

# HOSPITAL-PHYSICIAN CONTRACTS AND COMPLIANCE CLINIC

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# Topics

There's a lot new affecting physician contracts and compliance.

In January 2021, CMS and the OIG published massive changes to the Stark and Safe Harbor regulations, including how fair market value can be calculated and what it means for a compensation arrangement to be commercially reasonable. Then, in November, CMS issued more changes to the Stark regulations that “clarify” the definition of indirect compensation arrangements; expand the exception for Preventive Screening Tests, Immunizations, and Vaccines to cover COVID-19 vaccines; and update the list of CPT and HCPCS codes that are designated health services. CMS has also updated the calendar year 2022 amounts for non-monetary compensation, medical staff benefits, and has increased the amount of the payments that are permitted to be made to a physician without a written agreement pursuant to one of the new Stark exceptions to \$5,270 in calendar year 2022.

The Surprise Billing Rules went into effect on January 1, 2022. Then on October 25, 2022, new dispute resolution regulations went into effect that will provide Providers who understand those rules with a better chance to prevail in a dispute with an insurer over an out-of-network claim. Aside from complying with the new rules limiting balance billing and providing good faith estimates of the cost of scheduled services, you also need to review your physician contracts to see if they will allow you to comply with the new rules.

On November 8, 2021, the OIG published updates to its Health Care Fraud Self-Disclosure Protocol for the first time in eight years, which now includes minimum settlement amounts. And, the 2022 Physician Fee Schedule Regulations are chock full of new rules, including billing for services of physician assistants, split/share visits and E&M codes.

Oh, and don't forget all of the confusion and challenges created by the on-again, off-again COVID vaccine mandate regulations and enforcing vaccine policies even where not required by law.

Join Henry Casale and Dan Mulholland for an in-depth look at these legal developments and, more importantly, what you should do about them.

The following topics will be discussed:

- No Surprises Act
- Telemedicine Dos and Don'ts
- Latest Stark and Anti-kickback regulations
- Physician compensation including productivity incentives – fair market value and commercial reasonableness reimagined
- Compensation for AHPs and physicians who supervise them
- Is it okay to track or require referrals?
- The latest on Employment Contracts and Personal Service Arrangements
- Making sure compensation tracks reimbursement rules and modifiers
- Making sense of the “incident to” and “split share” rules
- How often should you review physician contracts and compensation?
- Using artificial intelligence for contract management
- Using employed physicians as your exclusive provider
- Update on FCA, Stark and Anti-kickback decisions, settlements and ways to correct mistakes
- And much, much more!

# Faculty/Accreditation



## DAN MULHOLLAND

Mr. Mulholland is a senior partner in the law firm of Horty, Springer & Mattern, P.C. in Pittsburgh, Pennsylvania. He is also an editor of the *Health Law Express*, a weekly e-newsletter on health law developments, and a speaker at HortySpringer seminars, podcasts and audio conferences. Mr. Mulholland was named by *National Law Journal* as one of 40 health care attorneys who have made their mark and he is listed in *The Best Lawyers in America*. Mr. Mulholland has spoken and written extensively concerning a wide variety of health law topics. He regularly advises clients on hospital medical staff, corporate, tax, fraud and abuse, and compliance matters, prepares and negotiates all manner of contracts between hospitals, physicians and managed care organizations. He also serves as trial and appellate counsel in False Claims Act, antitrust, tax exemption, contract and peer review litigation. Mr. Mulholland is the former Chair of the Credentialing and Peer Review Practice Group of the American Health Lawyers Association. He frequently provides strategic counseling to hospital and health system boards, as well as transactional services regarding mergers, acquisitions, joint ventures and affiliations. Prior to joining Horty, Springer & Mattern, Mr. Mulholland obtained his undergraduate degree from Duquesne University. He then obtained his Juris Doctor degree from the University of Pittsburgh School of Law.



## HENRY CASALE

Mr. Casale is a partner with the law firm of Horty, Springer & Mattern, P.C. in Pittsburgh, Pennsylvania and was a licensed pharmacist. He is a frequent editor of the *Health Law Express*, a weekly e-newsletter on health law developments and, with Hala Mouzaffar, presents *The Kickback Chronicles*, a biweekly podcast series. He is an adjunct professor in the Carnegie Mellon University Master of Medical Management for Physicians Program, and has also served on the faculty of seminars sponsored by the firm, as well as meetings and seminars sponsored by numerous hospital, managed care, legal and physician organizations, including the Pennsylvania Bar Institute and the American Health Lawyers Association. Mr. Casale has been listed in *The Best Lawyers in America* and *Pennsylvania Super Lawyers*. He also co-authored, with Eric W. Springer, *Hospitals and the Disruptive Health Care Practitioner: Is the Inability to Work With Others Enough to Warrant Exclusion?*, 24 Duq. L.R.377 (1985). He has served as a member of the Board of Directors and as the President and Vice-President of the Society of Healthcare Attorneys of Western Pennsylvania. He has also served as a member of the Health Law Section of the Allegheny County Bar Association. Prior to joining Horty, Springer & Mattern, Henry obtained his undergraduate degree from the University of Pittsburgh School of Pharmacy. He then obtained his Juris Doctor degree from the University of Pittsburgh School of Law.

## Accreditation Statement

### (Continuing Education Credit)

In support of improving patient care, this activity has been planned and implemented by the University of Pittsburgh and HortySpringer Seminars. The University of Pittsburgh is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.

This activity is approved for the following credit: *AMA PRA Category 1 Credit™*. Other health care professionals will receive a certificate of attendance confirming the number of contact hours commensurate with the extent of participation in this activity.

The University of Pittsburgh designates this live activity for a maximum of 11.25 *AMA PRA Category 1 Credits™*. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

## NAMSS Accreditation

This course has been approved for National Association of Medical Staff Services (NAMSS) continuing education credit. Accreditation of this educational content in no way implies endorsement or sponsorship by NAMSS. This program is hereby awarded 11 NAMSS continuing education credits.

## Presenter Disclosure Statement

In accordance with the Accreditation Council for Continuing Medical Education requirements on disclosure, information about relationships of presenters with commercial interests (if any) will be included in materials, which will be distributed at the time of the conference.

## EDUCATIONAL INTENT

This program is designed for hospital managers, physician practice managers, physicians who serve in medical staff and hospital leadership positions, and hospital and physician practice Board members. Upon completion of this program, participants will understand the fraud and abuse implications of hospital-physician contractual relationships. They will also understand how to structure financial relationships between hospitals and physicians so that they comply with federal statutes prohibiting payment for referrals.

## WHO SHOULD ATTEND?

- Hospital Managers
- Physician Practice Managers
- Legal Counsel
- Physician Leaders
- Hospital and Physician Practice Board Members

## REGISTRATION

\$1,695 Individual  
\$5,580 for team of four  
\$1,270 for each additional registrant after a team of four registration

## HOW TO REGISTER

*(Registration form can be found online at [www.hortyspringer.com](http://www.hortyspringer.com))*

**Fax** 412-687-7692

**Phone** 412-687-7677

**Mail** HortySpringer Seminars  
20 Stanwix Street, Suite 405  
Pittsburgh, PA 15222

**Online** [www.hortyspringer.com](http://www.hortyspringer.com)

Participation by all individuals is encouraged. Advance notification of any special needs will help us provide better service. Please notify us at least **two weeks** in advance of the program.

## SEMINAR SCHEDULE

### Day One

7:00 TO 8:00 AM – Breakfast  
8:00 AM TO NOON – Seminar Session  
9:45 TO 10:00 AM – Break  
NOON – Day 1 Adjourns  
5:30 TO 6:30 PM – Informal Reception

### Day Two

7:00 TO 8:00 AM – Breakfast  
8:00 AM TO NOON – Seminar Session  
9:45 TO 10:00 AM – Break  
NOON – Day 2 Adjourns

### Day Three

7:00 TO 8:00 AM – Breakfast  
8:00 AM TO NOON – Seminar Session  
9:45 TO 10:00 AM – Break  
NOON – Seminar Adjourns

**ON LOCATION REGISTRATION 2023**

Hospital Name: City: State:  
Address: Zip Code:  
Contact Person: Email:  
Title: Phone:

**LOCATION** - please fill out a registration form for each location requested

**PAYMENT**

*\$1,695 Individual; \$5,580 for a team of four\* - \$1,270 for each additional registrant after the fourth registration*

*\*Your team must attend the same seminar location to receive the team rate. Split locations cannot receive this rate.*

Credit Card: (HSME will contact you via phone for CC information.) Check Enclosed: (Please make check payable to HSM Enterprises.)

Please invoice: (You will be sent an invoice within 10 days to the email listed above.)

How did you hear about this HorthySpringer seminar?

E-Mail Marketing Brochure Colleague Other

**ATTENDEE INFORMATION FORM 2023**

*(Please give full names and titles as you would like them to appear on name tags.)*

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Attendee #1 First: MI: Last:

Title: Degree:

\*Email:

*\*E-mail address will be used to access our conference app, and to receive pre and post course materials*

Seminar:

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## ATTENDEE INFORMATION FORM 2023- PAGE 2

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Attendee #9 First: MI: Last:

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*Please fill out a second form if additional attendee information is needed*

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