

Health Care Perspectives

May 2015

Regulatory and Compliance

Compliance Audits and Reviews: A Step-by-Step Guide

This webinar presentation highlights ways for conducting effective compliance audits and reviews and also covers the following topics:

- how recent legal changes impact your compliance program, including the Sunshine Act, False Claims Act, and the Health Information Technology for Economic and Clinical Health (HITECH) Act;
- how to conduct a compliance "gap" analysis, including which laws and functional areas to target; and
- how to avoid typical compliance pitfalls.

In addition, the presentation addresses:

- written policies, procedures, and standards of conduct;
- oversight and appropriate compliance infrastructure;
- training and education;
- communication channels;
- auditing and monitoring;
- enforcement and disciplinary procedures; and
- rapid response to suspected non-compliance.

To view the presentation slides, click here.

Final CMS CoPs: Navigating Revised Medical Staff Standards and New Requirements

This webinar presentation helps clear the confusion involving CMS's updated key provisions of its medical staff Conditions of Participation rule. The presentation helps professionals:

- understand the revised Centers for Medicare & Medicaid Services (CMS) Conditions of Participation for medical staff;
- meet CMS survey requirements;
- apply relevant provisions of the final rule to their own facilities;
- answer leadership questions regarding medical staff membership; and
- build and document effective communication with their organization's governing board.

To view the presentation slides, click here.

Understanding the Implications of Medicare's Physician Value-Based Payment Modifier

This webinar presentation addresses Medicare's physician value-based payment modifier, describes its role in a potential replacement physician payment system for the Medicare Sustainable Growth Rate and addresses the potential implications for hospitals and health systems.

To view the presentation slides, click here.

Transactions

Considerations in the Current Health Care Private Equity Landscape

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Legal Implications for Hospital Boards, In-House Counsel and Management to Consider to Avoid a Broken Deal

This webinar presentation provides practical advice for hospital boards, in-house counsel and management when considering partnering with other hospitals in major transactions such as joint ventures, mergers and sales. The panel highlights the pre-transaction preparation organizations should consider undertaking to avoid broken deals over issues that could have been preemptively addressed. Hospitals' contractual and financial relationships with their physicians and steps that can be taken to mitigate risks are also addressed.

To view a recording of the webinar, click here.

To view the presentation slides, click here.

Mergers in Radiology

This presentation addresses combinations/mergers among radiology groups and other specialties, various structural models, key legal and regulatory issues, and a framework for a transactional process.

To view the presentation slides, click here.

Health Care Reform

Impact of Health Care Reform on Provider Liability

This presentation addresses the changing health care landscape resulting from the Affordable Care Act and other reform efforts. Key features include an overview of changes affecting provider liability, a review of standards and quality metrics of an ACO/CIN; corporate responsibility in health care quality; quality enforcement efforts; and enhanced exposure to malpractice, apparent agency and corporate negligence liability.

To view the presentation slides, please click here.

Impact of Health Care Reform on Pediatric Hospital Liability: PSO Updates

This presentation provides an overview of hospital liability theories; addresses how changes resulting from health care reform measures will affect liability risks; and provides recommendations on how to limit risk and maximize legal protections.

To view the presentation slides, click here.

Hospital/Physician Relations

NPDB: The Guidebook Changes and How They May Affect You

This presentation provides background information on the National Practitioner Data Bank, and addresses reporting requirements, query access, credentialing, when actions

are reportable and the time frame for reporting. It also highlights withdrawal of applications, investigations, suspensions and sanctions for failure to report.

To view the presentation slides, click here.

Medical Staff Bylaws: Compliance Gaps and Best Practices

This two-part presentation series provides a review of the most common compliance gaps and how they can be corrected. The materials identify some best practices for hospitals and medical staffs to consider implementing in light of the rapidly changing health care industry under the Affordable Care Act and other reform measures. The presentations:

- provide a review of common medical staff bylaw provisions and identify typical compliance gaps;
- identify alternative provisions and recommendations to achieve compliance;
- identify best practices in the areas of pre-application, appointment and reappointment, exclusive contracts, corrective action, and hearings;
- recommend steps to take to maximize state and federal confidentiality protections for peer review and other patient safety activities; and
- recommend best practices for avoiding the need for formal corrective action, hearings and Data Bank reports.

To view the recording of Part I of the webinar, click here, and for Part II, click here.

To view the presentation slides for Part I, click here, and for Part II, click here.

To view the definition of peer review and peer review committee, click here.

To view the definition of patient safety evaluation system and patient safety work, click here.

To view the collegial intervention sample language, click here.

Managing Peer Review Investigations: How to Avoid Hearings and Litigation

Medical staff professionals, medical staff leaders, health care administrators and in-house counsel must consider a number of strategies and steps when quality of care issues are identified which may ultimately trigger an outside review or internal investigation. This webinar presentation focuses on ways organizations can avoid or limit the need for hearings and Data Bank reports when quality-of-care issues are identified.

To view the presentation materials, click here.

To view the presentation supplement on collegial intervention, click here.

To view the Q&A from this program, click here.

Patient Safety Organizations

Case Law Updates and Implications for Member PSES Activity

This webinar presentation addresses the Kentucky Supreme Court's decision in *Tibbs v. Bunnell*, how to prepare for similar arguments in other jurisdictions to avoid a *Tibbs* outcome, and the impact of *Tibbs* on the design of a provider's and Patient Safety Organization's (PSO's) patient safety evaluation system (PSES). It also highlights the options available when Patient Safety Work Product (PSWP) submitted to PSOs is needed for other reasons, and whether to replace peer review activities under the protection of state law or the Patient Safety Act.

To view the presentation slides, click here.

Impact of *Tibbs* Decision and Options for Disclosing Patient Safety Work Product

This webinar presentation addresses two current legal concerns: the possible repercussions of *Tibbs v. Bunnell* and what options are available when the Patient Safety Work Product (PSWP) submitted to the Patient Service Organization (PSO) is needed for other reasons.

To view the presentation slides, click here.

Litigation

SDNY Dismisses False Claim Act Complaint, Finding Relators Misconstrued Medicaid Program Legal Framework

Health Information Privacy and Security

Practical Considerations for Health Care in the Cloud

This webinar presentation addresses the growing use of cloud computing in health care with a focus on applicable Health Insurance Portability and Accountability Act (HIPAA) requirements and practical contracting considerations. The presentation also addresses the following topics:

- key HIPAA/Health Information Technology for Economic and Clinical Health (HITECH) Act provisions impacting cloud vendor relations;
- vendor diligence strategies; and
- common negotiating points.

To view a recording of the webinar, click here.

To view the presentation slides, click here.

Practical Guidance and Proposed Solutions in Response to HIPAA Omnibus Rule

This webinar presentation addresses the Health Insurance Portability and Accountability Act Omnibus Rule, a material development in the area of health care privacy, and its important operational consequences for covered entities and business associates.

To view the presentation materials, click here.

CONTACTS

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