

PROGRAM AGENDA

October 20, 2010

7:30am – 8:30am Conference Registration / Breakfast

8:30am – 8:45am Welcome and Conference Introduction

Michelle M. Skipper, Vice President, Commercial Division,

American Arbitration Association® (AAA): Charlotte, NC

8:45am – 9:45am Healthcare Reform and ADR: Changes in the Healthcare

Industry and Emerging Issues for the Future

Leaders of the major healthcare-industry associations highlight how ADR is perfectly suited to resolving their constituents' disputes, including those that may result from the enactment of the 2010 Patient Protection and Affordable Care Act (PPACA). Topics include:

- The impact of reform on ADR, including changes in payment mechanisms and the formation of accountable care organizations (ACO).
- Mandated supplier and provider compliance programs and U.S. Department of Health and Human Services (HHS) sanctions for non-compliance.
- The Electronic Health Record Provider Mandate and HIPAA (Health Insurance Portability and Accountability Act) privacy issues.
- Economic benefits of, and contracting trends and legal developments in, arbitration of disputes between multiple providers/physicians and national health insurers.

Moderator: David S. Hefner, Senior Advisor, Association of American

Medical Colleges; Washington, DC

Faculty: William F. Jessee, M.D., FACMPE, FACPM, FACPE,

President & CEO, Medical Group Management Association;

Englewood, CO

Melinda Reid Hatton, Senior Vice President & General

Counsel, American Hospital Association; Washington, DC

Catherine I. Hanson, J.D. Vice President, Private Sector Advocacy & Advocacy Resource Center, American Medical

Association; Chicago, IL

H. Stephen Lieber, CAE, President & CEO

Health Information Management Systems Society; Chicago, IL

Paul F. Brown, Vice President, Deputy General Counsel and

Asst. Corporate Secretary Legal and Governance,

Blue Cross BlueShield Association; Chicago, IL.



9:45am – 10:30am Using ADR vs. Litigation to Resolve Healthcare Disputes

The panel will discuss the cost-control and related benefits of choosing ADR for healthcare disputes and, from the perspective of the CEO of a health insurer, how strong ADR provisions should be used not only for large contracts (PBM and hospital and lab systems) but also for physician and subscriber agreements. The attorney viewpoint will focus on evaluating which ADR solutions (i.e., mediation, arbitration and informal conflict-management programs) are best utilized for particular cases in order to achieve cost-effective and efficient conflict resolution.

Moderator: Stephen E. Ronai, Esq., Of Counsel, Murtha Cullina, LLP;

Adjunct Professor, Quinnipiac University School of Law (Health Care Regulation); Commercial Arbitrator and Mediator; New

Haven, CT

Faculty: Harry N. Mazadoorian, Esq., Distinguished Senior Fellow;

Center on Dispute Resolution, Quinnipiac University School of

Law; Commercial Arbitrator and Mediator; Hamden, CT

James E. Purcell, President & CEO, BCBS of Rhode Island;

Providence, RI

10:30 am -10:45am

Break

10:45am – 11:45am Drafting Effective Healthcare ADR Clauses

Attendees will receive materials with drafting techniques for creating ADR healthcare clauses to effect more economically efficient outcomes. Panelists will address key issues in adapting ADR to the realities of healthcare contractual relationships and to recent developments in Federal Arbitration Act jurisprudence: defining how questions of arbitrability will be resolved; addressing the need for interim injunctive remedies and the prospect of class-based remedies and the integration of mediation protocols.

Moderator: Robert Matlin, Esq., Vice President, AAA®; Chicago, IL

Faculty: Michael Kosnitzky, Partner, Boies, Schiller & Flexner, LLP;

Miami, FL

Brian Boyle, Partner, O'Melveny & Myers; Washington, DC



11:45am – 12:30pm How to Successfully Manage Healthcare Arbitrations

Arbitrators, lawyers and parties will learn how to actively manage various aspects of the arbitration process in order to prevent cases transforming into lengthy and costly litigation-like proceedings. From their own experiences, panel members will discuss best practices for streamlining arbitration proceedings (from the claimant's initiation of proceedings through decision-writing) and techniques to help ensure a more efficient, rapid and thorough process.

Moderator: Sandra K. Partridge, Esq., Vice President, AAA®; New York, NY

Faculty: Katherine Benesch, Partner, Duane Morris; Princeton, NJ

Peter H. Walsh, Senior Deputy General Counsel and Litigation

Chief, UnitedHealth Group; Minnetonka, MN

12:30pm – 1:45pm Networking Lunch (Executive Dining Room, 6th Floor)

1:45pm – 2:45pm Preview of the New Upcoming AAA Healthcare Arbitration Payor Provider Arbitration Rules

Payor/Provider reimbursement disputes present a unique set of issues and challenges. This session will review how the new and as-yet-unavailable AAA Healthcare Payor Provider Arbitration Rules can address cost-control concerns of Payor Provider health-related dispute management. The session also will serve as a preview of the upcoming AAA Healthcare Payor Provider Arbitration Rules.

Moderator: Craig H. Smith, Partner, Hogan & Lovells US LLP; Miami, FL

Faculty: Mitchell E. Zamoff, Executive Vice President & General Counsel

UnitedHealth Group; Minnetonka, MN

Alan D. Lash, Partner, Lash & Goldberg LLP; Miami, FL

2:45pm – 3:00pm Break



3:00pm-3:45pm Accountable Care Organizations & Other Healthcare Collaborations: Using ADR to Avoid Costly Break-Ups

Innovative collaborations and joint ventures in the healthcare industry are possible ways to improve healthcare service quality and reduce some costs. To these ends, the 2010 Patient Protection and Affordable Care Act (PPACA) created the framework for an ACO (Accountable Care Organization) pilot program to begin January 1, 2012. Entities eligible to form ACOs and participate in the pilot program offered by PPACA include physician networks and groups, physicians and hospitals in joint ventures and hospitals employing physicians. This session will focus on how ADR techniques can enable parties in industry collaborations and joint ventures to resolve disputes cost effectively and, post-dispute, preserve their working relationships.

Moderator: Michael A. Pope, PC, Partner, Mc Dermott Will & Emery; Chicago, IL

Faculty: Jeffrey S. Bromme, Esq., Senior Vice President &

Chief Legal Officer, Adventist Health System; Winter Park, FL

John H. Parker, Partner, Parker, Hudson, Rainer & Dobbs; Atlanta, GA

3:45pm - 4:15pm Breaking News: Latest ADR Trends

The latest ADR news and trends will be on hand here—as well as the opportunity to get answers from the panel and the audience on individual healthcare-ADR issues and concerns. Hear from the AAA General Counsel as he reviews recent ADR developments, including class action and *vacatur*.

Moderator: Dale H. Cowan, MD, JD, President, American College of Legal Medicine;

Brecksville, OH

Faculty: Eric P. Tuchmann, Esq., General Counsel & Secretary, AAA; New York, NY

4:15pm Closing Remarks

Michelle M. Skipper, Vice President, AAA®: Charlotte, NC