

**ACI**American Conference Institute
Business Information in a Global Context

This year marks 30 years since the inception of C5 Group.
It is time to match our brand with the dynamic strides we have made.
See inside for details...

May 2–3, 2016 | InterContinental Chicago Magnificent Mile | Chicago, IL

American Conference Institute's 7th Annual Advanced Forum on

MANAGED CARE DISPUTES AND LITIGATION

*Bolstering defensive strategies in the face of
growing litigation costs*

**EARN CLE ETHICS
CREDITS**

Benchmark Your Strategies Against Leading MCO's:

Jeremy Brieve
Associate Counsel
Priority Health

John Charnecki
Senior Counsel
Tenet Healthcare Co.

Mark R. Chilson
Executive Vice President
and General Counsel
CareSource

A. Courtney Cox
Vice President, Litigation
WellCare Health Plans Inc.

Quinn A. Henderson
Sr. Corporate Counsel –
Litigation
WellCare Health Plans, Inc.

Erin Hiley
Assistant General Counsel
Molina Healthcare

Tim McMichael
Assistant General Counsel
Premiera Blue Cross

Elizabeth Monohan
Assistant General Counsel
Humana Inc.

Caroline L. Schiff
Counsel – Litigation
Humana Inc.

Matthew R. Varzally
Senior Counsel – Litigation
Humana Inc.

Gain Government Insights on the False Claims Act, from:

Nicholas N. Paul
Supervising Deputy Attorney General
Office of the California Attorney General

In-house industry leaders and the top litigators in the country
will share their insights on how to battle the onslaught of
litigation continuing to mount against MCO's by helping you:

- **COMPREHEND** the inner workings of in-house counsels' ever expanding wheelhouse
- **MINIMIZE RISK** before, after and during a CYBER ATTACK
- **DECIPHER** provisions of the Emergency Medical Treatment and Active Labor Act
- **BOLSTER** your affirmative cost recovery litigation when a plan is a plaintiff
- **ADAPT** to a commercial consumer model in the Age of the Affordable Care Act
- **DEFEND** and **PREVENT** government investigations and FCA claims
- **MITIGATE** Anti-Trust Violations: Addressing the impacts of the Mega Mergers

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Complete your conference experience by
attending this NEW Post-Conference Workshop:

**Collaborative Contract Clause Strategy Session – An
Interactive and In-Depth Review of Common Contract
Language Pitfalls that can Bite you Back in Litigation**

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a C5 Group Company
Business Information in a Global Context

“Always a top notch conference... This is the event/conference to attend in this space.” 2015 attendee from WellCare

In 2016, MCO's are concerned with the DOJ's enforcement priorities and the qui tam bar, how the Affordable Care Act is changing the way healthcare is doing business, and keeping up with new strategies to defend against aggressive plaintiffs' claims while not missing opportunities to file affirmative cost recovery litigation. Whether through arbitration or litigation, all angles of this complex landscape must be carefully considered to provide a bulletproof defense without skyrocketing costs.

This year this premier industry event in **Managed Care Disputes and Litigation** will gather an unparalleled group of in-house doyens and top managed care attorneys to address the increasing challenges and new avenues of litigation in this niche and complex area of law. Highlights of this year's agenda include:

- Trends and Updates in Litigation Risks Facing Plans Today, including:
 - Cyber Attacks: a Roadmap to minimizing risk throughout the process
 - Arbitration: An update on trends around the country
 - Mental Health Parity Update on recent class actions
- The Reimbursement of ER Treatment: Disputing Emergency Room Costs for “nonemergency” conditions and treatments
- A Day in the Life of In-House Counsel in 2016: The Ever Expanding Wheelhouse of Today's In-House Litigator
- The Affordable Care Act and How its Changing How Managed Care Companies do Business and Avoid Litigation
- The Minefield of In-House Legal Ethics
- The Empire Strikes Back: In-House Roundtable on the Defense of Provider Suits in the Wake of the Their Recent Uptick

Sharpen your litigation skills by gaining best practices and new strategies for responding to 2016's biggest Managed Care litigation challenges

Only at ACI's prominent event can you gain practical insights from a leading faculty of in-house industry leaders, from: *Anthem, Inc., CareSource, Humana Inc., Molina Healthcare, Premiera Blue Cross, Priority Health, Tenet HealthCare Co., WellCare Health Plans, Inc. and many more.* They will also be joined by *Nicholas N. Paul, Supervising Deputy Attorney General of the Office of the California Attorney General* and some of the most experienced managed care litigators in the nation. This stellar group of managed care leaders will engage in interactive benchmarking and discussion with attendees in the audience for an unparalleled engaging experience to provide you with takeaways you can use as soon as you return to the office.

Register today to ensure your place in the conversation. Call 1-888-224-2480, fax your registration form to 1-877-927-1563 or register online at www.Americanconference.com/ManagedCare

Kind regards,

Rachel A. Long

Rachel A. Long
Conference Director

In addition, enhance your conference experience by attending this NEW interactive and hands-on Post-Conference Workshop:

Collaborative Contract Clause Strategy Session – An Interactive and In-Depth Review of Common Contract Language Pitfalls that can Bite you Back in Litigation

Day One

Monday, May 2, 2016

7:45 Registration and Continental Breakfast

8:45 Co-Chairs' Welcoming Remarks

A. Courtney Cox
Vice President, Litigation
WellCare Health Plans Inc. (Tampa, FL)

Tim McMichael
Assistant General Counsel
Premiera Blue Cross (Mountlake, WA)

9:00 The False Claims Act and the Managed Care Industry: The Latest Wave of Enforcement and the Qui Tam Bar

Mark Chilson
Executive Vice President and General Counsel
CareSource (Dayton, OH)

Nicholas N. Paul
Supervising Deputy Attorney General
Office of the California Attorney General (San Diego, CA)

Mary Beth Edwards
Managing Director
Navigant Consulting, Inc. (Washington, DC)

William H. Jordan
Partner
Alston & Bird LLP (Atlanta, GA)

Come join this interactive discussion on recent FCA activity in jurisdictions around the nation and what could be coming your way – and hear about the extraordinary diversity between and within Medicare and Medicaid managed care programs and fraud enforcement efforts focused on those multi-faceted programs.

- The Department of Justice
 - What are the AUSA's enforcement priorities for managed care companies
 - What are they looking for in their investigations
 - The Yates Memo
 - Basic principles and the realities of its reach
 - Lessons Learned: Enforcement thus far for other industries and takeaways to prepare your organization
- The States
 - State enforcement priorities for fraud in the Medicaid managed care arena
 - Working with federal attorneys and the qui tam bar on Medicaid managed care fraud cases
 - Enforcement challenges amidst the complexities of state Medicaid managed care
- The Qui Tam Bar
 - What can be learned from the uptick in claims filed against MCO's by Plaintiffs' attorneys

- Defending FCA claims *after* the government declines the case

10:15 Morning Refreshment Break

10:30 Trends and Updates in Litigation Risks Facing Plans Today: A Collaborative and Candid Conversation on Recent Shifts in the Managed Care Space on Crucial Topics, including:

Jennifer S. Romano
Partner
Crowell & Moring LLP (Los Angeles, CA)

Erin Hiley
Assistant General Counsel
Molina Healthcare (Long Beach, CA)

Michelle Skipper
Vice President
American Arbitration Association (Charlotte, NC)

- Cyber Attacks: a Roadmap to minimizing risk throughout the process
 - Necessary and immediate business decisions
 - What to avoid doing before?
 - Managing all the roles throughout the process
- Insurance
- HIPPA - Notice
- PR
- Arbitration: An update on trends around the country
 - Award trends by type of claim and jurisdiction
 - Best practices to keep costs down
- Mental Health Parity Update on recent class actions

11:30 The Reimbursement of ER Treatment: Disputing Emergency Room Costs for "nonemergency" conditions and treatments

Pierre H. Bergeron
Partner
Squire Patton Boggs (Cincinnati, OH/Washington, DC)

Quinn A. Henderson
Sr. Corporate Counsel - Litigation
WellCare Health Plans, Inc. (Tampa, FL)

- Deciphering provisions under the Emergency Medical Treatment and Active Labor Act
 - "coming to the emergency department"
 - "emergency medical condition"
 - "medically necessary"
- Disputing admission/treatment for non-participating providers:
 - Hospitals
 - Ambulance
- Trends: An overview of the uptick of ER claims across the country

12:30 Networking Lunch
Sponsored by:

MOSS ADAMS LLP
Certified Public Accountants | Business Consultants
Acumen. Agility. Answers.

1:45 **A Day in the Life of In-House Counsel in 2016: The Ever Expanding Wheelhouse of Today's In-House Litigator**

Jeremy Brieve
Counsel

Priority Health (Grand Rapids, MI)

A. Courtney Cox

Vice President, Litigation

WellCare Health Plans Inc. (Tampa, FL)

Tim McMichael

Assistant General Counsel

Premiera Blue Cross (Mountlake, WA)

Elizabeth Monohan

Assistant General Counsel

Humana Inc. (Louisville, KY)

Moderator:

Mazda Antia

Partner

Cooley LLP (San Diego, CA)

Join a conversation amongst in-house counsel on stage and in the audience to gain first-hand insights into the daily challenges they face, including:

- Conflicts of wearing many hats
 - Litigator
 - The bearer of PR nightmares
 - Risk Manager
 - What outside counsel can do to help in-house maintain this delicate balance
- While simultaneously considering:
 - Budgets
 - Staffing
 - Reporting demands

3:00 Afternoon Networking Break

3:30 **The Affordable Care Act and How its Changing How Managed Care Companies do Business and Avoid Litigation**

Leo A. Nouhan

Founder

Leo Nouhan & Assoc. (St. Clair Shores, MI)

K. Lee Blalack II

Partner

O'Melveny & Myers LLP (Washington, DC)

- Moving away from an employer based business model to a commercial consumer model. Given changes from ACA and the economy, should health insurance be packaged more like car insurance?
 - How is litigation being affected by this shift?
 - Who is the 3rd party now?

- What are the business repercussions if the industry holds onto the old model?
- Exchanges and individual plans
 - How are companies meeting the increased demand for individual plans
 - Is the jury still out on the business cost and potential risks of the demand for these plans on the exchanges?
 - How is the industry preparing for this shift?
- Eligibility and Residency requirements
 - Best practices to defending those disputes and litigation
 - Preventing providers from maneuvering around those requirements via state exchanges

4:30 **Plans as Plaintiffs: Determining When to Pursue Affirmative Cost Recovery Litigation Against Third Parties**

Thomas C. Mahlum

Partner

Robins Kaplan, LLP (Minneapolis, MN)

Caroline L. Schiff

Counsel – Litigation

Humana Inc. (Chicago, IL)

- Data analytics and FCA settlements
- Private payors utilizing discovery from FCA cases as admissions in claims against providers for RICO, fraud and anti-trust claims
- Successful claims against Pharmaceuticals and Medical Device manufacturers
- Pending decisions for payor claims to recoup for overpayments by Medicaid and Medicare claims

5:15 Conference Adjourns to Day Two

➤ **Here is just some of what last year's in-house attendees had to say:**

"Excellent speakers w/great depth of knowledge in specialized areas." - Aetna

"Good Experience. Well Run Program" - AHIP

"Always a topnotch conference" - WellCare

"A great conference... Enjoyed new faces and new presentations." - Premiera Blue Cross

"Great topics – great networking!" - UnitedHealthcare

Media Partner:

MANAGED
Care

Day Two

Tuesday, May 3, 2016

8:00 Registration and Continental Breakfast

8:30 Co-Chairs' Welcoming Remarks

ANTI-TRUST RISKS FOR MANAGED CARE ORGANIZATIONS

8:45 Mitigating the Risk of Anti-Trust Violations
in the Age of the Mega Merger

Mark J. Botti

Partner

Squire Patton Boggs (Washington, D.C.)

Patrick H. Cantilo

Partner

Cantilo & Bennett, L.L.P. (Austin, TX)

- Risk Management
 - Regulatory review
- Litigation
 - Shareholder derivative suits
 - Other areas of exposure that can come with large consolidations

9:30 Anti-Trust Violations: From Subpoena to CID

Mark Michels

Director

Deloitte Advisory (San Jose, CA)

- Upon receipt of the Grand Jury Subpoena: Crucial first steps
- Managing Civil Investigative Demands
- Checklist for handling a search warrant
- Being transparent while knowing your rights

10:30 Morning Networking Refreshment Break

10:45 The Minefield of In-House Legal Ethics

Peter H. Walsh

Partner

Hogan Lovells (Minneapolis, MN)

- Balancing the ethical tightrope for in-house litigators with an ever-expanding wheelhouse
- Protecting a plan's assertion of attorney-client privilege in matters of plan administration
 - Which legal advice renders the fiduciary exception inapplicable
 - Distinctions between self-funded plans and ERISA plans

11:45 The Empire Strikes Back: In-House Roundtable on the Defense of Provider Suits in the Wake of the Their Recent Uptick

Mark Abernathy

Managing Director

Berkeley Research Group, LLC (Tampa, FL)

John Charnecki

Senior Counsel

Tenet Healthcare (Dallas, TX)

Matthew R. Varzally

Senior Counsel – Litigation & Investigations

Humana Inc. (Louisville, KY)

Don't miss closing out this premier litigation event by benchmarking with in-house counsel on the wave of recent provider suits. Despite the industry emails flooding your inbox, nothing replaces frank discussion regarding what your colleagues are seeing by way of provider claims, including:

- Shifts in the types of claims providers are filing and litigation tactics
- Trends in awards and settlements
- A comparison of various jurisdictions and a foreshadowing of what's to come
- Best practices to combating these aggressive claims

1:00 Conference Adjourns



Continuing Legal Education Credits

Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California.

You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

POST-CONFERENCE WORKSHOP: Tuesday, May 3, 2016

2:00 p.m. to 4:00 p.m.

(1:00 Registration Lunch for Workshop attendees only)

Collaborative Contract Clause Strategy Session – An Interactive and In-Depth Review of Common Contract Language Pitfalls that can Bite you Back in Litigation

Bring your agreements and contract language to an interactive working group, wherein industry leaders will share best practices on how changes in verbiage can save or cost you millions. Leave this high level workshop with practical tips you will want to implement as soon as you return to the office.

Leo A. Nouhan

Founder

Leo Nouhan & Assoc. (St. Clair Shores, MI)

To register or for full agenda and speaker faculty information, go to www.AmericanConference.com/ManagedCare

➤ Missed A Conference? ORDER THE CONFERENCE MATERIALS NOW!

If you missed the chance to attend an ACI event, you can still benefit from the conference presentation materials.

To order the Conference Materials, please call +1-888-224-2480 or visit: www.AmericanConference.com/conference_papers



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Wendy Tyler

Director of Sales, American Conference Institute

Tel: 212-352-3220 x5242

w.tyler@AmericanConference.com



➤ Exclusive Room Rates!

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the “ACI Managed Care Disputes and Litigation” conference to receive this rate:

Venue: InterContinental Chicago Magnificent Mile
Address: 505 North Michigan Avenue, Chicago, IL 60611
Reservations: (800) 628-2112



Who You Will Meet:

- In-House Counsel and Business Executives from Managed Care Organizations, HMO's and Insurance Companies specializing in
 - Litigation
 - Risk management
 - Claims/Strategic payments
 - Payor relations and disputes
- Outside Counsel specializing in:
 - Health plans
 - Health litigation
 - Managed care litigation
 - Managed care contracting
 - Payor disputes

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New York, NY 10010

2 Select your Level of Engagement

SAVE \$300
Register & Pay by March 11, 2016

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<input type="checkbox"/> Program (on site)	\$1995	\$2095	\$2295
<input type="checkbox"/> ELITEPASS®: Program + Workshop	\$2495	\$2595	\$2795

All program participants will receive an online link to access the conference materials as part of their registration fee.

☐ Please reserve ___ additional copies of the Conference Materials at \$199 per copy.

*ELITEPASS is recommended for maximum learning and networking value.

3 Fill in your Profile

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JOB TITLE _____ ORGANIZATION _____

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STATE/PROVINCE _____ ZIP CODE _____ COUNTRY _____ TEL. _____

FAX _____ EMAIL _____

TYPE OF BUSINESS _____ NO. OF EMPLOYEES _____

APPROVING MANAGER _____ JOB TITLE _____

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Address: 800 6th Avenue, New York, NY 10001
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5 Accept the Terms and Conditions to Register



I confirm I have read and understood the terms and conditions of registering for this event

Venue Information at a Glance

Venue: InterContinental Chicago Magnificent Mile
Address: 505 North Michigan Avenue, Chicago, IL 60611
TEL.: (800) 628-2112

Book your Accommodation

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Bringing a Team?

3 – 4	10% Conference Discount
5 – 6	15% Conference Discount
7	20% Conference Discount
7 or more	Call 888-224-2480

Special Discount

ACI offers financial scholarships for government employees, judges, law students, non-profit entities and others. For more information, please email or call customer service.

Fee Includes

The program, all program materials, refreshment breaks and lunches.

Terms and Conditions

Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to 3 or more individuals employed by the same organization, who register at the same time.

Delegate Substitutions and Cancellations

You must notify us by email at least 48 hrs in advance of the conference if you wish to send a substitute participant. If you are unable to find a substitute, please notify us in writing no later than 10 days prior to the conference date. All cancellations received will be subject to a cancellation fee of \$350. Delegates opting to receive a credit voucher will receive a credit for the full amount paid, redeemable against any other American Conference Institute conference in the next 12 months.

No credits or refunds will be given for cancellations received within 10 days of the conference start date. Delegates may not "share" a pass between multiple attendees without prior authorization. No liability is assumed by American Conference Institute for changes in program date, content, speakers or venue. American Conference Institute reserves the right to cancel any conference it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants.

May 2–3, 2016
InterContinental Chicago
Magnificent Mile | Chicago, IL

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MANAGED CARE

DISPUTES AND LITIGATION



American Conference Institute
45 West 25th Street, 11th Floor
New York, NY 10010

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