



LEGAL ISSUES MEETING:

**LTAC HOSPITALS &
THE FUTURE OF MEDICARE
POST-ACUTE CARE**

ALPHA Legal Issues Committee
Tuesday, October 13, 2009

The Army & Navy Club
Washington, DC



SPONSORS

Arnall Golden Gregory ■ *McGuire Woods*
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To register, visit www.altha.org or call 703-518-9900

ALPHA LEGAL ISSUES MEETING PROGRAM

Tuesday, October 13, 2009

Washington, DC



ALPHA, INC.
625 SLATERS LANE
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ALEXANDRIA, VA 22314

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September 23, 2010

Dear Legal Issues Meeting Attendee,

Thank you for registering to attend and participate in our first ALTHA Legal Issues Meeting. We look forward to seeing you in Washington on Tuesday, October 13, 2009. We are honored to have so many General Counsels and so many distinguished private practice attorneys who will be attending. This mailing includes several documents in preparation for the meeting:

First, you will see a one-page schedule for the meeting and other events taking place in connection to our gathering.

Second, you will find an updated meeting program. We are especially honored to have **Lewis Morris**, Chief Counsel, Office of Inspector General, U.S. Department of Health and Human Services and **Marc Hartstein**, Deputy Director, Hospital and Ambulatory Policy Group, Center for Medicare Management.

Finally, you will find an invitation to attend a reception after the meeting at the Washington offices of Reed Smith. The Reed Smith offices are next door to the Hamilton Crowne Plaza Hotel where many of our guests will be staying.

Let me close by saying how grateful we are for the support of the law firms and allied companies supporting this event. This meeting would not be possible without the support of

- **Arnall Golden Gregory**
- **McGuireWoods**
- **Reed Smith**
- **Sullivan, Stoler and Resor**
- **Balch & Bingham**
- **Vinson & Elkins**

Thank you again for your support of this meeting. For more information, please contact the meeting director, Julianna Tagert at julianna.tagert@altha.org or call 703-518-9900.

Sincerely,

William Walters

ALTHA WASHINGTON MEETING SCHEDULE

OCTOBER 13-14, 2009

Meeting Location:
The Army and Navy Club
901 17th Street, NW
Washington, DC 20006
Tel: (202) 628-8400

Hotel Information:
The Hamilton Crowne Plaza
14th and K Street, NW
Washington, DC 20005
Tel: (202) 682-0111

Tuesday, October 13, 2009

- 8:30 AM** **Continental Breakfast Available**
Iwo Jima Room, The Army and Navy Club
- 9:00-5:00 PM** **Legal Issues Meeting**
Ballroom, The Army and Navy Club
- 12:45-2:30 PM** **Medical Necessity Appeals Group Meeting**
Washington Room, The Army and Navy Club
This meeting will take place during the luncheon break and is for members only.
- 6:00-8:00 PM** **Reed Smith Rooftop Reception**
1301 K Street NW, East Tower, Penthouse
Washington, DC 20005

Wednesday, October 14, 2009

- 8:30 AM** **ALTHA Clinical Committee Meeting**
Ballroom, The Army and Navy Club -- *Committee Members Only*
- 10:30 AM** **ALTHA Board of Independent Hospitals Meeting**
Ballroom, The Army and Navy Club – *Board Members Only*
- 12:30 PM** **Luncheon**
Iwo Jima Room, The Army and Navy Club – *Open for All Attendees*
Welcome Remarks by Phillip Douglas
President of LifeCare Hospitals, President of ALTHA
- 2:00 PM** **ALTHA Board of Directors Meeting**
Ballroom, The Army and Navy Club – *Board Members Only*



LEGAL ISSUES MEETING

WASHINGTON, DC – OCTOBER 13, 2009

The Army & Navy Club

901 17th Street, NW
Washington, DC 20006

Please note: The Army & Navy Club has a business dress-code.

MEETING PROGRAM

Tuesday, October 13, 2009

08:30 AM

Continental Breakfast in Iwo Jima Room

09:00 AM

Welcome

Justin Hunter

Chairman, ALTHA Legal Issues Committee

Vice President, Government & Regulatory Affairs, HealthSouth, Washington

Since 2005, Justin Hunter has served as the head of HealthSouth's Washington office. He was instrumental in the 2007 Congressional passage of the "Medicare, Medicaid, and SCHIP Extension Act of 2007" (MMSEA), Public Law 110-173 which greatly stabilized the regulatory environment for both rehabilitation hospitals and LTAC hospitals. Prior to joining HealthSouth, Justin practiced law in the Washington office of Powers, Pyles, Sutter & Verville. He also served as Press Secretary in the office of U.S. Rep. Edward G. Bryant (R-TN). Justin is a graduate of Mississippi State University and The Cecil C. Humphreys School of Law at the University of Memphis.

Update from the ALTHA General Counsel

Jason Healy, Reed Smith LLP, Washington

Jason Healy is a partner in Reed Smith's Washington office and has served as General Counsel to ALTHA since 2006. Jason advises ALTHA on legal matters that impact its LTAC hospital membership, including legislation, regulations and policy changes. He has taken the lead in developing language for legislative proposals, writing ALTHA's detailed comments to agency rulemakings and educating members on important legal developments. Jason represents many LTAC hospitals and other post-acute providers. He is a graduate of Colgate University and Catholic University Columbus School of Law.

09:30 AM

Overview: Challenging Regulatory Environment for Post-Acute Providers

Glenn Hendrix, Arnall Golden Gregory, Atlanta, GA

Glenn Hendrix is the managing partner and a member of the Healthcare and Life Sciences practice groups of Atlanta-based Arnall Golden Gregory. Glenn Counsels long term care providers, including LTAC hospitals and nursing homes, in reimbursement, fraud and abuse, and operational matters. He has successfully represented long-term care providers in significant Medicare and Medicaid reimbursement appeals and False Claims Act investigations. Glenn graduated from New College of Florida and the Emory University School of Law.

Regulatory Lessons from the HealthSouth Experience

John Markus, Balch & Bingham LLP, Birmingham, Alabama

John Markus served as Executive Vice President and Chief Compliance Officer for HealthSouth Corporation from 2004 to 2007. He led the development of a regulatory compliance program as part of a comprehensive restructuring initiative at the company. He negotiated and directed the implementation of a Corporate Integrity Agreement with the OIG and HHS. Before HealthSouth, John also designed and implemented compliance programs at Fresenius Medical Care of North America, Oxford Health Plans and National Health Laboratories. John graduated from Princeton University and American University School of Law.

10:15 AM

OIG Presentation

Lewis Morris

Chief Counsel, Office of Inspector General

U.S. Department of Health and Human Services

Lewis Morris is the Chief Counsel in the Office of Inspector General, Department of Health and Human Services. Prior to serving as the Chief Counsel to the Inspector General, he served in a variety of capacities within the OIG and the Office of General Counsel, including the Inspector General's Special Prosecutor. He has been a Special Assistant United States Attorney for the Middle District of Florida, the Eastern District of Pennsylvania and the District of Columbia.

CMS Presentation

Marc Hartstein

Deputy Director of the Hospital and Ambulatory Policy Group

Centers for Medicare & Medicaid Services (CMS)

Marc Hartstein has been with the Medicare agency for almost twenty years. Since February, 2008 he has been the Deputy Director of the Hospital and Ambulatory Policy Group managing four Divisions that set payments for approximately \$200 billion of Medicare expenditures that affect over 900,000 Medicare providers of hospital care, physician and other services. Marc graduated from the University of Vermont and has a Masters Degree from the University of Minnesota's Hubert H. Humphrey Institute of Public Affairs.

11:15 AM

Break in Iwo Jima Room

11:30 AM

The View from the General Counsel's Office

A special panel of senior GCs speak about their experiences, what criteria they use when selecting outside counsel, recent case examples and the current environment. (*Note:* GC biographies are included in the meeting materials.)

Panel discussion chaired by:

Suzanne Riedman
Senior Vice President & General Counsel
Kindred Healthcare, Louisville, KY

David Armstrong
Executive Vice President, General Counsel & Compliance Officer
Promise Healthcare, Boca Raton, FL

Chris Doan
General Counsel
Vista Healthcare, Rancho Cucamonga, CA

Susan James
Vice President & General Counsel
Regency Hospital Company, Alpharetta, GA

Richard A. MacMillan
Senior Vice President & Senior Counsel, Legislative and Regulatory Affairs
LHC Group, Lafayette, LA

Michael E. Tarvin
Executive Vice President, General Counsel & Secretary
Select Medical Corporation, Mechanicsburg, PA

John P. Whittington
Executive Vice President, General Counsel & Secretary
HealthSouth, Birmingham, AL

Patricia S. Williams
Senior Vice President, General Counsel & Secretary
RehabCare Group, St. Louis, MO

12:30 PM

Lunch: Iwo Jima Room

During the luncheon, members of ALTHA's Medical Necessity Appeals Group, led by Kindred's Anthony Disser, will meet in the Washington Room. Because of the confidential matters to be discussed, this meeting is for hospital members only. For more information, please contact Ryan at Ryan.Borkenhagen@altha.org or 703-518-9900.

2:00 PM

The Age of MMSEA: Advising LTACHs & Post-Acute Providers

Jason Healy, Reed Smith, Washington, DC

Moderator

Jason S. Greis, McGuireWoods, Chicago, IL

Jason Greis is a healthcare attorney in McGuireWoods' Chicago office. Jason represents and provides transactional and regulatory guidance to both for-profit and not-for-profit LTAC hospitals and other post-acute and senior care providers. He regularly structures equity and debt-related transactions, mergers and acquisitions, IPOs, joint ventures and hospital syndications in compliance with fraud and abuse laws, state certificate of need laws and the MMSEA's restrictions. Jason is a graduate of Emory University and DePaul University College of Law.

Stephen Sullivan, Sullivan, Stolier & Resor, Lafayette, LA

Steve Sullivan is one of the leading attorneys in the LTAC hospital sector with a practice emphasizing hospitals, physician groups and other health care provider transactions. Steve Sullivan, Jack Stolier and Stephen Resor founded their firm in 1987. Since then, Steve has provided legal advice relating to numerous, national transactions involving hospitals and physician joint ventures. Steve has been active in ALTHA since the association's founding in the early 1990s.

Tracy M. Field, Arnall Golden Gregory, Atlanta, GA

Tracy Field is a partner in the Healthcare and Life Sciences Practice Groups of Arnall Golden Gregory LLP. In her practice, Tracy counsels hospitals, LTAC hospitals, nursing homes, physicians and other healthcare providers on a variety of operational and regulatory issues, including RAC and Medicaid appeals. She served on the Georgia Hospital Association RAC Task Force and is currently working with several LTAC hospitals subject to expanded reviews of medical necessity under MMSEA. Tracy is currently Chairperson of the Health Law Section for the State Bar of Georgia. She is a graduate of Stanford University, University of California-Berkeley, and Emory University School of Law.

2:45 PM

Medical Necessity Appeals: The Clinical Process

Anthony Disser
Senior Vice President of Clinical Operations
Kindred Healthcare, Louisville, KY

Tony Disser has served as Kindred's Senior Vice President of Clinical Operations of the Hospital Division since 2004. Prior to joining Kindred, he served in senior leadership positions at Inova Health Systems, UNC/Rex Healthcare and United Health Services. He also was a Senior Manager of Deloitte and Touche Consulting Group. Anthony is a RN with a BSN and MSN from Northern Illinois University. He also completed graduate work in statistics and public administration from Illinois State University and Syracuse University and holds a Certificate in Conflict Resolution from George Mason University.

Medical Necessity Appeals: The Legal Process

John Whittington
Executive Vice President, General Counsel & Secretary
HealthSouth, Birmingham, AL

John Whittington was named HealthSouth's Executive Vice President, General Counsel and Corporate Secretary on October 19, 2006, having served as Interim General Counsel and Corporate Secretary since July 26, 2006. Prior to joining HealthSouth, Mr. Whittington was a partner of the law firm Bradley Arant Boult Cummings, which is based in Birmingham, Alabama. He chaired the Restructuring and Reorganization Practice Group at Bradley Arant from 1990 to 2005. Since 1990, he has served as adjunct professor at Cumberland School of Law, Samford University, located in Birmingham. John is a graduate of Guilford College and Cumberland School of Law.

3:30 PM

Break Iwo Jima Room

3:45 PM

Health System Reform: The Future of Regulation
CMS, “Super MedPAC” Proposals & Administrative Law

William Walters, CEO, ALTHA, Washington

Bill Walters became CEO of ALTHA in 2005 and led ALTHA’s efforts to secure Congressional passage of LTAC hospital provisions in Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA). He is a former counsel to the House Ways & Means Committee and the House Energy & Commerce Committee. He is a graduate of the University of Illinois and Indiana University School of Law.

Larry Oday, Vinson & Elkins LLP, Washington

Larry A. Oday is a partner with Vinson & Elkins in Washington. He represents Scott & White, one of Texas’ most prestigious integrated health systems. During service with the Health Care Financing Administration in the 1980s, Larry was one of the agency leaders responsible for the design, enactment and implementation of the original hospital inpatient prospective payment system. Larry graduated from Case Western Reserve University and the IIT Chicago-Kent College of Law.

Rochelle Archuleta, American Hospital Association, Washington

Rochelle Archuleta is currently Senior Associate Director of Policy for the American Hospital Association. Ms. Archuleta focuses on post-acute care issues including LTAC hospitals, inpatient rehabilitation, skilled nursing and home health agencies. Prior to joining the AHA in 2002, Ms. Archuleta served as the David Winston Health Policy Fellow with the Ways & Means Health Subcommittee. She is a graduate of the University of Colorado and has two master’s degrees from the University of Alabama at Birmingham.

4:30 PM

Report from the ALTHA President

William M. Altman
Senior Vice President, Strategy & Public Policy
Kindred Healthcare, Louisville, KY

William M. Altman serves as Senior Vice President of Strategy and Public Policy for Kindred Healthcare, Inc., a provider of long-term acute care hospitals, skilled nursing centers and contract rehabilitation services operating in 40 states nationwide. Prior to joining Kindred, Bill served in a variety of capacities in the public and private sectors including the Agency for Healthcare Research and Quality, the Lewin Group and the law firm of Proskauer Rose.

Bill has just ended two extraordinary years as President of ALTHA. During his service, Bill led the association in building new alliances with other hospital associations, including the American Hospital Association and the National Association of Long Term Hospitals. Also, during Bill's administration, ALTHA commissioned a joint study with these hospital associations to develop certification criteria for LTAC hospitals. During the Senate Finance Committee's consideration of post-acute bundling proposals, Bill took the lead in coordinating the response of the entire post-acute industry, including LTACHs, SNFs, IRFs and home health sectors.

Bill also serves as Chair of the Louisville Metro Board of Health. In addition to a law degree, he holds a master's degree from the University of Minnesota's Humphrey Institute of Public Affairs and has completed coursework towards a doctorate in public health at the University of Michigan.

6:00 PM

Reception at Reed Smith, Washington Office

Evening Cocktail Reception
6:00 – 8:00 PM
1301 K Street NW, East Tower, Penthouse
Washington, DC 20005

Reed Smith's Washington offices are located in the same block as the Hamilton Crown Plaza Hotel where many ALTHA attendees will be staying for this meeting. For more information, contact Julianna Tagert at julianna.tagert@altha.org

MEETING VENUES

Hotel:

Hamilton Crowne Plaza
14th & K Street, NW
Washington, DC 20005

Reservation: (800) 263-9802
Website: www.hamiltonhoteldc.com

Meeting Location:

The Army & Navy Club
901 17th Street, NW
Washington, DC 20006

ALTHA STAFF CONTACTS

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Legal Issues Meeting Director
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ReedSmith

Invites you

to an

Evening Cocktail Reception

Tuesday, October 13, 2009

6:00 – 8:00 PM

1301 K Street NW, East Tower, Penthouse

Washington, DC 20005



This reception will take place the evening of the ALTHA Legal Issues meeting, Tuesday, October 13, 2009. The ALTHA Board meetings are scheduled to take place on Wednesday, October 14, 2009. As an attendee of these ALTHA meetings you are welcome to attend.

Reed Smith's Washington offices are located in the same block as the Hamilton Crown Plaza Hotel where many ALTHA attendees will be staying for these meetings. For more information, contact Julianna Tagert at julianna.tagert@altha.org.

ALTHA is grateful to Reed Smith for their gracious support of these meetings. Jason Healy of Reed Smith serves as General Counsel to ALTHA.

RSVP before October 1, 2009

Call 703-518-9900 or Email julianna.tagert@altha.org