

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.

Wednesday, October 30

AGENDA:

+ WHETTING YOUR APPETITE: HEALTHCARE 2024 YEAR IN REVIEW

Gabriella Grause and Lauren Butler | 9:00 - 9:50 AM CT

This presentation kicks off the Institute by highlighting some key health law changes and industry trends over the past year. Gabriella and Lauren will discuss topics such as Section 1557 compliance, good faith estimates, split/shared visit rules, price transparency, revised informed consent requirements, and HIPAA changes related to reproductive health. We expect these morsels will whet your appetite for more discussion from the Foulston team throughout the day.



+ BENEFICIAL OWNERSHIP FILINGS REQUIRED UNDER THE CORPORATE TRANSPARENCY ACT

Alex Schulte | 9:50 - 10:00 AM CT

On January 1, 2024, a federal law titled the Corporate Transparency Act ("CTA") went into effect. Under the CTA, a wide variety of companies are required to electronically file a report identifying the entity and its beneficial owners to the Financial Crimes Enforcement Network ("FinCEN"). While some healthcare entities will be exempt from the filing requirements, many other entities in the healthcare industry will need to file, and for most reporting entities, there is a deadline to make required filings by the end of the 2024 calendar year. This session will provide a brief overview of the CTA, FinCEN's beneficial owner filing requirements, filing exemptions applicable to certain entities, and the deadlines for entities to make required filings.



+ ARTIFICIAL INTELLIGENCE AND THE HEALTHCARE PROVIDER: EMERGING ISSUES TO KEEP AN "AI" ON

Nancy Musick | 10:00 - 10:30 AM CT

Nancy will provide an overview of emerging AI issues for healthcare providers, including provider-assistant technology and contract compliance requirements.



BREAK

10:30 - 10:40 AM CT

+ HIPAA HELPER

Brooke Bennett Aziere | 10:40 - 11:30 AM CT

Brooke will be your HIPAA Helper as she provides an update on Office for Civil Rights (OCR) enforcement, the new HIPAA Rule to Support Reproductive Health finalized earlier this year, and a HIPAA security update. This session will cover recommended updates to Notice of Privacy Practices and other policies related to the new Rule to Support Reproductive Health and tips and strategies for compliance with the HIPAA Security Rule.



+ GONE? — BUT NOT FORGOTTEN — THE CURRENT STATE OF THE FTC'S NON-COMPETE BAN AND WHAT HAPPENS NEXT

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

Earlier this year, the Federal Trade Commission promulgated a near-total ban on non-competes across the country. Just a couple of weeks before the ban was to take effect, though, a district court in Texas struck it down. It is suspected that this ban will journey down a long and winding appellate trail, potentially ending up before the Supreme Court. In this session, Clayton will discuss the ban's requirements, what employers should do as the courts decide the ban's fate, and what we expect will ultimately happen to better prepare you and your organization to decide what, if anything, you should do with your restrictive covenant agreements.



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LUNCH

12:00 - 1:00 PM CT

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

+ IT'S A TRAP! THERE'S NO SUCH THING AS A ROUTINE RECORDS REQUEST FROM THE GOVERNMENT

Amanda Wilwert | 1:00 - 1:45 PM CT

Medicare and Medicaid Recovery Audit Contractors ("RACs"), Unified Program Integrity Contractors ("UPICs"), probe audits, and Office of Inspector General ("OIG") information requests start with what appears to be a benign request to review a copy of the patient's medical record. Most providers treat these requests as routine, producing a copy of the medical record without giving much consideration to the request. This cavalier attitude may lead to mistakes and the potential for significant overpayment liability. This session will highlight current audit trends, explore best practices in responding to chart audit requests, and how to respond to suspected problems.



+ FRAUD AND ABUSE – LOOKING BACK, LOOKING FORWARD

Sam Walenz and Gary Ayers | 1:45 - 2:35 PM CT

This session will provide an update and analysis of fraud-and-abuse enforcement trends over the last year, preview what enforcement may look like in the coming future, and explain what the Supreme Court's rulings involving the National Resources Defense Council, National Marine Fisheries Service, and Securities Exchange Commission have to do with it all.



BREAK

2:35 - 2:45 PM CT

+ STARK LAW AND ANTI-KICKBACK CASE STUDY: TAKEAWAYS FROM RECENT ENFORCEMENT ACTIONS

Alex Schulte | 2:45 - 3:35 PM CT

The federal Physician Self-Referral Law, commonly known as the "Stark Law," and the federal Anti-Kickback Statute are two of the most important federal prohibitions on fraud and abuse in the American healthcare system. In the past 12 months, the U.S. Department of Justice and other regulatory and law-enforcement authorities have been particularly active in enforcing these laws, including through actions under the federal False Claims Act. This session will provide a brief overview of key concepts related to the Stark Law and Anti-Kickback Statute and will include a case study of recent enforcement activity. Alex will discuss lessons to be learned from the cases discussed and provide practical ways to prevent or avoid the mistakes that led to those enforcement actions.



+ CYBERSECURITY: A HEALTHCARE HUDDLE

Gabriella Grause | 3:35 - 4:15 PM CT

If there's one thing 2024 has already proven with respect to cybersecurity, it's that threats to health data are going nowhere. In fact, according to the American Health Law Association ("AHLA"), cybersecurity proves to be "one of the top compliance and operational challenges facing the healthcare industry." During this session, join the huddle as Gabriella equips you with information and strategies from the following sources to help you defend against, identify, and recover from threats to your entity's health data: the Department of Health and Human Services ("HHS"), the Department of Homeland Security Cybersecurity and Infrastructure Security Agency ("CISA"), the U.S. Securities and Exchange Commission ("SEC"), and others.



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.