



Government Health Care Investigations: Prevention and Response in Georgia

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Powell Goldstein LLP

Richard D. Sanders

Balch & Bingham LLP

Robert C. Threlkeld

Morris Manning & Martin LLP

This seminar is designed for hospital administrators, compliance directors, medical records directors, health information directors, office managers, release of records professionals and attorneys.

ATLANTA, GA
JANUARY 29, 2008

CONTINUING EDUCATION CREDIT

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Seminar Highlights

Do you have the latest and most effective strategies for preventing and responding to government investigations?

One of the most unsettling events a health care professional or provider can experience is unexpected or uninvited government intrusion or scrutiny. This seminar will educate you on various types of government scrutiny and intrusion that occur in the health care arena and familiarize you with the various types of federal and Georgia government agencies that operate in Georgia to regulate health care professionals and providers. You will also learn about the types of methods these government agencies use to scrutinize health care professionals and providers. You and your company will also stay current on the various steps you can take to design appropriate compliance plans, policies and procedures for preventing and handling government intrusion and scrutiny.

Benefits for You

- Find out what you need to know about state and federal health care agencies
- Navigate recent developments in False Claims Act litigation
- Decipher Georgia's new False Medicaid Claims Act
- Know what to do when FBI agents are at the door
- Adhere to compliance program guidelines recently issued by OIG



Free Manual
With Registration

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Lorman Business Center, Inc. is an Authorized Provider by the International Association of Continuing Education and Training (IACET). Lorman Business Center, Inc. will award 0.60 CEUs to participants who successfully complete this program. Participants must complete an evaluation in order to receive CEUs. Please verify applicability with your professional board before attending.

IACET Learning Objectives

- The attendee will be able to:
- identify relevant criminal laws
 - discuss recent enforcement activity
 - review voluntary disclosures

This program has been approved by the Georgia Commission on Continuing Lawyer Competency for 6.0 CLE hours.

This course has been approved by the Institute of Certified Records Managers for 6.0 hours of continuing education.

This program has been approved for 6.0 continuing education clock hours by NAB/NCERS - approval #25410.

Critical Issues on the Agenda

Wyndham Midtown Atlanta • 125 10th Street Northeast

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Atlanta, GA • January 29, 2008

- 8:30 AM – 9:00 AM **Registration**
- 9:00 AM – 10:00 AM **Overview of State and Federal Health Care Fraud Enforcement Agencies, and the Civil, Criminal and Administrative Laws They Enforce** — R. Joseph Burby IV
- State Agencies
 - State Health Care Fraud Control Unit
 - Department of Community Health
 - DCH-Office of Inspector General
 - Federal Agencies
 - Centers for Medicare and Medicaid Services
 - Department of Health and Human Services
 - HHS-Office of Inspector General
 - Department of Justice
 - Civil, Criminal and Administrative Laws
 - Federal and State False Claims Acts
 - Federal Stark Statute
 - Federal Anti-Kickback Statute
 - Federal Health Care Fraud Statute
- 10:00 AM – 10:15 AM **Break**
- 10:15 AM – 11:15 AM **Recent Enforcement Activity, Developments and Trends** — Lynn M. Adam
- Recent Developments in False Claims Act Litigation
 - Pharmaceutical Marketing
 - Overview of Important HHS-OIG Advisory Opinions in 2007
 - Significant Health Care Fraud Convictions
 - Georgia's New False Medicaid Claims Act and Related Medicaid Developments
- 11:15 AM – 12:15 PM **What to Do When FBI Agents Are at the Front Door – And How They Got There in the First Place: Health Care Fraud Enforcement Methods and Defense Responses** — Robert M. Brennan
- The Sources and Types of Criminal Referrals in Health Care Fraud Investigations
 - Covert and Overt Investigative Techniques Used by Government Investigators
 - The Government's Badges of Fraud
 - Search Warrant Responses
 - Grand Jury Subpoena Compliance
 - Identification as a Target, Subject or Witness
 - Cooperation From the Government's and Target's Perspective
 - Proffers and Witness Interviews
- 12:15 PM – 1:15 PM **Lunch (On Your Own)**
- 1:15 PM – 2:15 PM **Internal Investigations** — Ralph J. Caccia
- Why Do an Internal Investigation?
 - Where Should You Start?
 - Who Should Conduct and Control the Investigation?
 - What Does the Investigation Entail?
 - How Should You Document the Results?
 - What Do You Do With the Results?
- 2:15 PM – 2:30 PM **Break**
- 2:30 PM – 3:30 PM **Voluntary Disclosures** — Robert C. Threlkeld
- Requirements of Self-Disclosure at Federal and State Levels
 - Privilege Issues in Connection With Self-Disclosure
 - Ethical and Professionalism Issues in Counseling a Client to Self-Disclosure
- 3:30 PM – 4:30 PM **Does a Compliance Program Benefit an Organization Anymore?** — Richard D. Sanders
- Review Compliance Guidance Recently Issued by OIG
 - Discuss Impact of Federal Government Investigation Policy on Compliance Programs
 - Analyze the Effect of Georgia's New Self-Disclosure Rules for Medicaid Providers on Compliance Programs

Our Distinguished Faculty

Lynn M. Adam is a member of the Business Litigation team and the Health Care Industry Practice Group of King & Spalding LLP in Atlanta. Ms. Adam advises a variety of health care clients, including hospitals, physician groups and other providers, in connection with government investigations, compliance inquiries and commercial litigation. As a former federal criminal prosecutor, she focuses on fraud and abuse concerns in the health care community. Before joining King & Spalding, Ms. Adam served as an assistant U.S. attorney in the U.S. Attorney's Office for the Northern District of Georgia between 2002 and 2006. She is an honors graduate of The George Washington University Law School. Before becoming a lawyer, Ms. Adam served for four years on active duty in the U.S. Navy.

Robert M. Brennan is of counsel in Parker, Hudson, Rainer & Dobbs LLP's Litigation Group. Mr. Brennan's practice focuses primarily on complex civil litigation, white-collar criminal defense and internal investigations. His experience includes litigating criminal and civil cases at the trial and appellate levels, as well as defending individuals and companies in criminal prosecutions, investigations and regulatory disputes. Prior to joining the firm, Mr. Brennan was an assistant U.S. attorney in the Southern District of Georgia, where he handled criminal prosecutions at the trial and appellate level. His work as an AUSA also included the investigation and prosecution of medical professionals accused of violating federal drug laws by illegally prescribing controlled substances without a legitimate medical purpose. Mr. Brennan was selected as a 2007 Georgia Super Lawyer Rising Star in the field of white-collar criminal defense by *Law and Politics Media* and *Atlanta Magazine*. He is a frequent speaker and lecturer. Mr. Brennan received his B.A. degree from Vanderbilt University; his M.P.A. degree from Georgia State University; and his J.D. degree, cum laude, from the University of Georgia School of Law.

R. Joseph Burby IV is a partner in Powell Goldstein LLP's Special Matters and Government Investigations Practice Group. He is a former federal and state prosecutor whose practice focuses on white-collar criminal defense, internal corporate investigations, complex civil litigation and corporate compliance, and governance matters. Mr. Burby earned his B.A. degree, with distinction, from The University of North Carolina at Chapel Hill, where he was a member of Phi Beta Kappa. He also earned his law degree from UNC at Chapel Hill, graduating with honors. Following law school, Mr. Burby served as a state prosecutor in DeKalb County and Fulton County, Georgia. From 2002 to 2006, Mr. Burby served as an assistant U.S. attorney for the Northern District of Georgia. While he prosecuted a wide range of federal criminal offenses, Mr. Burby focused heavily on health care fraud, securities fraud, money laundering, tax fraud and other complex financial crimes.

Ralph J. Caccia focuses his practice in the area of white-collar crime, the defense of government enforcement actions, political and congressional investigations, corporate internal investigations and antitrust. Since coming to Powell Goldstein LLP, Mr. Caccia has successfully represented and defended individuals and corporations in a variety of federal criminal investigations. From 1990 to 1995, he served as an assistant U.S. attorney for the District of Columbia. Mr. Caccia was honored twice with the Department of Justice Special Achievement Awards for his work as a prosecutor. He also received a special commendation from the U.S. Secret Service for his prosecution of several complex financial fraud cases. Mr. Caccia has extensive experience in all phases of criminal proceedings. He has lectured and authored numerous articles on white-collar crime issues. In 2007, Mr. Caccia was selected as one of the top attorneys in the Washington, D.C., metro area by *Super Lawyers Magazine*. He received his J.D. degree from Georgetown University Law Center and his B.A. degree, summa cum laude and Phi Beta Kappa, from Fordham University.

Richard D. Sanders is a partner in Balch & Bingham LLP's Atlanta office and directs the Health Care Practice Group in Atlanta. Mr. Sanders represents a variety of health care providers and managed care organizations on a broad range of corporate and regulatory issues. He also represents providers and provider organizations in their relationships with regulatory agencies. Mr. Sanders frequently counsels hospitals and other organizations with regard to improving the effectiveness of their corporate compliance programs. He regularly speaks to a variety of groups of hospital and physician executives regarding legal issues facing health care providers. Mr. Sanders is also an adjunct professor at the Rollins School of Public Health at Emory University, where he teaches a course in health care administration law. He earned his B.A. degree at Duke University and his J.D. degree, Phi Delta Phi, at Emory Law School.

Robert C. Threlkeld is a partner in the Morris Manning & Martin LLP's Litigation and Health Care Practice Groups. Mr. Threlkeld actively represents health care providers in a range of regulatory and business disputes. He has substantial experience in Medicare and Medicaid fraud and abuse matters, false claims and whistle-blower cases, certificate of need matters, licensure and medical staff disputes. Aside from his health care practice, Mr. Threlkeld has substantial experience in federal and state courts in a variety of commercial litigation. He also has successfully represented injured parties in a number of catastrophic injury and wrongful death cases. Aside from his professional practice, Mr. Threlkeld is an adjunct professor in pretrial litigation at Emory University. He received his B.A. degree, magna cum laude, from Emory University; his M.A. degree from Harvard University; and his J.D. degree, cum laude, from Georgetown University, where he was an associate editor of the *Georgetown Law Journal*.

Registration

Government Health Care Investigations Atlanta, GA - January 29, 2008



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