

This informative seminar sponsored jointly by:

**DyKEMA**



**hfma** Eastern Michigan Chapter  
healthcare financial management association



## **Key Compliance Issues for 2012 Seminar**

**DATE: Thursday, January 19, 2012**

**8:00AM – 12:30PM**

**Andiamo Italia West  
6676 Telegraph  
Bloomfield Hills, MI 48301**

**Cost \$40 HFMA & HCCA Members / \$50 Guests**

*The Healthcare Financial Management Association and Health Care Compliance Association extend their sincere thanks to Dykema Gossett PLLC.*

*Seminar Agenda*  
*Key Compliance Issues for 2012*  
*January 19, 2012*

8:00 am – 8:30 am     ***Registration and Hot Buffet Breakfast***

8:30 am – 8:45 am     ***Welcome and HFMA/HCCA Announcements***

8:45 am – 9:55 am     ***What Is and Isn't Your Hospital? – Maria Abrahamsen and Phyllis Adams***

- New development on “under arrangements” billing
- Extension of 3-day payment window to non-provider-based medical practice locations owned by hospitals
- Off-site hospital outpatient departments and limitations on services under State law and Life Safety Code standards

9:55 am – 10:40 am   ***Compliance Issues for Exempt Organizations – Kathy Kudner***

- IRS Compliance Initiatives: Governance and Executive Compensation
- Post-Issuance Bond Compliance – Private Use
- Clarification of Community Benefit Requirements

10:40 am – 11:00 am   ***Networking Break***

11:00 am – 11:50 am   ***Medicare 855 Revalidation Process – Phyllis Adams and Eric Klein***

- Overview of the Medicare enrollment revalidation process
- Interpretive issues related to the updated CMS-855A application (July 2011 version)
- Status of extension requests
- Noncompliance with revalidation deadlines – corrective action plans

11:50 am – 12:30 pm   ***Federally Qualified Health Centers – Grant Funding Opportunities and Compliance Issues – Roz Parmenter***

- Overview of Medicare requirements for FQHCs
- Federal funding issues and opportunities
- Hospital collaboration for development and operation of FQHCs

**Speaker bios can be found on pages 4-10.**

**Registration Form**  
**Key Compliance Issues for 2012**  
**Thursday, January 19, 2012**  
**Location: Andiamo Italia West**  
**6676 Telegraph Road**  
**Bloomfield Hills, MI 48301**  
**Phone#: (248) 865-9300**

Please return this form and your check payable to: **HFMA-Eastern MI Chapter**

**By Mail:** HFMA Registration  
Susan Stokes  
13064 Burningwood Drive  
Washington, MI 48094

**Register On-Line!**

Visit the Eastern Michigan Chapter Web Site at [www.hfmaemc.org](http://www.hfmaemc.org)

**By Fax:** (586) 786-7396

**E-Mail:** [susan-stokes@hfmaemc.org](mailto:susan-stokes@hfmaemc.org)

**CPE Credits: 4.5**

**Registration Fees:**

**HFMA and HCCA Member** register by January 13: \$40

**Non-Member Guest** register by January 13: \$50

Name \_\_\_\_\_  
(As you would like it to appear on your name badge)

Company \_\_\_\_\_

Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Phone \_\_\_\_\_

Are you an HFMA member? \_\_\_\_\_

Member # \_\_\_\_\_ Chapter \_\_\_\_\_

## **Maria B. Abrahamsen, Member, Dykema Gossett**

Health Care and Nonprofit Organizations



[mabrahamsen@dykema.com](mailto:mabrahamsen@dykema.com)

Bloomfield Hills, Michigan  
248-203-0818

### **Education**

University of Michigan, B.A.

University of Michigan, J.D.

magna cum laude

Order of the Coif

Ms. Abrahamsen's practice is devoted to representation of health care facilities and practitioners in corporate and regulatory matters, with emphasis on medical staff, reimbursement, and regulation of hospital-physician financial relationships. She is a member of the firm's Executive Board and was Leader of the Health Care Practice Group from 2000 to 2004.

### **Experience**

- **Hospital-physician joint ventures.** Structure joint ownership of facilities and contractual joint ventures, addressing anti-kickback, Stark, anti-markup, licensure, certification, and securities law issues.
- **Medical staff - hospital relations.** Draft medical staff bylaws and policies. Experience in streamlining medical staff appeal procedures, disruptive and impaired practitioner policies, and compliance with JCAHO, AOA and DNV medical staff standards. Counsel medical executive committees regarding difficult credentialing cases and regarding practical steps to maximize peer review confidentiality and immunity.
- **Accreditation** Counsel clients on compliance with JCAHO, AOA and DNV accreditation standards. Represent clients in appeals of adverse accreditation decisions.
- **Stark and other physician self-referral laws.** Structure professional practices and transactions to achieve client business objectives while complying with applicable legal restrictions on referral. Ms. Abrahamsen chaired the Michigan State Bar Stark Task

Forces, that drafted and submitted comments to the federal government regarding the 2001 and 2004 Stark Regulations.

- **Hospital-physician contracts.** Counsel regarding application of tax, Stark and anti-kickback laws to physician recruitment contracts. Draft hospital-based physician contracts, including addressing clinical service objectives, exclusivity, and reimbursement issues.
- **Third Party Payment.** Extensive counseling of clients regarding third party payment including:
  - Counsel regarding compliance issues, such as identification and application of reimbursement rules and responding to overpayments.
  - Frequent contacts with Medicare intermediary, carrier, CMS Regional Office and CMS Central Office, Blue Cross Blue Shield, and Medicaid programs regarding reimbursement policy issues.
  - Appeal Medicare, Medicaid and non-government reimbursement decisions and represent providers in payor audits and disputes.
  - Structure businesses and transactions to maximize allowable payment and comply with payor requirements.
- **Professional practices.** Structure office-sharing arrangements among practitioners, practice management contracts, and traditional group practice structures such as PCs and PLLCs. Address employment issues, contracts and patient forms and policies.

## **Phyllis Adams Member – Dykema Gossett**

Health Care and Trade and Professional Associations



[pdadams@dykema.com](mailto:pdadams@dykema.com)

[Ann Arbor, Michigan](#)

734-214-7664

### **Education**

University of Michigan, B.S.

Wayne State University, J.D.

cum laude

Ms. Adams is the Practice Group Leader for the firm's Health Care practice area. Her practice is devoted to representation of clients in the health care sector with respect to corporate and regulatory issues, including long-term care and assisted living facilities, continuing care retirement communities (CCRCs), ambulatory surgery centers (ASCs), and hospitals. In particular, Ms. Adams' practice focuses on certificate of need (CON) issues, health facility acquisitions and other changes of ownership, including related licensure and Medicare/Medicaid certification matters, CCRC registrations, long-term care/skilled nursing facility management and operating agreements, assisted living licensure matters, and health care joint ventures.

While in law school, Ms. Adams was executive editor of the *Wayne Law Review*.

## **Eric S. Klein, Associate, Dykema Gossett**

Health Care



[eklein@dykema.com](mailto:eklein@dykema.com)

Bloomfield Hills, Michigan  
248-203-0891

### **Education**

Yale University, B.A.

magna cum laude

Phi Beta Kappa

George Washington University, J.D.

with honors

Mr. Klein's practice is devoted to representing clients in the health care sector with respect to corporate and regulatory issues, including hospitals, physician groups, long-term care facilities, continuing care retirement communities (CCRCs), and ambulatory surgery centers (ASCs). In particular, Mr. Klein's practice focuses on compliance and reimbursement issues as well as health facility acquisitions and other changes of ownership, including related licensure and Medicare/Medicaid certification matters.

While in law school, he clerked at an employee benefits firm in Washington, D.C., where his projects included drafting language for health insurance contracts and benefit plan summaries. After college, Mr. Klein worked for Health Net, Inc. of California in its contract analysis department, where he created financial models used to evaluate hospital, physician group, and ancillary contracts.

### **Experience**

- Managed the hospital, practitioner group, and pharmacy Medicare enrollment applications for a national health system's \$1.5 billion acquisition of a major medical center
- Took lead advisory role in a hospital's change of ownership from a municipal to private owner, including licensure and Medicare certification transition matters
- Representation of clients in completing tax-exempt applications, drafting employment and business agreements, and revising organizational bylaws and articles of incorporation

## **Kathrin E. Kudner, Member, Dykema Gossett**

Health Care, Insurance, Life Sciences, Public Finance, White Collar Crime Defense & Internal Investigations and Trade and Professional Associations



[kkudner@dykema.com](mailto:kkudner@dykema.com)

[Ann Arbor, Michigan](#)

313-568-6896

### **Education**

University of Colorado, B.A.

University of Missouri, M.S.

summa cum laude

University of Toledo, J.D.

cum laude

Ms. Kudner's practice is devoted to the representation of health care providers and payors and biotechnology manufacturers in various corporate and regulatory matters. Ms. Kudner is Chairperson of the Firm's HIPAA Task Force and a member of the Firm's Life Sciences, Insurance, Public Finance and White Collar Criminal Defense and Internal Investigations Teams.

### **Experience**

- **Health Reform**

Advise health care providers, employers, insurers and group health plans on the impact of health reform and the implementation of business strategies to address the new requirements and obligations in the law. Assist providers to structure and implement accountable care organizations.

- **Corporate Transactions**

Advise health care providers and payors in structuring businesses and transactions to comply with the law and payor requirements and maximize reimbursement. Represent providers and payors in mergers and acquisitions, joint ventures and affiliations.

- **Tax Exemption**

Advise tax exempt clients regarding governance, private inurement and private benefit, private use, UBIT, and excess benefit transactions. Represent tax exempt organizations in

bond financings and commercial loans. Represent tax exempt organizations in IRS audits and investigations. Advise clients on completion of Form 990.

- **Biotechnology**

Counsel manufacturers, distributors and health care providers regarding compliance with FDA requirements, including obtaining required clearances and approvals, labeling, informed consent and IRB. Review and negotiate clinical research, collaboration, license and technology transfer contracts and policies and procedures. Advise regarding reimbursement, HIPAA and tax issues related to clinical research.

- **Information Privacy and Security**

Counsel providers, managed care organizations, insurance companies and employers regarding HIPAA and HITECH compliance. Draft and review HIPAA and HITECH forms, policies and procedures and business associate agreements. Advise regarding application of and compliance with red flag rules and Gramm Leach Bliley Act. Advise regarding implementation of electronic health records. Advise regarding identity theft and security breaches.

- **Managed Care and Insurance**

Counsel regarding licensure and regulatory matters. Review and negotiate managed care and insurance contracts on behalf of providers, managed care organizations and commercial insurers. Counsel regarding formation of PHOs, MSOs and POs.

- **Hospital-Physician Arrangements**

Advise regarding application of tax, Stark and anti-kickback laws to hospital-physician relationships, including joint ventures, physician recruitment and PHOs/MSOs.

- **Compliance**

Draft and review compliance program manuals and policies and procedures. Advise compliance committees on internal and external audits, investigations and disclosures. Counsel clients regarding voluntary disclosure, overpayments and appeal of Medicare, Medicaid and other third party payor reimbursement decisions.

- **Physician Practices**

Advise regarding establishing and acquiring physician practices, including corporate documents and practice forms and policies. Draft employment contracts, office leases and office sharing agreements.

## **Roselyn (Roz) Parmenter, Member, Dykema Gossett**

Health Care



[rparmenter@dykema.com](mailto:rparmenter@dykema.com)

[Ann Arbor, Michigan](#)

734-214-7612

### **Education**

Delta College School of Nursing, A.D.

University of Michigan, B.A.

with high distinction

Wayne State University, J.D.

### **Admitted to Practice**

Michigan

Roselyn Parmenter is a member of Dykema's Health Care practice in the firm's Ann Arbor office. Prior to joining Dykema, Ms. Parmenter was a principal at Miller Canfield in the Health Law group.

A former registered nurse and hospital administrator, Ms. Parmenter has 25 years of experience in health care law, working primarily with non-profit organizations and governmental entities, including hospitals, county community mental health authorities, federally qualified health centers and physician organizations. She represents most of the Michigan County Health Plans that provide health care coverage for adults in Michigan with incomes under 150-200 percent of the federal level. A major focus of her practice includes advising clients about Medicare and Medicaid provider reimbursement and compliance issues, tax exemption, non-profit corporation matters, special Medicaid Disproportionate Share Hospital (DSH) funding, Medicaid managed care, Medicaid audits and Health Care Reform.

Ms. Parmenter also has many years of experience with general health care issues including licensing, certification, accreditation, fraud and abuse analysis, compliance programs and HIPAA. She has handled numerous health care mergers, acquisitions, consolidations and joint ventures of hospitals, nursing homes and other health care entities. Prior to engaging in the practice of law, Ms. Parmenter worked as a registered nurse and then as a hospital administrator responsible for the management of numerous outpatient departments at a large health care system.