutiny, and Possible Solutions (SNF)
(repeat)

12:00-1:00 pm

K. Will CMS Turn Down the Volume? Patient Driven Payment Model (PDPM) and the Effort to Replace RUGs (SNF)
(repeat)

N. Liability and Litigation Risks Under the Updated COPs (SNF) (repeat)

Q. Medicaid Managed Care Contracting (repeat)

T. Moving through the Continuum—Sticking Points and Nudges at a CCRC (SNF/AL)
(repeat)

Adjournment

This schedule indicates for which audience(s) a session is intended: Nursing Facility (NF); Assisted Living (AL), and/or Home Health (HH)

Wednesday, February 27, 2019

7:45 am-12:45 pm				
Assisted Living In-House General Counsel Roundtable <i>sponsored by NCAL</i> <i>(Pre-registration is required: space is limited; open to Assisted Living In-House Counsel only)</i>				
8:30 am-5:15 pm				
Registration and Information				
9:30-11:30 am			10:00-11:30 am	
SNF Survey and Enforcement Update: The Landscape Changes Yet Again... (not repeated) Conroy Rudow You	Interactive Session: Advanced Anti-Kickback Discussion (not repeated) (limited attendance; pre-registration required) Beck Hasselmann		Fundamentals of Medicare and Medicaid Reimbursement in Long-Term Care (not repeated) Kozal VandeWater	
11:30 am-1:30 pm				
Lunch on your own				
1:30-3:15 pm General Session				
1:30-1:45 pm Welcome and Introduction <i>Niccolini, Duffy, Puri</i>				
1:45-3:15 pm Perspectives on the Future of Post-Acute and Long-Term Care <i>Porter (Moderator), Barth, Hager, Kelliher, Ribar</i>				
3:15-3:45 pm				
Coffee Break, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA				
3:45-5:15 pm Extended Sessions				
A. Regulatory and Legislative Update for Assisted Living (AL) (not repeated) Hummel Sternthal	B. Home Health Legislative and Regulatory Update (HH) Dombi	C. Case Law Update (NF/AL/HH) Hopkins Park	D. Nursing Home Legislative and Regulatory Update (NF) Greenfield Rolf	E. The Arc of the Deal (SNF/AL) Brent (Moderator) Bohl Lopardo Quick
5:15-6:15 pm				
Networking and Diversity+Inclusion Reception, hosted by AHLA's Diversity+Inclusion Council, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA <i>(This event is included in the program registration. Attendees, faculty, and registered spouses and guests are welcome.)</i>				

7:00 am-5:45 pm				
Registration and Information				
7:00-8:00 am				
<p>Continental Breakfast, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA <i>(This event is included in the program registration fee. Attendees, faculty, children, and registered spouses and guests welcome.)</i></p>				
8:00-9:30 am Extended Sessions				
<p>F. Sexual Harassment in the Time of #MeToo—From Resident and Employee Complaints to Staff Handbook Provisions (SNF/AL/HH)</p> <p>Gutwald Tyler</p>	<p>G. Should They Stay or Should They Go? Best Practices for Compliance with Admission, Transfer and Discharge Rights for Long Term Care Facilities (SNF)</p> <p>Berdzik Mayer Wittekind</p>	<p>B. Home Health Legislative and Regulatory Update (HH) (repeat)</p> <p>Dombi</p>	<p>C. Case Law Update (NF/AL/HH) (repeat)</p> <p>Hopkins Park</p>	<p>E. The Arc of the Deal (SNF/AL) (repeat)</p> <p>Brent (Moderator) Bohl Quick Lopardo</p>
9:45-10:45 am				
<p>H. Modern Relationships between Physicians, Hospitals, and Long-Term Care Providers in a Time of Risk-Based Contracting (SNF/HH) (not repeated)</p> <p>Elias Gunville</p>	<p>I. Telemedicine in the Long Term Care Setting: Tips for Success and Traps for the Unwary (SNF/AL)</p> <p>Erdfarb Friedrich Mercadante</p>	<p>J. Lessons Learned Across Home Health and Hospice Corporate Integrity Agreements (HH/SNF)</p> <p>Ellis Hessler Meier</p>	<p>K. Will CMS Turn Down the Volume? Patient Driven Payment Model (PDPM) and the Effort to Replace RUGs (SNF)</p> <p>Greenman Reagan</p>	<p>L. Anticipating and Managing Violence in Senior Care (AL)</p> <p>Kaufman Sanchez</p>
11:00 am-12:00 noon				
<p>M. Litigation and Class Action Claims in Senior Living- A Gathering Storm (SNF/AL) (not repeated)</p> <p>Atkinson Cesar</p>	<p>N. Liability and Litigation Risks under the Updated COPs (SNF)</p> <p>Bring</p>	<p>O. Legal and Practical Considerations in Analyzing Potential Overpayments (SNF/HH)</p> <p>Field Hayden</p>	<p>P. Home Health and Hospice M&A Transactions: Legal, Compliance, and Due Diligence Challenges (HH)</p> <p>Drake Schabes</p>	<p>Q. Medicaid Managed Care Contracting</p> <p>Miles</p>

Thursday, February 28, 2019 continued

12:00-1:30 pm				
<p>Lunch on your own or attend the Post-Acute and Long Term Services Practice Group Luncheon <i>(This event is not included in the program registration fee. There is an additional fee; limited attendance; pre-registration required. Continuing Education Credits are not available for the luncheon.)</i></p>				
1:45-2:45 pm				
<p>R. Show AR Who's in Charge—What You Need to Know to Get Control of Accounts Receivable (SNF) (not repeated)</p> <p>Powell Shudan</p>	<p>S. The Quality Assurance "Privilege"—Are Your Documents as Safe from Disclosure as You Think? (SNF)</p> <p>Bianculli Horowitz</p>	<p>T. Moving through the Continuum—Sticking Points and Nudges at a CCRC (SNF/AL)</p> <p>Carlson Lundy</p>	<p>U. Legal Ethics: Exploring Common Ethical Dilemmas in Long Term Care</p> <p>Gadberry Puri</p>	<p>V. Secure Messaging in Nursing Facility Patient Care: HIPAA Challenges, Survey Scrutiny, and Possible Solutions (SNF)</p> <p>Carroll Mortier</p>
3:00-4:00 pm				
<p>W. The Future of the Medicaid Program in Long Term Care—A Panel of State Government Experts (AL/HH/SNF) (not repeated)</p> <p>Cook Lindeblad Pryor Snyder</p>	<p>X. Discharge or Dumping: Nursing Home Law, Policy, and Practice (SNF) (not repeated)</p> <p>Johnson Rivera</p>	<p>Y. Compliance Risks Facing Hospice and Home Care Providers (HH)</p> <p>Miyazaki-Grant Seigel</p>	<p>Z. Changes of Ownership in a Constantly Evolving Regulatory Environment (SNF)</p> <p>Gorman Jent</p>	<p>P. Home Health and Hospice M&A Transactions: Legal, Compliance, and Due Diligence Challenges (HH) (repeat)</p> <p>Drake Schabes</p>
4:15-5:15 pm			4:15-5:45 pm Extended Sessions	
<p>AA. Mental Health Issues and Liability for Suicide Prevention in the Long Term Care Setting (SNF/AL) (not repeated)</p> <p>Gray Schutze</p>	<p>I. Telemedicine in the Long Term Care Setting: Tips for Success and Traps for the Unwary (SNF/AL) (repeat)</p> <p>Erdfarb Friedrich Mercadante</p>	<p>J. Lessons Learned Across Home Health and Hospice Corporate Integrity Agreements (HH/SNF) (repeat)</p> <p>Ellis Hessler Meier</p>	<p>Interactive Session: General Counsel Roundtable Discussion (Pre-registration required, Space is limited. In-House Counsel Only) (not repeated)</p> <p>Kidera Salamon</p>	<p>D. Nursing Home Legislative and Regulatory Update (SNF) (repeat)</p> <p>Greenfield Rolf</p>
5:15-6:30 pm				
<p>Networking Reception, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA <i>(This event is included in the program registration fee. Attendees, faculty, children, and registered spouses and guests welcome.)</i></p>				

7:30 am-1:00 pm			
Registration and Information			
7:30-8:30 am			
<p>Continental Breakfast, sponsored by Plante Moran PLLC, Principle Valuation LLC, and PYA <i>(This event is included in the program registration fee. Attendees, faculty, children, and registered spouses and guests welcome.)</i></p>			
8:00-9:30 am Extended Sessions		8:30-9:30 am	
<p>F. Sexual Harassment in the Time of #MeToo—From Resident and Employee Complaints to Staff Handbook Provisions (SNF/AL/HH) (repeat)</p> <p>Gutwald Tyler</p>	<p>G. Should They Stay or Should They Go? Best Practices for Compliance with Admission, Transfer, and Discharge Rights for Long Term Care Facilities (SNF) (repeat)</p> <p>Berdzik Mayer Wittekind</p>	<p>BB. Emergency Preparedness (AL/SNF) (not repeated)</p> <p>Impink Stoll</p>	<p>O. Legal and Practical Considerations in Analyzing Potential Overpayments (SNF/HH) (repeat)</p> <p>Field Hayden</p>
9:40-10:40 am			
<p>CC. Compliance and Quality for Skilled Nursing Providers (not repeated)</p> <p>Bagby Heimer</p>	<p>U. Legal Ethics: Exploring Common Ethical Dilemmas in Long Term Care (repeat)</p> <p>Gadberry Puri</p>	<p>Y. Compliance Risks Facing Hospice and Home Care Providers (HH) (repeat)</p> <p>Miyazaki-Grant Seigel</p>	<p>Z. Changes of Ownership in a Constantly Evolving Regulatory Environment (SNF) (repeat)</p> <p>Gorman Jent</p>
10:50-11:50 am			
<p>DD. Fair Housing Act: Recent Cases and Trends (AL) (not repeated)</p> <p>Gordon Ulmer</p>	<p>L. Anticipating and Managing Violence in Senior Care (AL) (repeat)</p> <p>Kaufman Sanchez</p>	<p>S. The Quality Assurance “Privilege”—Are Your Documents as Safe from Disclosure as You Think? (SNF) (repeat)</p> <p>Bianculli Horowitz</p>	<p>V. Secure Messaging in Nursing Facility Patient Care: HIPAA Challenges, Survey Scrutiny, and Possible Solutions (SNF) (repeat)</p> <p>Carroll Mortier</p>
12:00-1:00 pm			
<p>K. Will CMS Turn Down the Volume? Patient Driven Payment Model (PDP) and the Effort to Replace RUGs (SNF) (repeat)</p> <p>Greenman Reagan</p>	<p>N. Liability and Litigation Risks Under the Updated COPs (SNF) (repeat)</p> <p>Bring</p>	<p>Q. Medicaid Managed Care Contracting (repeat)</p> <p>Miles</p>	<p>T. Moving through the Continuum—Sticking Points and Nudges at a CCRC (SNF/AL) (repeat)</p> <p>Carlson Lundy</p>

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