Achieving Meaningful Use of EHR Technology (page 23)

AHLA Top Honors (page 14)

Spotlight on Leaders (page 40)
COLUMNS

1 First Reflections
In her last column as President, Elizabeth Carder-Thompson looks back at some of the significant events of the past year, and interviews AHLA President-Elect Rick Shackelford about his upcoming term in office.

80 Last Word
AHLA Executive Vice President and CEO Peter Leibold recognizes the contributions of AHLA leaders who are ending their terms of service on the Association’s Board of Directors.

DEPARTMENTS

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65 Consultants and Expert Witnesses
The AHLA Alternative Dispute Resolution Service is:

✓ **Cost-Effective** – Far less expensive than competitors; no heavy administrative fees.
✓ **Efficient** – Resolution experts in health law.
✓ **Timely** – Rules include timelines to resolve disputes quickly.

If you practice health law, use the AHLA ADR Service as your health law dispute resolution solution!
www.healthlawyers.org/adr (202) 833-0762

✓ For Sample Contractual Language
✓ To Request an Arbitrator, Mediator, or Hearing Officer List
✓ To Become an Arbitrator, Mediator, or Hearing Officer
✓ To Receive a Complimentary Toolkit for Managing Healthcare Conflict

AHLA Resolvers are often content experts in the disputed issues that arise in healthcare agreements including:

✓ Fraud and Abuse Issues
✓ Physician Employment Contracts with Physician Practices and Hospitals (including non-compete clauses)
✓ Hospital/Physician Transaction Disputes
✓ Plan/Provider Reimbursement Disputes
✓ Medical Staff Disputes
✓ Provider and Plan Disputes with Vendors (including technology contracts)
✓ Recruitment Agreements

This content expertise will save your clients time and expense in the ADR process. If you are an AHLA member drafting a contract with a dispute resolution clause, you should include the AHLA ADR Service.

For information about the July 1 Arbitration training, see page 8. To register go to www.healthlawyers.org/adr
Letter from the Editor

June is traditionally the time to recognize the Association's leaders and volunteers for their efforts over the past year, and I would like to take a moment to also thank several members of AHLA's staff who make this magazine possible each month.

Our talented Art and Design Director, Mary Boutsikaris and Production Specialist Alex Leffers work tirelessly to turn out a creative and innovative product every month, even while working on all of AHLA's other materials.

Bianca Bishop, our Managing Editor, is responsible for the Feature and Analysis, working with the authors, and serving as our chief legal editor. The content that you find so valuable to your practice is made possible by her expertise.

So much of each month's magazine reflects what is going on in the different departments of the Association, and I would like to thank the staff contributors who provide me with the meat of the magazine each month: Brian Davis (Practice Groups); Laurie Garvey (Programs); Andrew Hartman (Public Interest); and Ana Mayer (Professional Resources/Publications).

A very special thank you goes to Cat Davis and M.J. McLaughlin, who serve as editorial assistants, helping with membership-related content, and also putting up with my last minute questions about “what should we put in this empty space in the magazine?” Thanks for picking up the slack each month.

Finally, a huge thank you to Kerry Hoggard, Vice President of Membership and Public Interest, who serves as writer, eagle-eyed proofreader, magazine historian, and visionary for AHLA Connections, all at the same time.

With the contributions of these talented staff and writers, the next year of AHLA Connections is sure to be a success!

Allison E. Beard
Editor in Chief

Viewpoint/Writers’ Guidelines AHLA Connections must retain full copyright or unlimited license before publishing. Factual accuracy and opinion contained in articles published in AHLA Connections are the responsibility of the authors alone and should not be interpreted as representing the views or opinions of the Association. AHLA is a non-partisan educational organization that does not take positions on public policy issues and instead provides a forum for an informed exchange of views. Guidelines are available at www.healthlawyers.org/connections or by calling (202) 833-0779. We welcome Letters to the Editor, no longer than 250 words in length. Longer responses may be submitted to editorial@healthlawyers.org and will be considered for publication on a space available basis, after review by our Editorial staff.

The Mission of the American Health Lawyers Association is to provide a collegial forum for interaction and information exchange to enable its members to serve their clients more effectively; to produce the highest quality non-partisan educational programs, products, and services concerning health law issues; and to serve as a public resource on selected healthcare legal issues.

Diversity Statement In principle and in practice, AHLA values and seeks diverse and inclusive participation within the Association regardless of gender, race, creed, age, sexual orientation, national origin, or disability. The Association welcomes all members as it leads health law to excellence through education, information, and dialogue.
The Healthcare Practice Group
at JAMS was formed in response to the growing number of healthcare disputes and the need for innovative resolutions that are faster and less expensive than litigation.

Mediation/Arbitration
Members of the Healthcare Practice Group include some of our most distinguished mediators and arbitrators from throughout the United States, including retired federal, state trial, and appellate judges, and former litigators, all of whom have specific relevant dispute resolution and substantive experience. JAMS neutrals often serve as single arbitrators and on three-arbitrator panels.

Hearing Officers
JAMS neutrals are trained and experienced in conducting Judicial Review Hearings. They are highly knowledgeable about state laws that dictate the details of such proceedings. Our neutrals take an active role in making pre-hearing rulings, presiding at the hearing, leading deliberations, and preparing thorough decisions in a timely manner.

Discovery Referee/Special Master
When appointed by the court, JAMS referees or special masters can assist with e-discovery, design efficient settlement formats in multi-party cases, and provide streamlined case management. JAMS has 30 years of experience in managing court appointments.

Case Types
- Antitrust
- Billing & Payment
- Class Actions
- Contract Disputes
- Coverage Decisions and Appeals
- Employment
- Healthcare Delivery (Tort)
- Healthcare Technology
- Home Health
- Hospital Access
- Integrated Healthcare Systems
- Joint Venture Agreements
- Licensing/Intellectual Property
- Long Term Care
- Managed Care
- Medical Malpractice
- Medicare/Medicaid
- Regulatory
- Medicare/Medicaid Reimbursement
- Medical Staff Privilege
- Partnership & Practice Group Issues
- Patents & Intellectual Property
- Payor-Payee (Insurance)
- Physician Peer Review/Disciplinary Actions
- Physician Credentialing
- Regulatory/Government & Enforcement
- Rescission Disputes
Connections to Learning

June 2010

June 16, 2010
Social Media: The Opportunities and the Challenges in Healthcare

July 2010

July 1, 2010
Arbitration Training
Seattle, WA

July 8, 2010
Private Use: What Is It and What Can I Do to Avoid It?

July 21, 2010
Domestic and International Restrictions Affecting Your International Healthcare Transaction

September 2010

September 26-28, 2010
Fraud and Compliance Forum
Baltimore, MD

October 2010

October 11-12, 2010
Tax Issues for Healthcare Organizations
Ritz-Carlton Pentagon City
Arlington, VA

October 24-26, 2010
Fundamentals of Health Law
Hyatt Regency
Chicago, IL

JUNE 16
Social Media: The Opportunities and the Challenges in Healthcare

Webinar held from 1:00-2:30 pm Eastern. Sponsored by the Health Information and Technology Practice Group.

This webinar offers a practical approach to navigating the legal issues inherent in the use of technology tools like blogs, wikis, Twitter, Facebook, and other social media-driven technology. The webinar will examine the impact that social media is having on healthcare organizations and the industry. Designed for both newcomers and seasoned users of social media, participants will benefit from the real-world experiences and insights of speakers actively engaged in advising clients regarding social media initiatives.

Registration Fees: Member of sponsoring Practice Group: $145; Government Employee, Academician, and Solo Practitioner: $95; AHLA Member: $190; Non-Member: $290; AHLA Member Listener: $50; Non-Member Listener: $60.

Faculty: Robert L. Coffield, Flaherty Sensabaugh & Bonasso PLLC, Charleston, WV; Daniel S. Goldman, Legal Counsel, Mayo Clinic, Rochester, MN; Linda S. Ross, Honigman Miller Schwartz and Cohn LLP, Detroit, MI.

JULY 1
Arbitration Training
Sheraton Seattle Hotel, Seattle, WA

This one-day training program provides a strong foundation for service as an arbitrator in healthcare disputes. It also will enhance your skills as an advocate in an arbitration by giving you a greater understanding of the demands upon the arbitrator. Specific training goals include:

- The process of an arbitration from case intake to award
- Current applicable arbitration law
- The legal and ethical issues in arbitration
- The challenges that AHLA arbitrators typically confront, including due process protocols, economic and billing issues, establishing terms of reference, and navigating challenges to the arbitral award

In addition, completing the arbitration training will provide you the opportunity to enroll in the AHLA’s Alternative Dispute Resolution (ADR) Service.


Hotel Reservations: Sheraton Seattle Hotel (206) 621-9000 or the Grand Hyatt Hotel (206) 774-1234.
**Private Use: What Is It and What Can I Do to Avoid It?**

Webinar held from 1:00-2:30 pm Eastern. Sponsored by the Tax and Finance Practice Group.

The faculty will discuss the common fact patterns that can result in private use, including some that you might not expect, together with a review of the safe harbor guidelines of Rev. Proc. 97-13. The discussion will focus on the application of the rules to specific hypotheticals.

Registration Fees: Member of sponsoring Practice Group: $145; Government Employee, Academician, and Solo Practitioner: $95; AHLA Member: $190; Non-Member: $290; AHLA Member Listener: $50; Non-Member Listener: $60.

Faculty: Brenda Horn, Ice Miller, Indianapolis, IN; Lauren K. Mack, Sonnenschein Nath & Rosenthal LLP, Chicago, IL.

**Domestic and International Restrictions Affecting Your International Healthcare Transaction**

Webinar held from 1:00-2:30 pm Eastern. Sponsored by the Business Law and Governance Practice Group.

While the healthcare industry has been one of the last to explore and look for opportunities to provide goods and services in a market that is increasingly global, slowly, but unquestionably, business across borders is underway. International healthcare transactions are occurring on both sides of our borders. The International Healthcare Affinity Group of the Business Law and Governance Practice Group has arranged a distinguished panel of practitioners with experience in international law and the unique issues that are implicated by cross-border transactions. Not only will this webinar give the attendee a good basic understanding of U.S. laws affecting international transactions, like the FCPA, but healthcare lawyers will also learn from first-hand experience how the laws and culture of other countries, in particular Asian and Latin American countries, affect these transactions.

Registration Fees: Member of sponsoring Practice Group: $145; Government Employee, Academician, and Solo Practitioner: $95; AHLA Member: $190; Non-Member: $290; AHLA Member Listener: $50; Non-Member Listener: $60.

Faculty: Fred Entin, Polsinelli Shughart PC, Chicago, IL; Amy Sommers, Squire Sanders and Dempsey, Shanghai, China; Joel Rush, Epstein Becker & Green, Washington, DC; Rocco deGrasse, KPMG, Chicago, IL.

**Call for Speakers**

If you would like to be considered as a speaker, visit [www.healthlawyers.org/speakers](http://www.healthlawyers.org/speakers) or submit your proposal or topic suggestions to CallForSpeakers@healthlawyers.org When emailing your submission, include a resume or curriculum vitae that includes a list of your previous presentations; describe the audience for whom the session is intended and why the subject matter is of importance; list four to six bullet points that describe the specific issues you plan to cover; indicate if the session would be introductory, intermediate/legal update, or advanced in nature; and indicate what type of practical take-away materials you anticipate providing.

Questions? Contact Laurie at lgarvey@healthlawyers.org, or call (202) 833-0783.

We are accepting proposals for the following program:

**Legal Issues Affecting Academic Medical Centers and Other Teaching Institutions**

January 27-28, 2011
Washington, DC
Proposals Due: August 13, 2010

**Physicians and Physician Organizations Law Institute**

February 2011
Proposals Due: August 20, 2010

**Hospitals and Health Systems Law Institute**

February 2011
Proposals Due: August 20, 2010

**Long Term Care and the Law**

February 2011
Proposals Due: August 20, 2010
This program is designed specifically for compliance officers and health attorneys who must advise their clients and institutions on the latest developments in fraud and abuse and compliance issues. Attendees will hear from leading private practitioners and representatives from the Office of Counsel to the Inspector General, the Department of Justice, and the Centers for Medicare and Medicaid Services. The program will include sessions on topics such as Stark, research compliance, the False Claims Act, hospital-physician relationships, internal compliance challenges, and much more.

The Fraud and Abuse, Self-Referrals, and False Claims Practice Group luncheon will be held on September 27. HCCA will host a luncheon on September 28. There is an additional fee, space is limited and pre-registration is required for both of these luncheons.

Hotel reservations: Renaissance Harborplace Hotel at (410) 547-1200. Indicate you are attending the AHLA/HCCA program in order to be eligible for the special group rate of $229 for single or double occupancy. The room rates expire on Wednesday, September 8, 2010, but rooms at the group rate may sell out prior to the cut-off, so make your reservations early.

Whether you are a generalist who needs to know tax issues or a certified tax expert, you will not want to miss AHLA’s annual Tax Issues program. As always, the program will feature representatives from the IRS and leading private practitioners who will address and analyze recent developments such as practical aspects of the Form 990, governance issues, compensation issues and the impact of healthcare reform on exemption standards.

The Tax and Finance Practice Group will hold a luncheon and presentation. More information on this luncheon will be available soon. Please note, there is an additional fee; pre-registration is required; space is limited.

Hotel Reservations: Renaissance Harborplace Hotel at (410) 547-1200. Indicate you are attending the AHLA/HCCA program in order to be eligible for the special group rate of $225 for single or double occupancy. The room rates expire on Monday, September 20, 2010; make your reservations early.

Pershing Yoakley & Associates PC has provided sponsorship in support of this program.
Lead With Experience.

The complex issues arising from healthcare reform require dedicated and trusted resources with high levels of insight and expertise. Navigant Consulting applies decades of experience and proactive insights to lead our clients through the challenges of today and tomorrow.

Our services include:
» Compliance Assessments
» Government Enforcement Support: IROs, CIAs, DPAs and Monitorships
» Board Level Compliance Effectiveness Certifications
» RAC Audits/Investigations
» Expert Witness Testimony

Contact »
Kevin Cornish, 602.528.8090
kcornish@navigantconsulting.com
www.navigantconsulting.com/healthcare
Top Honors

American Health Lawyers Association
Congratulates and recognizes law firms and healthcare organizations that have the most members belonging to AHLA

This “Spotlight on Leaders” issue lets us recognize and thank the many leaders who make AHLA’s success possible. It is also the issue that gives us the opportunity to honor the organizations ‘behind the members’—those law firms, healthcare organizations, government agencies, and consulting and accounting firms that consistently and enthusiastically encourage and sustain their members’ and employees’ affiliation with AHLA. We want to thank both the organizations as well as the many members who help make AHLA a strong and vibrant presence in the healthcare field and legal community.

For the past several years Modern Healthcare has contacted AHLA about printing a list of the ‘legal heavy-weights’, and in May 2010, Modern Healthcare printed the top 25 firms, which represented the number of attorneys at the firm who were members of AHLA as of May 26, 2010. AHLA Connections magazine is again publishing a more extensive list of firms and organizations. The AHLA Top Honors—now in its seventh year—represents an increase over last year’s listing and the membership numbers of last year’s honorees remain strong. The following lists represent the number of attorneys at the firm who were members of the Association as of June 3, 2010.

Allison E. Beard
Editor in Chief, AHLA Connections
abeard@healthlawyers.org

Special Honors – Top 10 – Awards Of Excellence

1. King & Spalding LLP 229
2. Hall Render Killian Heath & Lyman PC 149
3. Waller Lansden Dortch & Davis PLLC 148
4. Epstein Becker & Green PC 115
5. Nelson Mullins Riley & Scarborough LLP 85
6. Hogan Lovells LLP 80
7. Garfunkel Wild PC 78
8. McGuireWoods LLP 64
9. Drinker Biddle & Reath LLP 60
10. Polsinelli Shughart PC 56
On the following pages, we also recognize firms having between 10 and 54 AHLA members. A state-by-state listing—with recognition given to the top two firms in each state (those firms having at least four or more AHLA members)—and a regional listing recognizing the top firm in each region is also included. We also want to recognize healthcare organizations, and accounting and consulting firms having multiple AHLA members.

**Honors**

Mintz Levin Cohn Ferris Glovsky & Popeo 54
Hancock Daniel Johnson & Nagle 50
McDermott Will & Emery 49
Proskauer Rose 49
Reed Smith 49
Bricker & Eckler 44
Crowell & Moring 44
Baker Donelson Bearman Caldwell & Berkowitz 42
Fulbright & Jaworski 42
K&L Gates 42
OBER/KALER 42
Foley & Lardner 36
Ropes & Gray 36
Davis Wright Tremaine 35
Bradley Arant Boult & Cummings 32
Balch & Bingham LLP 30
Polsinelli Shughart PC 30
Alston & Bird LLP 29
Bass Berry & Sims PLC 28
Arent Fox LLP 27
Jones Day 27
Smith Moore Leatherwood LLP 26
Husch Blackwell Sanders LLP 25
Ice Miller LLP 25
Duane Morris LLP 23
Baker & Hostetler LLP 22
Krieg DeVault LLP 21
Akin Gump Strauss Hauer & Feld LLP 19
Manatt Phelps & Phillips LLP 19
Morgan Lewis & Bockius LLP 19
Powers Pyles Sutter & Verville PC 19
Sonnenschein Nath & Rosenthal LLP 19
Arnall Golden Gregory LLP 18
Dorsey & Whitney LLP 18
Quarles & Brady LLP 18
Schottenstein Zox & Dunn Co LPA 18
Sidley Austin LLP 18
Greenberg Traurig LLP 17
Hooper Lundy & Bookman Inc. 17
Post & Schell PC 17
Wyatt Tarrant & Combs LLP 17
Nixon Peabody LLP 16
Hinshaw & Culbertson LLP 15
von Briesen & Roper SC 15
Kutak Rock LLP 14
Latham & Watkins LLP 14

**Also Recognized**

Brown McCarroll LLP 13
Faegre & Benson LLP 13
Katten Muchin Rosenman LLP 13
Bennett Bigelow & Leedom PS 12
Buchanan Ingersoll & Rooney PC 12
Fox Rothschild LLP 12
Holland & Knight LLP 12
Honigman Miller Schwartz & Cohn LLP 12
Hooper Lundy & Bookman Inc. 12
Snell & Wilmer LLP 12
Squire Sanders & Dempsey LLP 12
Vorys Sater Seymour & Pease LLP 12
Akerman Senterfitt 11
Fredrikson & Byron PA 11
Godfrey & Kahn SC 11
Hanson Bridgett LLP 11
Miller & Martin PLLC 11
Miller Canfield Paddock & Stone PLC 11
Moore & Van Allen PLLC 11
Stevens & Lee PC 11
Sullivan Stoller & Resor APLC 11
Warner Norcross & Judd LLP 11
Williams Mullen 11
Baker & Daniels LLP 10
Broad & Cassel 10
Iseman Cunningham Riester & Hyde LLP 10
Jackson Walker LLP 10
Maynard Cooper & Gale PC 10
McKenna Long & Aldridge LLP 10
Saul Ewing LLP 10
Taft Stettinius & Hollister LLP 10
Thompson Coburn LLP 10
Wise Carter Child & Caraway PA 10
Womble Carlyle Sandridge & Rice PLLC 10
Recognizing Healthcare Organizations and Companies

HCA Inc. 22
Sutter Health 21
Catholic Healthcare West 20
Tenet Healthcare Corporation 20
Catholic Health Initiatives 18
CVS Caremark 16
Mayo Clinic 15
MedStar Health Inc. 15
University Hospitals Health System Inc. 14
Kaiser Foundation Health Plan Inc. 13
Trinity Health 13
Adventist Health System 11

Blue Cross Blue Shield Association 11
Novant Health 11
Providence Health & Services 11
Advocate Health Care 10
American Medical Association 10
BlueCross Blue Shield of Tennessee 10
Carolina Healthcare Systems 10
Genentech Inc. 10
Intermountain Healthcare 10
Kaiser Permanente 10
Shands HealthCare 10

Recognizing Consulting and Accounting Firms

Clifton Gunderson 9
PriceWaterhouse Coopers 9
BKD LLP 8
Navigant 7
KPMG 6
Pershing Yoakley and Associates 5

Dixon Hughes 4
Horne 4
Deloitte & Touche 3
Grant Thornton 3
RSM McGladrey 3
Sullivan Cotter & Associates 3

AHLA’s Government Bundle Program Participants

DHHS Office of the General Counsel 366
DHHS Office of the Inspector General 71
MFCU Iowa Department of Inspections and Appeals 27
Attorney General of Massachusetts 25
Navy Medicine 13
DHHS Departmental Appeals Board 11
Federal Trade Commission Bureau of
Competition 10

MFCU of Utah Office of the Attorney General 10
IRS-TEGE Exempt Organizations R&A 10
HHS/Office of Medicare Hearings and Appeals 6
MFCU of North Carolina Office of the Attorney General 5
MFCU of New Mexico Office of the Attorney General 5
Oklahoma State Group Insurance Board 3
MFCU Hawaii Office of the Attorney General 3

100% Involvement

This Honor Roll represents the firms and organizations that have 100% of their health law practice group members who belong to AHLA. If you believe your firm or organization has 100% membership in AHLA and should be listed, email abeard@healthlawyers.org.

Baker & Hostetler LLP, Healthcare Industry Team
Baudino Law Group PLC
Benesch Friedlander Coplan & Aronoff LLP
BLANCHARD|MANNING LLP
Blankenship Health Law LLC
Law Offices of William Mack Copeland LLC
Coppersmith Schermer & Brockelman PLC
Lewis W. Fishman PA
Florida Health Law Center
Garfunkel Wild PC
Alice G. Gosfield and Associates PC
Hancock Daniel Johnson & Nagle PC

The Health Law Firm
Husch Blackwell Sanders LLP
Kelly Law Firm PC
Murphy Austin Adams Schoenfeld LLP
National Association for Home Care and Hospice’s Center for Health Care Law
Nutile Law & Associates
Rappel Health Law Group PL
Rogaliner Law Offices PC
Law Offices of Lynne M. Rasmussen PLLC
Schwartz Law LLC
Tsoules Sweeney Martin & Orr LLC
Honor Roll By State – Top Two Law Firms
(Those having at least 4 AHLA members)

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<th>STATE</th>
<th>COUNT</th>
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<td>AL</td>
<td>20</td>
<td>Balch &amp; Bingham LLP</td>
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<td>AL</td>
<td>10</td>
<td>Maynard Cooper &amp; Gale PC</td>
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<td>AR</td>
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<td>Kutak Rock LLP</td>
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<td>AZ</td>
<td>11</td>
<td>Snell &amp; Wilmer LLP</td>
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<td>AZ</td>
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<td>Quaries &amp; Brady LLP</td>
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<td>CA</td>
<td>27</td>
<td>Hooper Lundy &amp; Bookman Inc.</td>
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<td>CA</td>
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<td>Davis Wright Tremaine LLP</td>
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<td>Faegre &amp; Benson LLP</td>
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<td>CO</td>
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<td>Holland &amp; Hart LLP</td>
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<td>CT</td>
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<td>Murtha Cullina LLP</td>
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<td>Wiggin &amp; Dana LLP</td>
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<td>DC</td>
<td>85</td>
<td>King &amp; Spalding LLP</td>
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<td>DC</td>
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<td>Epstein Becker &amp; Green PC</td>
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<td>King &amp; Spalding LLP</td>
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<td>GA</td>
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<td>Alston &amp; Bird LLP</td>
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<td>Baudino Law Group PLC</td>
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<td>Foulston Siefkin LLP</td>
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<td>Spencer Fane Britt &amp; Browne LLP</td>
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<td>Fredrikson &amp; Byron PA</td>
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This new edition outlines the regulatory requirements and legal challenges associated with human subject research, and presents a thorough explanation of the role played by institutional review boards in this area of healthcare. The authors have expanded the coverage to include using independent IRBs, children in research, payments to research subjects, clinical trial billing, and tissue and data repositories for research. As did the first edition, the publication explains the difference between the various regulatory schemes that govern human subject research, and outlines the necessary steps to take to set up an institutional review board that can adequately perform its role in this important healthcare setting.

The authors address:
- The various federal regulations that govern research
- The clinical trial process
- The make up and purpose of an institutional review board
- Informed consent and the effect of the HIPAA privacy regulations
- Case law discussing incidents of research misconduct.

A number of problem areas that arise in this setting are delineated, accompanied by suggestions for how to avoid these pitfalls. Sample checklists and other useful documents are included.

Institutional Review Boards: A Primer, Second Edition will continue to be a valuable resource to those who need to understand this critical area of healthcare and how to comply with the rules that govern human subject research.
Achieving Meaningful Use of EHR Technology: Overview of the Proposed Rules, Areas of Concern, and Practical Tips for Hospitals

Michael D. Beauvais, Ropes & Gray LLP, Boston, MA

Introduction
On March 15, 2010, the public comment period on the proposed federal rules for the “meaningful use” of certified electronic health record (EHR) technology ended with the submission of more than 2,000 comments.

This article examines key aspects of the EHR incentive programs from a hospital’s perspective, including a discussion of several contentious provisions and their likely impact on hospitals seeking to maximize incentive payments. The article concludes with practical tips to help your organization prepare for and achieve meaningful use of EHR-certified technology.

Brief History of the EHR Incentive Programs and Certification Criteria
The American Recovery and Reinvestment Act of 2009, through the Health Information Technology for Economic and Clinical Health Act (HITECH Act), promotes the adoption and meaningful use of interoperable health information technology (HIT) and “qualified EHRs” through a combination of incentive payments and penalties.¹ The underlying principle is that such technology, if standardized and widely adopted, will increase administrative efficiency and improve care quality through, among other things, a reduction in medical errors and improved coordination of care.
Author Thanks

AHLA would like to thank Daniel Mullholland, Lauren M. Massucci, and Charles J. Chulack for authoring the fourth edition of the Peer Review Guidebook. This new edition is a good resource for understanding the peer review process and disciplinary proceedings involving physicians and contains information about the new Joint Commission standards on Focused Professional Practice Evaluation (FPPE) and Ongoing Professional Practice Evaluation (OPPE), a discussion of the Patient Safety and Quality Improvement Act, as well as the latest from the National Practitioner Data Bank. To order, go to www.healthlawyers.org/bookstore.

Deane K. Corliss, a partner at Bradley Arant Boult Cummings LLP in Birmingham, AL, has been named to Alabama Super Lawyers for 2010.

She was also listed among the Top 25 Women Lawyers in Alabama.

Alan S. Goldberg of McLean, VA, is now an accredited attorney for claimants for healthcare and other veterans benefits before the U.S. Department of Veterans Affairs and is admitted to the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit. He is also now admitted to the bar of the Commonwealth of Pennsylvania. Mr. Goldberg is a Past President and AHLA Fellow.

Eric B. Gordon has been named head of McDermott Will & Emery LLP’s Los Angeles, CA, office. He is currently partner-in-charge of the firm’s California health practice, the national co-chair of the firm’s Academic Medical Center practice, and was recently named a Vice Chair of AHLA’s Teaching Hospitals and Academic Medical Centers Practice Group.

Bobby Guy, a partner at Frost Brown Todd LLC in Nashville, TN, has been appointed Co-Chair of the American Bankruptcy Institute’s Health Care Committee.

F. Peter Lehr, of Tallman Hudders & Sorrentino, the Allentown, PA, office of Norris McLaughlin & Marcus PA, has been selected for inclusion in the Health Care section of the 2010 issue of Pennsylvania Super Lawyers – Rising Stars Edition.

Robert J. Lightfoot II has joined Von Briesen & Roper SC in Milwaukee, WI, as a Shareholder.

Jill T. Ojserkis has joined Cooper Levenson in Atlantic City, NJ, as Chair of the firm’s Healthcare Law Practice Group.

Tina M. Allen and Martha Rabaut Boonstra have joined Hall Render Killian Heath & Lyman PC as associate attorneys in the Troy, MI, office.

Matthew R. Sorrentino, a Member of Tallman Hudders & Sorrentino, the Allentown, PA, office of Norris McLaughlin & Marcus PA, has been selected for inclusion in the Pennsylvania Super Lawyers 2010 for his fifth year in the Health Care Practice Area.
Don’t Miss Out—Six New Practice Group Newsletters

Practice Groups (PGs) always try to provide their members with in-depth and recent articles in time for each year’s Annual Meeting. This year is no different. Members of the following PGs should have or will receive an email this month, notifying them of their PG newsletter’s publication.

- Life Sciences
- Business Law and Governance
- Regulation, Accreditation, and Payment
- Healthcare Liability and Litigation
- Physician Organizations
- In-House Counsel

To access your newsletters, visit www.healthlawyers.org/practicegroups, and use the list of PGs on the left-hand toolbar.

Celebrate Diversity at the ‘RED’ Reception

June 28, 2010, Seattle, WA

AHLA’s Advisory Council on Diversity will host its annual ‘RED’ reception on Monday, June 28, 2010 from 5:30-6:30 pm as part of AHLA’s Annual Meeting. This special event celebrates diversity in the health law bar and provides a venue for members of diverse backgrounds to network with their AHLA colleagues and leadership.

Enjoy a relaxing and informal meeting with colleagues and friends who not only share your interest in healthcare law and policy, but also your commitment to furthering the Association’s diversity efforts and initiatives.

Please indicate on your Annual Meeting registration form if you would like to attend or contact Andrew Hartman at ahartman@healthlawyers.org.

We are pleased to have this event sponsored by the AHLA Diversity Council in cooperation with the Minority Corporate Counsel Association.

Linda M. Robison (Partner), Mark D. Folk (Partner), Suzanne Sterling (Of Counsel), and Liston E. Radney III (Associate) have joined Shutts & Bowen LLP and are based in the firm’s Fort Lauderdale, FL, office.
California

Oakland, CA: Healthcare Provider Contracting and Transactional Attorney – Kaiser Permanente. Kaiser Permanente is currently seeking a Healthcare Provider Contracting and Transactional Attorney with 5+ years experience in provider contracting with hospitals and other institutional providers. Additional experience with large law firms and healthcare transactional work is preferred. Please visit www.jobs.kp.org and submit your resume to job # 000865. Kaiser Permanente is proud to be an EOE. Salary is commensurate with experience.

San Diego, CA: See Boston, MA listing for Staff Attorney at Mintz Levin Cohn Ferris Glovsky and Popeo PC.

San Francisco Bay Area, CA: Assistant General Counsel – Sutter Health. Sutter Health seeks an Assistant General Counsel to assist the Senior Vice President & General Counsel with at least 10 years experience in advising medical and healthcare clients with emphasis in a nonprofit setting. The AGC role will have subject matter expertise in Business, Tax & Governance issues. The successful candidate must have a comprehensive understanding of tax-exempt healthcare entity structures including corporate and joint venture formation and ongoing operations mergers, acquisitions, and governance of tax-exempt healthcare providers. Other preferred experience includes regulatory requirements and other operations issues related to ambulatory surgery centers, pharmacy, laboratory and home health and hospice agencies, abuse (Stark, Anti-kickback and False Claims Act) and a working knowledge of issues involving Medicare and Medicaid. Candidates with deep reimbursement expertise may qualify for a separate AGC position opening within the company. Extensive knowledge of providing legal advice to healthcare clients is required. Experience of working with or for an integrated healthcare delivery system is desired. Sutter Health offers outstanding compensation and benefits. Our client has engaged Solutus Legal Search on an exclusive basis. Interested candidates, please submit resumes to search@solutuslegal.com for consideration using reference # 135-SLS. Resumes submitted directly to Sutter Health will be forwarded to Solutus for evaluation.

Colorado

Denver, CO: General Counsel – The Colorado Permanente Medical Group PC. The Colorado Permanente Medical Group PC seeks to hire an attorney to serve as General Counsel. Candidates must possess a minimum of 8 years experience advising healthcare institutions (preferably physicians and physician organizations) and 5 years handling employment-related issues. CPMG offers excellent benefits, competitive salary, and an opportunity to be a part of the Colorado Region of Kaiser Permanente. In 2009, KPCO was named the top-ranked commercial health plan in Colorado and the No. 1 Medicare plan in the U.S. Submit resume to: Pauline.Fox@kp.org and for more information visit us at: http://physiciancareers.kp.org/co/ & www.kaiserpermanentejobs.org.

Greeley, CO: Associate General Counsel – Banner Health. Banner Health has an opportunity for an Associate General Counsel position in Greeley, CO. Greeley is a beautiful community of approximately 90,000 with a home town atmosphere. We are a non-profit healthcare organization and our professionals are nationally recognized for excellence in a myriad of programs. Banner Health is seeking a highly motivated attorney to provide legal advice and services to management and medical staff in the areas of medical staff governance, credentialing, peer review, general contracting, and general hospital and healthcare operations. Working knowledge of, and some experience in, labor and employment issues is preferable. Candidates must also have 5-15 years of experience.

Salary ranges between $120,000 and $167,000. Banner Health has all the benefits that come with working with a large healthcare system such as: tuition reimbursement, growth opportunities, relocation assistance, on-site childcare and more. We also offer on-site, expense paid interviews. For more information, please visit www.BannerHealth.com or contact Elizabeth McKinney-Tobias at Elizabeth.McKinney-Tobias@bannerhealth.com.

Georgia

Norcross, GA: Assistant General Counsel – UHS Pruitt Corporation. This AGC will primarily be responsible for transactions, specifically including acquisitions and financing/refinancing; corporate documents, applications and record maintenance; and licenses, intellectual property and various contract issues. Healthcare regulatory experience is a plus. Admission to or eligible for admission to the GA bar is required. Admission to practice in NC and/or SC is also a plus. Candidates shall expected limited travel. Competitive salary and benefits! For more information, please visit www.uhs-pruitt.com or contact Lori Pearson at lpearson@uhs-pruitt.com.

Iowa

Davenport, IA: Associate Counsel – Iowa-based healthcare system. This position will advise, recommend and provide legal counsel to the organization under the supervision and direction of the Vice President of Legal Affairs, and provide quality legal services to the hospital. They will also be responsible for transactional legal services which may include new and existing physician agreements, purchase of physician practices, real estate matters, vendor contracts, and other third party agreements, including joint ventures.

Additional Listings: May be found in our National Job Bank. Go to: www.healthlawyers.org/jobbank

Deadlines: Space reservations, copy, and payment are due on the 5th of the month prior to publishing. Copy for basic classifieds and contact information should be emailed in basic text format to hlclassifieds@networkmediapartners.com. Payment information should also be included in the email. For a copy of our media kit or for more information about Display, Classified, and Online advertising, please contact: Katy Shearman, Phone: (410) 584-1982, Fax: (410) 584-1998, Advertising: healthlawyers@networkmediapartners.com
Possible candidates are preferred to have five years of experience practicing healthcare law with exposure to non-profit organizations while working in a large law firm, corporate, or healthcare law dept or legal setting. Salary is negotiable and benefits include: PTO; Holidays; Health Care and Dental; Vision; Life Insurance; ADD; Dependent Life Insurance; Supplemental Life; LTD; Prescription Plan; Flexible Compensation; Retirement; Employee Assistance; Jury Pay; Worker’s Comp; Tuition Assistance; Employee Health Service; Bereavement Pay; Credit Union; Tax Deferred Annuity; Cafeteria Discount; and Day Care Services. For more information, please visit www.mrgpeople.com. Interested candidates should send their resume to Dan Portes at dportes@mrgpeople.com or contact him via phone using (563) 323-3333 or fax (563) 323-0767.

Indiana

Indianapolis, IN: IT Attorney – Hall Render Killian Heath and Lyman PC. As the second largest health law firm in the United States, Hall Render Killian Heath & Lyman represents health systems, hospitals, pharmaceutical companies, nursing homes, behavioral health authorities, graduate medical education programs, regional health information organizations and physicians in a wide variety of healthcare and technology related issues. We are currently seeking an IT attorney(s), with anywhere between three and twelve years of experience, for placement at our Indianapolis, Milwaukee or Troy, MI offices.

Excellent writing and client skills required. Responsibilities will include negotiating, drafting and reviewing an extensive range of business and technology transactions, including complex technology contracts (software licenses, IT services, network access and outsourcing agreements), distribution, promotion, research, purchase/supply, and clinical agreements. The individual will also counsel clients on a wide range of U.S. laws.

Responsibilities include: managing legal aspects of client relationships, and assistance with regulatory and other compliance programs, including risk management; corporate governance and transactional projects; and other duties as assigned. Familiarity with HIPAA, privacy and security matters highly desirable. For more information, please visit www.hallrender.com. Send resume, letter of interest and writing sample to Courtney Olson, Hall Render Killian Heath & Lyman PC, 2000 One American Square, Box 82064, Indianapolis, IN 46282 or email colson@hallrender.com. Hall Render Killian Heath & Lyman is an EOE. No phone calls please.

Massachusetts

Boston, MA: Staff Attorney – Mintz Levin Cohn Ferris Glovsky and Popeo PC, a large international law firm with more than 400 attorneys in eight offices, is seeking a staff attorney to join our Health Law section in either of our Boston, DC, New York or San Diego office. Mintz Levin represents the full spectrum of healthcare providers and suppliers, insurers, industry lenders and investors, and facility owners, managers and developers. Our clients include independent hospitals, hospital systems, ambulatory service providers, managed care organizations, long term care facilities, medical device manufacturers and suppliers, clinical laboratories, physicians, physician groups, biotechnology and pharmaceutical companies, and real estate developers.

This individual would be assigned to the team responsible for a large provider client’s transactional work (e.g., mergers, acquisitions and joint ventures). Candidates must have at least 5 years of the following experience in the health industry: mergers and acquisitions, joint ventures, financing, contracting, and general corporate matters. Knowledge of the Stark Law and the Anti-kickback Statute a plus and strong writing and interpersonal skills required. For more information, please visit www.mintz.com. Interested candidates should submit a resume to lateralrecruiting@mintz.com.

Maryland

Baltimore, MD: Senior Compliance Auditor – The Johns Hopkins Health System Corporation. This position is responsible for the development, implementation, and ongoing monitoring of the Corporate Compliance Program with a particular emphasis on Billing Compliance and Compliance Education for the Johns Hopkins Health System Corporation and its affiliates. Responsibilities will include a risk assessment of affiliate service lines, development of audit plans, review of medical and billing records and drafting of an audit report.

Requirements include: Bachelor of Science in Nursing, Accounting, Business Administration, Hospital administration, or other related discipline; minimum of 10 years of experience in healthcare, billing compliance, hospital management or other relevant experience; professional level of knowledge of billing practices and procedures; and in depth knowledge in the areas of Medicare, Medicaid, and commercial insurance billing regulations. We invite you to apply online at www.hopkinsmedicine.org/careers and refer to requisition # 28347.

Missouri

Springfield, MO: Senior Healthcare Attorney – St. John’s Health System. This is a newly created position in the Central Region of Mercy. Mercy is the 8th largest Catholic Healthcare System in the United States. It operates in seven states with 26 acute care hospitals, 36,900 coworkers and 4650 medical staff members. The Central region encompasses Mercy communities in southwest Missouri, southeast Kansas, and Arkansas. This position will be based in Springfield, MO working under the direction of the Mercy Central Region General Counsel. The Senior Attorney will provide legal counsel and advice including, but not limited to, transactions, compliance, contract drafting and review, physician compensation, development of new processes and products and supervision of outside counsel.

Requirements include: a minimum of 3 years of healthcare legal experience with significant exposure to HIPAA, compliance and fraud and abuse statutes; either a MO or AR license and eligibility for dual state licensure; and some travel within central region. Apply online at www.stjohns.com or contact Alan Chapman, St. John’s Health System Employment Specialist, at Phone: (417) 820-3387; Fax: (417) 820-7799; Toll Free: (800) 835-5199; or email alan.chapman@mercy.net.
An accredited institution. 15 years of strong litigation experience; experience in healthcare, government investigations and False Claim Act liability required; preferably with large corporate setting a plus. Candidates must be proficient in legal research, including Westlaw and other research tools; working knowledge of databases; knowledgeable of the federal False Claims Act; and knowledgeable in Financial Accounting Standards (FAS 5) Analysis. For more information, please visit www.tenethealth.com or contact executive.search@tenethealth.com.

Washington
Washington, DC: See Boston, MA listing for Staff Attorney at Mintz Levin Cohn Ferrisi Glovasky and Popeo PC.

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American Health Lawyers Association

Annual Meeting and In-House Counsel Program
Boston Marriott Copley Place and Westin Copley Place
June 26–29, 2011
ANNUAL MEETING SALE!
Get 10% Off!

Missed a recent webinar? Wish that you could listen to it at your own leisure, on your computer, iPod, or iPhone? Webinar recordings are now available in a MP3 format for instant download on the AHLA website. Here is your chance to obtain great additions for your resource library at 10% off! The sale will occur at the Annual Meeting Resource Center and online during the Annual Meeting, June 27-30, 2010.

Practice Group-sponsored webinars are held throughout the year on hot topics with analyses of healthcare law-related issues and cases.

Please note that all recordings are accompanied with materials, and all past webinars starting with July 2009 also include a bonus MP4 recording (video format).

Our diverse inventory includes the following best-sellers:

- Acquisition of Physician Practices by Hospitals (October 8, 2009)
- Supervising Medicare Services: What You Need to Know in a Changing Landscape (December 8, 2009)
- The Meaningful Use NPRM: An Overview and Path to EHR Incentive Payments for Your Organization and Clients, Part I: Overview of the Meaningful Use and Certified EHR Rulemaking (February 17, 2010) and Part II: Drill Down on Key Issues (March 4, 2010)
- Fraud and Abuse Fundamentals, Part I: Anti-Kickback (February 18, 2010) and Part II: Stark Physician Self-Referral Law (March 10, 2010)
- Best Practices in Structuring Call Coverage and Indigent Care Services After OIG Advisory Opinion 09-05 (March 31, 2010)

Note: We no longer offer audio recordings and materials on CD.

To purchase a recording of one of our past teleconferences/webinars at a sale price, please review our offerings on our website at www.healthlawyers.org/Webinars/Past from June 27-30, 2010, or visit our AHLA representative at the Annual Meeting Resource Center.

For a complete listing and more information about future webinars, please visit our webinar calendar at www.healthlawyers.org/Webinars.
Each year, I take pen (or cursor) in hand to thank members of the Board who are rotating off for their many contributions to the life of the American Health Lawyers Association. This column makes me nostalgic because as members of the Board reach the end of their terms, it is a concrete reminder of the passage of time both professionally and personally.

At my first Annual Meeting as CEO eleven years ago, each of my children could be comfortably carried in my arms as we made our way through the revolving doors of the Chicago Sheraton. This month, my eldest son who looks me squarely in the eye will graduate from high school followed next year by his younger brother. They will work this summer, as they transition to men, having responsibilities other than joining their dad in Seattle. As Board members “graduate,” it is a gentle reminder that time moves on, careers mature, children grow up, and organizations benefit enormously from the labor of their volunteers. Graduations close the door on a special time in life, but they also open up a window to new opportunities. It is the stuff of life, and it leaves me nostalgic.

This year, three members of our Board will reach the end of their terms.

Myra Selby of Ice Miller in Indianapolis, IN, has graced the Board with her calm, deliberative approach to problem solving. This composure is balanced with a keen sense of humor and wit. When Myra leans in with a smile on her face and exposes a weakness in your argument or provides a contrary perspective, you realize simultaneously that her logic is impeccable and that she has gained the upper hand with such grace that you didn’t even know you were outwitted. Myra has contributed to the life of our Association by chairing its Diversity Council, serving on numerous Board Committees, serving on its ADR Task Force and as an arbitrator.

Cindy Wisner of Trinity Health in Farmington Hills, MI, often starts a meeting with a game or exercise to build a sense of camaraderie among her committee or team. She is known for creative problem solving and an incredibly strong intellect. Several people have said to me over the years that she might be one of the smartest health lawyers they know. She is a person of faith with a commitment to excellence in everything she undertakes. Cindy has chaired the Board’s Membership and Practice Group Committees, developing numerous initiatives to increase member benefits. While she chaired the Membership Committee, the Association moved past the 10,000 mark in membership, an important milestone in the organization’s growth.

Joel Hamme of Powers Pyles Sutter & Verville of Washington, DC, a longtime friend and neighbor in Falls Church, VA, finishes his year as Past President in June. Joel approaches issues by learning everything he can about them and then applying his considerable intellect to determining the wisest course. He also leverages his data-driven approach with a discerning sense of humor and sharp wit. Joel has contributed too much to the organization to recount in this word-limited article, but I would stress two themes – increasing member benefit and careful, proactive stewardship of the organization’s resources. Joel led in tumultuous economic times, and he would not abandon his desire to increase benefits for the members and improve the Association’s economic standing – simultaneously. He accomplished both, and we are all the better for it.

In the last magazine before the Annual Meeting, I also like to pay tribute to our outgoing President. Elizabeth Carder-Thompson has served the Association with grace, skill and diplomacy for her entire tenure on the Board. In her presidential year, she has guided the Association through the uncertainties of a recession and a downturn in revenues, always cheerfully confident that AHLA would weather the storm, serve members, and achieve success. She led the Association in its coverage of health reform. Elizabeth conducted interviews for this magazine with some of our nation’s most important and thoughtful healthcare experts. Readers appreciated the efforts she made to keep them informed on the changing health reform landscape. As a former Membership Committee chair, Elizabeth also focused her engaging personality, creativity and intellect on expanding the Association into the life sciences arena. This effort has been important in the organization’s effort to grow its membership.

One of Elizabeth’s priorities for the year was to show appreciation for AHLA staff, and she has done so time and again. Last week, she brought homemade brownies over to the staff after our office move, a thoughtful gesture appreciated by everyone as they organized their new offices. For Elizabeth, the professional and personal mesh in a refreshing, warm-hearted approach to leadership. The Board and the staff have appreciated her charismatic and effective tenure as head of the Association. We will miss her in this role, but are very glad that she will remain on the Board as Past President in fiscal year 2011.

Our Association is better for the participation of these Board volunteers, as well as the participation of many of you in other leadership positions who have been left unheralded in this article. All are deserving of praise and gratitude for their contributions. Thank you from a grateful staff.

PETER M. LEIBOLD
Executive Vice President, CEO
pleibold@healthlawyers.org