

October 5, 2023

HEALTH LAW INSTITUTE

FOULSTON
ATTORNEYS AT LAW

Foulston's annual seminar examines the most pressing legal issues facing the healthcare industry. Limited seating is available to join us at our offices in Kansas City and in Wichita or virtually online.

AGENDA:

WHETTING YOUR APPETITE: HEALTHCARE 2023 YEAR IN REVIEW

Amanda Wilwert and Nancy Musick | 9:00 - 9:45 AM CT



Amanda and Nancy will start the day highlighting key developments over the past year as well as identifying industry and enforcement trends including healthcare antitrust enforcement, the end of the public health emergency and COVID-19 waivers, fraud and abuse, HIPAA and data privacy, employment, and case law developments. We expect that these morsels will whet your appetite for more discussion from the Foulston team throughout the day.

HIPAA HODGEPODGE

Brooke Bennett Aziere | 9:45 - 10:30 AM CT



This session will cover a jumbled mixture of all things related to HIPAA and data privacy – Office for Civil Rights (OCR) enforcement, business associates, social media and online comments, web-tracking technologies, ransomware, snooping, and much more. Brooke will help attendees unjumble the mishmash of HIPAA compliance and enforcement for implementation in their organizations.

BREAK

10:30 - 10:40 AM CT

STARK LAW 101 - BACK TO THE BASICS

Scott Palecki and Alex Schulte | 10:40 - 11:30 AM CT



The physician self-referral law, commonly known as the "Stark law," is a billing law that requires financial transactions between entities and referring physicians to meet the requirements of an exception. Violations can result in significant penalties, including denial of payment, payment refunds, fines, penalties, exclusion from government and state healthcare programs, and the inability to bill. During this session, Scott and Alex will address common legal situations and discuss how applicable Stark law exceptions are applied so as to avoid violations. The session will also include some case studies and practical examples of how Stark law prohibitions have recently been interpreted and enforced.

THE SUPREME COURT AND YOU

Clayton Kaiser and Sam Walenz | 11:30 AM - 12:00 PM CT



This past term was a particularly busy one when it comes to issuing decisions that may impact the healthcare industry—with decisions relating to the rights of nursing home patients, overtime payments for independent contractors, and the scienter requirement for the False Claims Act. During this 30-minute block, Clayton and Sam will unpack these recent cases and discuss how they could influence your day-to-day practices.

REGISTER AT: [FOULSTON.COM/HEALTHLAWINSTITUTE](https://foulston.com/healthlawinstitute)

LUNCH

12:00 - 1:00 PM CT

Lunch will be provided for the in-person attendees in our Kansas City and Wichita offices.

THE END IS HERE: THE END OF THE PUBLIC HEALTH EMERGENCY AND COVID WAIVERS

Gabriella Grause | 1:00 - 1:45 PM CT



With the end of the COVID-19 Public Health Emergency (the "PHE") on May 11, 2023, came the end of many federal regulatory waivers that were significant in helping healthcare providers serve patients while navigating the many challenges posed by the PHE. This presentation will highlight the key waivers you need to know about, including those issued by the Centers for Medicare and Medicaid Services ("CMS"), the Department of Health and Human Services ("HHS"), and the Office of Civil Rights ("OCR"), to facilitate your compliance with the regulatory landscape in effect today.

HEY, YOU CAN'T DO THAT! (OR CAN YOU?)

Clayton Kaiser and Sam Walenz | 1:45 - 2:35 PM CT



Recently, there has been much discussion (and confusion) about the enforceability of restrictive covenants. The federal government, as well as many states, has taken steps to curb the use of such tools, but how do these efforts impact you and your employer? In this 50-minute block, we will cover the current state of the law on the matter and where we see it going in the near future.

BREAK

2:35 - 2:45 PM CT

EMPLOYMENT, LABOR, AND IMMIGRATION LAW UPDATE

Teresa Shulda and Don Berner | 2:45 - 3:35 PM CT



This session will provide the non-human resources healthcare leader a high-level overview of current trends and the latest developments in the employment law arena. Teresa and Don will update you on current employment law developments and discuss employer responses to violence in the healthcare workplace. We will also briefly touch on labor law developments and unionization issues as what has been dubbed "the summer of strikes" or "hot strike summer" comes to a close. Finally, we will discuss the relevant immigration issues in the healthcare context.

BE CURIOUS, NOT JUDGEMENTAL - RESPONDING TO ADVERSE EVENTS IN HEALTHCARE FACILITIES

Amanda Wilwert | 3:35 - 4:15 PM CT



Adverse events – or near misses – are not uncommon in healthcare facilities. The recent phenomenon of criminalizing medical errors has created a very challenging environment in the delivery of healthcare. Thus, it is important to promote a culture that focuses on safe, person-centered, and equitable care and promotes candid reporting, transparency, learning, and responsiveness in all provider settings. This presentation will focus on best practices to avoid malpractice and steps to take after an adverse event.

RECEPTION

4:15 PM CT

A reception will follow the conclusion of the seminar for the in-person attendees in our Kansas City and Wichita offices.