



## AzSHA Health Law Conference: Programming Details

**Date:** Friday, February 25, 2022 | **Time:** 9:00 a.m. - 5:00 p.m. MST | **Social Hour:** 4:30 p.m. - 6:00 p.m. MST  
**Location:** ASU Sandra Day O'Connor College of Law, Downtown Phoenix Campus | 111 E Taylor St,  
Phoenix, AZ 85004

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Attorneys at Law

Snell & Wilmer

*Quarles & Brady* LLP

MILLIGAN  
LAWLESS

MITCHELL STEIN  
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HIMSS22

## Health Law Year in Review

While health care lawyers are used to constant change, this last year was a real head-spinner. The Health Law Year In Review speakers will thus take you on a “spin” through these developments to highlight significant changes we should all know about, including:

- Health care reform: Biden Administration efforts to enforce and expand the Affordable Care Act, and significant decisions by the Supremes
- COVID-related legislation, claims and other developments (because no, it’s not over yet)
- Sprinting to value-based care and continuing challenges with (fraud &) abuse
- Telemedicine’s new spot at the adult table
- “HIT”-ing the deck: information blocking and interoperability, OCR enforcement, data breaches and new state laws... But wait... there’s more!

### Speakers:



**Kristen B. Rosati.** Kristen Rosati with Coppersmith Brockelman PLC is considered one of the nation’s leading “Big Data” and HIPAA compliance attorneys. She also has deep experience in data breaches, health information exchange, data sharing for research and clinical integration initiatives, clinical research compliance, and biobanking and genomic privacy. Kristen is a sought-after national speaker on these issues and has been active in national healthcare policy. She is Past President (2013-2014) of the American Health Law Association (AHLA), the nation’s largest health care legal organization.



**Robert G. Homchick.** As a healthcare regulatory attorney, Bob Homchick with Davis Wright Tremaine LLP counsels clients in areas such as physician self-referral (*i.e.*, the federal Stark Law and its state law counterparts), regulatory compliance, and fraud and abuse. Bob also regularly represents hospitals, physicians, ancillary services providers, and others in a wide variety of transactional matters including mergers, acquisitions and affiliations, and the formation and operation of joint ventures. His extensive experience includes the development and implementation of compliance programs, defending providers in government audits, investigations, administrative proceedings and litigation, including *qui tam* False Claims Act lawsuits.



**Craig S. Holden.** Craig Holden, co-chair of Baker Donelson's Health Law Group, focuses his practice on health law with particular emphasis on matters involving Medicare and Medicaid fraud and abuse, pharmaceutical pricing, Medicare and third-party reimbursement, and compliance.

## Corporate Compliance and Governance: Implementing a corporate compliance program and navigating internal/government investigations (1 Ethics Credit)

During this 90-minute session, our presenters will cover:

- The 7 Pillars of a Compliance and Ethics Program
- Practical Tips for a Compliance and Ethics Program
- Focus on Data Analytics for a Compliance and Ethics Program
- Professional and Ethical Considerations when Navigating Internal/Government Investigations
- Professional and Ethical Considerations - Case Study

### Speakers:

**Robert J. Milligan.** Robert J. Milligan is a shareholder in the Phoenix, Arizona law firm of Milligan Lawless, P.C. He focuses his practice on the representation of physicians, physician organizations and other health care and life sciences clients, providing advice on a wide variety of matters including business transactions, regulatory compliance, licensing, medical research, professional liability and risk management.

In addition to his law degree from De Paul University, Mr. Milligan has a Masters of Law (LL.M.) degree in Biotechnology and Genomics from the Sandra Day O'Connor College of Law at Arizona State University.

He is listed in 'The Best Lawyers in America,' and in Chambers USA, for health care law.

**Lindsay Knutson.** Lindsay Knutson is a director with BRG's Health Analytics practice. Ms. Knutson leads teams in complex data analytics and compliance audits to help healthcare companies and their legal counsel resolve complex business challenges and disputes.

Ms. Knutson has led the data analytics, reasonable value analysis, benchmarking analysis, and compliance review of hundreds of engagements for payors, providers, life sciences companies, and liability insurers. She works with payor and provider datasets, publicly available Medicare data, and publicly available state encounter and hospital financial data, as well as private healthcare datasets, to create benchmarking models, damages calculations, and analyses for advisory and expert reports.

Ms. Knutson has extensive experience in compliance consulting and litigation support services. Additionally, Ms. Knutson provides expert testimony and is a certified professional coder through the AAPC.

**David Ledbetter.** David Ledbetter joined Banner Health in 2006 as Vice President of Ethics & Compliance. He serves as the Chief Compliance Officer for Banner, overseeing the System's Compliance Program. Before Banner, he oversaw the Corporate Compliance Program and Department at BJC Healthcare in St. Louis, after serving as LabCorp's Vice President, Counsel, and Director of the General Law Department and Compliance Department.

He has a B.A. from the University of North Carolina – Greensboro and a J.D. from the University of North Carolina Law School in Chapel Hill (a.k.a. Heaven) just down the road from The University That Must Not Be Named.

## 2022 Pharmacy Law Update

Please join us as speakers discuss important developments over the past year involving the highly specialized and nuanced area of pharmacy law. Speakers will discuss recent cases in the pharmacy and drug distribution space, including cases addressing state regulation of PBMs, False Claims Act, the Opioid Epidemic, and employment. Speakers will also discuss recent legislative developments specific to the practice of pharmacy and the potential impact to the industry.

### Speakers:



**Allyson L. Snow.** Allyson Snow, co-founder of Boesen & Snow Law, practices health law with an emphasis in PBM audit and network credentialing disputes, health professional license defense, commercial and contract law, business development consulting, telemedicine/ telepharmacy, and pharmacy compliance/accreditation. Prior to founding the firm, she ran a large volume Social Security Disability Practice representing hundreds of clients in administrative hearings. Additionally, she served as General Counsel and Chief Compliance Officer for a large national mail-order pharmacy.



**Mark D. Boesen.** Mark Boesen, co-founder of Boesen & Snow Law, is also a practicing pharmacist. In addition to the practice areas described in Attorney Snow's biosketch, Mark's practice includes political advocacy and lobbying services. Mark started his pharmacy career in the Office of United States Senator John McCain and authored portions of the Medicare Modernization Act of 2003 (the statute that created Medicare Part D, among other things).



**Nick Meza.** Nick Meza is a partner in Quarles & Brady's Health Law Group. Nick focuses his practice on regulatory compliance and transactional counsel to healthcare businesses, including retail, independent, mail-order, specialty, and pharmacies, wholesale drug distributors, drug and device manufacturers, hospitals, physician groups, and integrated behavioral health practices.

## Fundamentals of the Medicare and Medicaid Programs

Each year, approximately 25% of the federal government's budget is dedicated to federal health care programs. In 2020, Medicare spending accounted for 20% of all healthcare expenditures in the nation and Medicaid accounted for 16%. Because Medicare and Medicaid control so much of the healthcare market, it is important for healthcare attorneys to understand these programs. This presentation discusses the fundamentals of these two programs, including their structures, reimbursement methods, and managed care. The presentation is geared toward attorneys new to federal healthcare programs or seasoned attorneys looking for a refresher.

### Speakers:

**Tammi Goldberg.** Tammi Goldberg is an Associate General Counsel – Government Programs for Blue Cross Blue Shield of Arizona. In this role, she is responsible for advising the company's Medicare Segment on healthcare and corporate issues including statutory and regulatory compliance, litigation avoidance, and corrective actions. She analyzes and summarizes new and proposed legislative and regulatory rules and requirements to ensure her business partners have a good understanding of potential impacts. Tammi also counsels various business units on vendor and supplier agreements. Prior to joining Blue Cross Blue Shield of Arizona, Tammi spent 20 years working in Medicare and Commercial regulatory compliance. In this capacity, she assessed and addressed corporate risk exposure and assisted with appropriate process changes and risk mitigation. She also coordinated numerous federal and state regulatory audits.

**Ben Runkle.** Ben Runkle is a partner at the law firm of Gammage & Burnham where he represents healthcare providers and organizations in a variety of matters. His experience includes representation of behavioral health providers, physicians, dentists, and other healthcare professionals in government investigations and enforcement actions, provider-payor disputes, imposition of civil penalties and assessments, overpayment and recoupment matters, and service authorization denials. Prior to joining Gammage & Burnham, Ben served the State of Arizona as an Assistant Attorney General prosecuting fraud and assisting the Division of Developmental Disabilities, and later, as Associate General Counsel for the Arizona Health Care Cost Containment System.

## Behavioral Health Law in Arizona: An Overview

Join us for an overview of one of the most interesting and quickly growing areas of health care law, focusing on behavioral health law in our home state of Arizona. This 60-minute introduction CLE will go over the history of behavioral healthcare and integration in Arizona from territorial times to more current issues, SMI rights and designation, and pertinent behavioral health issues in the state and across the country. The session will cover key healthcare licensing agencies as well as hot topics in parity, including recent case law and legislation.

### Speakers:



**Erica Erman.** Erica Erman is an attorney at Dickinson Wright PLLC practicing health care law with a particular emphasis on behavioral health care law. Her work includes handling administrative hearings, counseling clients with issues related to HIPAA compliance, Stark and AKS, state licensing, contract drafting, and health care business transactions. Erica has experience in litigating both state and federal False Claims Act cases, has dealt extensively with the Parity Act and psychiatric urgent care, and has written multiple articles on emergent case law regarding parity. She was named a Rising Star in 2021 by The Phoenix Business Journal. Prior to joining Dickinson Wright, she clerked for the Hon. Robert M. Brutinel of the Arizona Supreme Court.



**Marc Lerner.** Marc Lerner supports Mercy Care and its various lines of business as Counsel, Aetna Medicaid, a CVS Health Company. His practice focuses on Administrative Hearings involving member appeals, member grievances, and provider claim disputes.

## It's All About the Data: Compliance with Health Data Privacy, Security and Access Laws

During this 90-minute survey session, our presenters will:

- Provide a high-level overview of health data privacy, security and access laws, including HIPAA, 42 C.F.R. Part 2, ONC Information Blocking Rule (IBR), CMS Interoperability and Patient Access final rule, and state health data laws;
- Discuss practical ways to implement a health data compliance program within a health care organization, with a particular focus on compliance with HIPAA Security Rule requirements and tools that can reduce administrative burden and increase workforce engagement; and
- Answer your questions about IBR compliance and other health data laws.

### Speakers:



**Cassie Weaver.** Cassie Weaver is an attorney and policy analyst in the Regulatory and Policy Affairs Division of the Office of the National Coordinator for Health Information Technology (ONC). She specializes in all things information blocking: policy development, compliance, administration, and stakeholder outreach and education. Prior to joining ONC, she worked at the Environmental Protection Agency, and as an attorney representing indigent clients in southeast Michigan, her home state. She holds a JD from the University of Michigan Law School and a BA in International Affairs from American University.



**Susan Russo.** Susan Russo is Deputy General Counsel at the Arizona Health Care Cost Containment System (AHCCCS), Arizona's Medicaid agency. She supports the agency's work on member services, provider services, internal operations, finance, information technology, appeals, grants administration, and fraud, waste, and abuse. Her work includes reviewing and advising on state and federal laws, representing AHCCCS in administrative hearings and settlement discussions, and drafting and reviewing agency policies. She has experience in government reimbursement, electronic health records, whistleblower investigations, and health care risk adjustment. Prior to joining AHCCCS, Susan was a compliance consultant for managed care health plans and clerked on the Arizona Court of Appeals.



**James Maguire.** James Maguire is the Chief Compliance and Privacy Officer for Atlas Healthcare Partners. He serves as the focal point for ethics, privacy, and compliance program activities. His work includes educating the enterprise on rules, regulations, and risks, performing privacy investigations and analyzing vendor relations ensuring compliant delivery of services. Prior to joining Atlas, James was the Corporate Compliance Officer for Mercy Care.



**Melissa Soliz.** Melissa (Mel) Soliz is a partner with Coppersmith Brockelman, PLC in Phoenix, Arizona. Her regulatory health law practice focuses on compliance with data privacy and patient access laws (such as HIPAA, 42 C.F.R. Part 2, the ONC Information Blocking Rule, the CMS Interoperability and Patient Access Rule, and state laws), health information exchange (HIE), behavioral health/substance use disorder law issues, data breaches and OCR investigations, as well as clinical research compliance and contracting. Melissa regularly speaks in local and national forums on these topics and has been active in state and federal policy making on data privacy and HIE issues. She is the President of the Arizona Society of Healthcare Attorneys and recognized by Best Lawyers© for her work in health law.

## **Prosecuting and Defending False Claims Act Cases: Points of Contention and Collaboration**

The False Claims Act, 31 U.S.C. §§ 3729-3733, has been used by qui tam relators and the Department of Justice as the primary vehicle to protect and recover federal funds paid due to fraud and abuse. From the perspectives of both plaintiff and defendant, this presentation will discuss the impact and implications of qui tam actions, common areas of dispute, opportunities for collaboration, and practical considerations for prosecuting, defending, and resolving such cases.

### Speakers:

**Paul Giancola.** Paul Giancola is Of Counsel with Snell & Wilmer, LLP and an Adjunct Faculty at the Sandra Day O’Conner College of Law where he teaches Health Care Fraud Law. Paul’s health care practice is focused on providing regulatory counsel on fraud and abuse laws, compliance, government investigations and audits, contractual matters, HIPAA privacy and cybersecurity, and transactional health care matters including joint ventures, practice/entity formation, acquisition and separations, ambulatory surgery centers and laboratories. Paul also has extensive experience in medical staff and peer review matters.

**Lon R. Leavitt.** Lon R. Leavitt is a partner and the chair of the False Claims Act/Whistleblower Practice Group at Halunen Law. Based in Phoenix, Mr. Leavitt specializes in representing whistleblowers nationwide in qui tam actions. Mr. Leavitt served as an Assistant U.S. Attorney for the District of Arizona from 2007-2019 managing False Claims Act investigations and litigation on behalf of the federal government. From 2010-2019, Mr. Leavitt was also the Affirmative Civil Enforcement Coordinator and the Civil Healthcare Fraud Coordinator for the District of Arizona. Mr. Leavitt also served as a Special Assistant U.S. Attorney for the District of Nevada. A frequent speaker at professional conferences, Mr. Leavitt has given numerous presentations regarding the False Claims Act, civil enforcement, and healthcare fraud.



## Arizona Executive Director Panel

Please join us for a moderated panel with the Executive Directors from Arizona's primary healthcare professional boards. Executive directors from Arizona's Osteopathic, Pharmacy, Dental, Medical, Nursing and Behavioral Health Boards will discuss a myriad of topics, including each board's response to and lessons learned from the COVID-19 pandemic. Panelists will also discuss compliance and enforcement trends and the impact that telehealth and other technological advances have had on their regulated profession.

### Speakers:

**Jason Bohall, Executive Director, Arizona Board of Osteopathic Examiners.**

**Kam Gandhi, Executive Director, Arizona State Board of Pharmacy.**

**Ryan Edmonson, Executive Director, Arizona State Board of Dental Examiners.**

**Patricia McSorley, Executive Director, Arizona Medical Board.**

**Joey Ridenour, Executive Director, Arizona State Board of Nursing.**

**Tobi Zavala, Executive Director, Arizona Board of Behavioral Health Examiners.**

Moderator: Nick Meza, Partner, Quarles & Brady.

## From Start to Finish: Fundamentals in Healthcare Transactions

This presentation will provide an overview of considerations for starting, managing, and exiting a healthcare organization. Topics include entity formation and initial documentation, negotiating with and managing subcontractors, and preparing for sale or other reorganization.

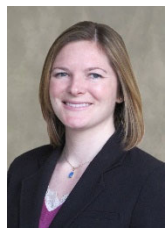
### Speakers:



**Miranda Preston.** Miranda Preston is a transactional attorney, and a shareholder at Milligan Lawless, P.C. She primarily represents clients in the health care and life sciences industries. Her work includes negotiating and drafting transaction documents and advising clients on the legal aspects of day-to-day operations, including general corporate matters; Anti-kickback Statute and Stark Law issues; HIPAA; False Claims Act; the Anti-Markup Rule; fee-splitting prohibitions; licensure requirements; and compliance with CMS billing rules. She has substantive experience in representing buyers and sellers in the sale or purchase of health care entities or lines of business. She also serves as chief outside counsel for a clinical research organization, and advises clients on regulatory and transactional issues related to clinical trials.



**Chase Millea.** Chase Millea's practice focuses on navigating requirements at the intersection of healthcare and technology. He advises clients in a variety of areas, including compliance with HIPAA and related data privacy laws, designing of compliant system architecture and documentation, and commercial and clinical contracting for healthcare and life sciences companies. Prior to his present role as an attorney at Snell & Wilmer, Chase was In-House Counsel and Director of Regulatory Compliance for Health Current – Arizona's statewide health information exchange. Chase is also a Part-time Professor of Law at the University of Arizona James E. Rogers College of Law where he teaches a course in Health Information Technology.



**Crystal Waitkus.** Crystal Waitkus is an Associate General Counsel at Banner Health. She focuses on negotiating agreements, advising on HIPAA Privacy and Security, supporting the Insurance Division, and working with Banner Urgent Care. Before joining Banner, Crystal practiced in general civil litigation for over a decade.