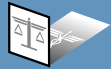


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S T A R K R E A L I T Y

Compliance With The Stark Law and Regulations

In-Depth Analysis and Practical Implications



Hyatt Regency Washington on Capitol Hill

Washington, D.C.

Preconference Symposia

Sunday, June 13, 1999

Conference

Monday – Tuesday

June 14 – 15, 1999

Stark Reality—Compliance with the Stark Law and Regulations

The nation's system of health care finance and delivery continues to evolve in search of cost effectiveness and quality. Physicians and their IPA and medical group organizations remain the central engine driving America's health care system.

Physicians are attempting to build clinical teams and capitalize ancillary services and the infrastructure necessary to deliver care in the increasingly complex reimbursement environment. In this context, physicians and their organizations are often investing in or joint venturing with other health care professionals and institutions.

In 1989, Congress enacted the first Stark law. Known as Stark I, the legislation sought to regulate a physician's opportunity to profit from referrals of clinical laboratory services. In 1993, Congress passed Stark II expanding physician self-referral prohibition to include 11 different "designated health services." Stark II became effective on January 1, 1995. Final regulations under Stark I were promulgated in 1995. Proposed Stark II regulations were published in January of 1998, but have not been finalized.

Few health care regulatory initiatives have been as controversial as the Stark law. The seemingly clear policy initiative to prohibit payment for referrals has turned out to be exceedingly complex and confusing to implement. Yet the Stark law and regulations continue to fundamentally influence the structure of medical practice in the United States.

The Stark Reality Conference, through preconference symposia, 10 general sessions, 25 concurrent sessions and approximately 40 experts, convenes the nation's leading health care policy makers and practitioners to discuss in detail the technical ambiguities and strategic implications of the Stark law and regulations.

SAVE THE DATES

JUNE 10 – 11, 1999

Health Care Compliance Association
Managed Care Compliance Conference
Marriott at Metro Center, Washington, D.C.

For information call 888-580-8373

Registrants for the Managed Care Compliance Conference will receive a \$100 discount for The Stark Reality Conference.

OCTOBER 24 – 27, 1999

Health Care Compliance Association
Annual Compliance Institute
Chicago Marriott Downtown, Chicago, Illinois

For information call 888-580-8373

MARCH 29 – 31, 2000

Third Annual National Congress on
Health Care Compliance
Marriott Wardman Park Hotel, Washington, D.C.

For information call 206-628-7405

Objectives of the Stark Reality Conference

- To provide an understandable overview of the Stark law and regulations to health care executives, compliance officers and physicians
- To educate beginning health care attorneys about the Stark law and regulations
- To provide a context for senior health care attorneys, consultants, compliance officers and executives to discuss technical and strategic issues in the construction of the Stark law and regulations
- To identify in detail the basic requirements of the Stark law and the technical scope of the exceptions to Stark prohibitions
- To describe the impact of the Stark law on the structure of various sectors of health care finance and delivery
- To outline creative ways of structuring health care transactions that increase the likelihood of compliance with the Stark law and regulations

Who Should Attend

Compliance Officers	IPA Executive Directors and Physicians
Consultants	Medical Directors, Medical Group
Health Care Attorneys	Administrators and Physicians
Health Care Executives	Physicians and Other Health Professionals
Health Care Researchers	Physician Practice Management
Health System Board Members	Executives and Physicians
Financial Advisors	Regulators
In-House Counsel	Risk Managers
Investment Bankers	Venture Capitalists

Discounts Available

Discounts are available for members of the American Health Lawyers Association, the Health Care Compliance Association, and the Healthcare Financial Management Association. Additional discounts are available for multiple registrants from single institutions.

ABA MCLE Credit. Required sponsor documentation has been forwarded to and credit requested from MCLE states with general requirements for all lawyers. We have requested a total of 15 CLE hours from all MCLE states. Lawyers seeking credit in Pennsylvania must pay fees of \$1.50 per credit hour directly to the PA CLE Board. The Health Care Compliance Association pays applicable fees in other states where the sponsor is required to do so, and in states where a late fee may become applicable. Please be aware that each state has its own rules and regulations, including its definition of 'CLE'; therefore, certain programs may not receive credit in some states. For information on approved credit hours for your state, please contact Marcie Pallante at The Stark Reality Conference office at 800-408-8951.

CME. This activity has been implemented in accordance with the Essentials and Standards of the Accreditation Council for Continuing Medical Education (ACCME) through the joint sponsorship of the National Association of Managed Care Physicians (NAMCP) and the Health Care Compliance Association. The NAMCP is accredited by the ACCME to provide continuing medical education for physicians. The NAMCP designates this continuing medical educational activity for a maximum of 12 hours in category 1 credit towards the AMA Physician's Recognition Award. Each physician should claim only those hours of credit that he/she actually spent in the activity.

Cover Illustration Courtesy of *Novartis Medical Benefit Report: Vol. 1.1*, "Who Carries Risk for Quality Care," 1998. Artist: Eric Westbrook

PRECONFERENCE SYMPOSIA
SUNDAY, JUNE 13, 1999

11:00 a.m.–5:00 p.m. *Early Registration*
1:00–5:00 p.m. *Preconference Symposia*
(optional; space is limited)

1. *Stark/Fraud and Abuse Compliance Primer for Attorneys*
Carrie Valiaent, Esq.
Partner, Epstein Becker & Green
and Author, *Legal Issues in Health Care Fraud and Abuse: Navigating the Uncertainties* (AHLA, 2nd Ed., 1998)
Washington, D.C.
2. *The Basics of Structuring Business Transactions with Physicians—A Primer for Healthcare Executives, Physicians and Compliance Officers*
Lawrence B. Garcia, Esq.
Director
BDC Advisors LLC and
Former Legal Counsel
Catholic Healthcare West
San Francisco, CA

Cynthia Haines
Principal
BDC Advisors LLC and
Former Managing Director
Shattuck Hammond Partners, Inc.
San Francisco, CA

CONFERENCE
MONDAY, JUNE 14, 1999

- 7:00 a.m. *Registration and Continental Breakfast*
8:00 a.m. *Introduction and Welcome*
Brent Saunders, Esq.
Director, Healthcare Regulatory Group
PricewaterhouseCoopers
President, Health Care Compliance Association and
Former Chief Compliance Officer, Thomas Jefferson
University and Coventry Health Care
Washington, D.C.

John Steiner, Esq.
Chief Compliance Officer
The Cleveland Clinic Foundation and
Former Senior Counsel
American Hospital Association
Cleveland, OH
(Conference Co-Chairs)
- 8:00 a.m. *An Overview of the Stark Law and Regulations—A Lawyer's Perspective*
Sandy Teplitzky, Esq.
Partner
Ober Kaler Grimes & Shriver
Baltimore, MD

8:30 a.m. *Implementation of the Stark Law and Regulations—A Regulator's Perspective*
Joanne E. Sinsheimer
Coordinating Stark II Regulations
Health Care Financing Administration
Baltimore, MD

9:00 a.m. *Prosecution of Stark Law Violations—An Assistant U.S. Attorney's Perspective*
James Sheehan, Esq.
Assistant U.S. Attorney
Eastern District of Pennsylvania
Philadelphia, PA

9:30 a.m. *Implications of the Stark Law and Regulations—A Compliance Officer's Perspective*
Alan Yuspeh, Esq.
Senior Vice President
Ethics, Compliance and Corporate Responsibility
Columbia/HCA
Nashville, TN

10:00 a.m. *Structuring Physician Transactions Under the Stark Law—A Consultant's Perspective*
Lou Pavia
Executive Vice President
McManis Associates, Inc.
and Director, MMI
Washington, D.C.

10:30 a.m. *Break*

11:00 a.m. CONCURRENT SESSION I

1A *The Basics of Stark: What Are Designated Health Services*
Gadi Weinreich, Esq.
Partner
Shaw Pittman Potts & Trowbridge
Washington, D.C.

1B *Analysis of Stark Exceptions: Group Practice and In-Office Ancillary*
Brent V. Miller, M.S.P.A.
Vice President
Public Policy and Political Affairs
American Medical Group Association
Alexandria, VA

1C *Application of Stark to Industry Sectors: Pharmaceutical Manufacturers*
Helen Trilling, Esq.
Partner
Hogan & Hartson LLP
Washington, D.C.

1D *Application of Stark to Industry Sectors: Integrated Delivery Systems*
F. Lisa Murtha
Managing Director
KPMG Peat Marwick
New York, NY

1E *Compliance: Integrating Stark Into Institutional Compliance Plans*

Roy Snell
Senior Manager
Deloitte & Touche, LLP
Editor, *Journal of Health Care Compliance* and
Past President, Health Care Compliance Association
New York, NY

12:00 noon *Lunch*

Panel Discussion: Practical Implications of the Stark Law and Regulations

Morning Plenary Session Faculty

1:45 p.m. *Analysis of the Stark II Regulations*

Charles B. Oppenheim, Esq.
Partner
Foley & Lardner and
Author, *Stark II Regulations: A Comprehensive Analysis*
(AHLA, 1998)
Los Angeles, CA

2:30 p.m. CONCURRENT SESSIONS II

2A *The Basics of Stark: Definitions—Physician, Immediate Family Member, Referral and Financial Relationship*

Kevin R. Barry, Esq.
Partner
Reed Smith Shaw & McClay
Washington, D.C.

2B *Compliance: Incorporating Stark Analysis in Compliance Audits*

John Steiner, Esq.
Chief Compliance Officer
The Cleveland Clinic Foundation
Cleveland, OH

2C *Stark's Interaction with Other Laws: Fraud and Abuse*

Harvey A. Yampolsky, Esq.
Partner
Arent Fox Kintner Plotkin & Kahn, PLLC
and Former Chief Counsel, Office of Inspector
General, DHHS
Washington, D.C.

2D *Doing the Deal/Stark Compliance: Managed Care Payment Arrangements*

Bruce Merlin Fried, J.D.
Partner
Shaw Pittman Potts & Trowbridge and
Former Director, Center for Health Plans and
Providers, HCFA
Washington, D.C.

2E *Doing the Deal/Stark Compliance: Gainsharing*

Robert G. Homchick, Esq.
Partner
Davis Wright Tremaine LLP
Seattle, WA

3:30 p.m. *Break*

4:00 p.m. CONCURRENT SESSIONS III

3A *The Basics of Stark: What Are the Penalties for Violation?*

Gabriel L. Imperato, Esq.
Partner
Broad & Cassel
Ft. Lauderdale, FL

3B *Stark's Interaction with Other Laws: Reimbursement*

Jennifer A. Stiller, Esq.
Partner
Montgomery, McCracken, Walker & Rhoads, LLP
Philadelphia, PA

3C *Application of Stark to Industry Sectors: Group Practices and Physician Independent Contractors*

Bill Sarraille, Esq.
Partner
Arent Fox Kintner Plotkin & Kahn, PLLC
Washington, D.C.

3D *Doing the Deal/Stark Compliance: Ambulatory Surgery Centers*

Keith M. Korenchuk, J.D.
Partner
Davis Wright Tremaine LLP
Charlotte, NC

5:00 p.m. *Adjournment*

CONFERENCE
TUESDAY, JUNE 15, 1999

7:00 a.m. *Continental Breakfast*

8:00 a.m. *Welcome*

8:00 a.m. *Incorporating Stark Concerns in Health Care Transactions*

Douglas A. Hastings, Esq.
Partner
Epstein Becker & Green PC
Washington, D.C.

8:45 a.m. *Interpreting Stark—Advanced Problems and Solutions, Including Use of the Stark Advisory Opinion Process*

Guy Collier, Esq.
Partner
McDermott Will & Emery
Washington, D.C.

Gabriel L. Imperato, Esq.
Partner
Broad & Cassel
Ft. Lauderdale, FL

Edward Kornreich, Esq.
Partner
Proskauer Rose LLP
New York, NY

10:15 a.m. *Break*

10:45 a.m. CONCURRENT SESSIONS IV

- 4A *Stark's Interaction with Other Laws: Tax Exempt Status*
T. J. Sullivan, Esq.
Partner, Gardner Carton & Douglas and
Former Special Assistant (Health Care) to the
IRS Assistant Commissioner (Exempt Orgs.)
Washington, D.C.
- 4B *Analysis of Stark Exceptions: Prepaid Plan, Fraud and Abuse Substantial Financial Risk, and Physician Incentive Plan Regulations*
Mark S. Joffe, Esq.
Law Offices of Mark S. Joffe
Washington, D.C.
- 4C *Stark's Interaction with Other Laws: Qui Tam Actions*
Greg Miller, Esq.
Partner, Miller Alfano & Raspanti
and Former Assistant U.S. Attorney and Chief,
Criminal Division, Eastern District of Pennsylvania
Philadelphia, PA
- 4D *Application of Stark to Industry Sectors: Skilled Nursing Facilities and Long Term Care*
Jody A. Noon, R.N., J.D.
Partner, Davis Wright Tremaine LLP
Portland, OR

11:45 a.m. *Lunch*

*Panel Discussion:
The Stark Law—Ten Years Later*

- Mary R. Grealy, Esq.
Chief Washington Counsel
American Hospital Association
Washington, D.C.
- Richard P. Kusserow
President, Strategic Management Systems
and Former Inspector General, DHHS
Washington, D.C.
- Brent V. Miller, M.S.P.A.
Vice President, Public Policy and Political Affairs
American Medical Group Association
Alexandria, VA
- Thomas A. Scully, Esq.
President and CEO
Federation of American Health Systems
Washington, D.C.
- Katie Tenoever, Esq.
Washington Counsel
American Medical Association
Washington, D.C.
- Harvey A. Yampolsky, Esq.
Partner, Arent Fox Kintner Plotkin & Kahn. PLLC
and Former Chief Counsel, Office of Inspector
General, DHHS
Washington, D.C.
- John K. Iglehart (Moderator)
Founding Editor, *Health Affairs Journal*
Project Hope
Bethesda, MD

2:00 p.m. CONCURRENT SESSIONS V

- 5A *Analysis of Stark Exceptions: Personal Services and Equipment and Office Leases*
Howard Bruce Klein, Esq.
Law Offices of Howard Bruce Klein
and Former Assistant U.S. Attorney
Eastern District of Pennsylvania
Philadelphia, PA
- 5B *Analysis of Stark Exceptions: Hospital, Rural Provider and Public Company Ownership*
Stuart S. Kurlander, Esq.
Partner
Latham & Watkins
Washington, D.C.
- 5C *Application of Stark to Industry Sectors: Physician Practice Management*
Kevin Outterson, Esq.
Partner
Baker Donelson Bearmen & Caldwell
Nashville, TN
- 5D *Doing the Deal/Stark Compliance: Physician/Hospital Joint Ventures*
Dennis M. Barry, Esq.
Partner
Vinson & Elkins LLP
Washington, D.C.

3:00 pm. *Break*

3:15 p.m. CONCURRENT SESSIONS VI

- 6A *Analysis of Stark Exceptions: Physician Recruitment*
Dan Mulholland, Esq.
Partner
Horty Springer & Mattern
Pittsburgh, PA
- 6B *Legal Opinions: What is the Appropriate Scope of a Stark Opinion?*
Guy Collier, Esq.
Partner
McDermott Will & Emery
Washington, D.C.
- 6C *Application of Stark to Industry Sectors: Dialysis, Lithotripsy and Radiology*
Paul E. Cooney, Esq.
Partner
Foley & Lardner
Washington, D.C.
- 6D *Doing the Deal/Stark Compliance: Medical Staff Relations, Medical Director Agreements and MOB Development*
Gregory Luce, Esq.
Partner
Jones Day Reavis & Pogue
Washington, D.C.

4:15 p.m. *Adjournment*

STARK REALTY

Sunday-Tuesday, June 13-15, 1999

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BY PHONE: 800-546-3750
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Philadelphia, PA 19107

- *Registration fees are not refundable
- *Registration is not transferable
- *Schedule subject to change

CONFERENCE HOTEL INFORMATION

Special rates of \$172 (plus tax) per single, per night, and \$197 (plus tax) per double, per night have been arranged for The Stark Reality Conference. Please make your reservations directly with the Hyatt Regency Washington on Capitol Hill and mention The Stark Reality Conference to receive the reduced rate. Reservations will be accepted until May 17, 1999. After that cut-off date, reservations will be accepted on a space-available basis.

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WASHINGTON, D.C. 20001
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2 PRICING

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First organization registrant	\$1,095	
Each additional organization registrant	\$995	} + _____
•After June 1		
First organization registrant	\$1,195	
Each additional organization registrant	\$1,095	

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*Association discounts available to members of American Health Lawyers Association, Health Care Compliance Association and Health Care Financial Management Association
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3 PAYMENT OPTIONS

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