

# The Patient Protection and Affordable Care Act: It's Constitutional and It's Being Implemented ...

**Are You Ready?** 

Friday, May 3

8:30 a.m.-3:00 p.m.

S.C. Bar Conference Center
1501 Park St., Columbia, SC

#### **ABOUT THE PROGRAM**

This seminar is intended to provide health care lawyers in South Carolina who are in private practice, with a government agency or who are in-house counsel with a broad overview of the major provisions in the ACA and their actual or anticipated impact on South Carolina hospitals, physicians, governmental payors, private payers, individual citizens and the South Carolina state budget. This seminar may also be

informative and helpful to other lawyers whose practices may be affected by the changes the ACA will have on the health care system in this state. In short, the health care system in South Carolina is going through a transformative series of changes caused in large part by the ACA and also by market forces. This seminar will help spot the key issues that you and your clients need to be aware of and should be preparing for as the ACA is fully implemented.

#### MCLE/JCLE/LEPR CREDIT

5.0 MCLE credit hours Course Number: 132504 **AGENDA** 

8:30-9:00 a.m. Registration & Continental Breakfast

9:00-9:05 a.m. Welcome, Announcements & CLE Credit Information

Charles M. Jordan Jr., Esq., Moore & Van Allen, PLLC, Charleston

9:05-11:15 a.m. Introduction to the ACA, Its Major Provisions and Impact on South Carolina

Hospitals, Physicians, Payers and Patients (Panel Discussion)

**ACA's Impact on South Carolina Hospitals** 

Jimmy Walker Sr., S.C. Hospital Association, Columbia

ACA's Impact on South Carolina Physicians and Their Practices Scott E. Hultstrand, Esq., S.C. Medical Association, Columbia

ACA's Promotion of "Accountable Care Organizations (ACOs)"—Analysis of ACOs and the Reform Movement from "Fee for Service" Reimbursement Methodology to "Quality/Value-Based" Reimbursement Methodology Edward K. White, Esq., Nelson Mullins Riley & Scarborough, LLP, Columbia

ACA's Impact on South Carolina Hospitals and Physicians That Participate in the Medicaid Program and Assessment of Overall Health Care Reform Trends

Anthony Keck, S.C. Dept. of Health & Human Services, Columbia

ACA's Impact on Private Payer Relationships with South Carolina Hospitals and Physicians; Assessment of South Carolina ACA-Mandated Health Care Exchange (Federally Operated) and the Resulting New Insurance Products to

be Available for South Carolina Citizens

Irving A. Albrecht, BlueCross/BlueShield, Columbia

11:15-11:25 a.m. Refre

Refreshment Break

11:25 a.m.-12:15 p.m. Health Care Reform for Employers: News You Can Use to Navigate Through

**Uncertain Times** 

Lynne S. Wakefield, Esq., K&L Gates, LLP, Charlotte, NC

Employer Compliance with Various New Requirements Under the ACA

Impact of the ACA on Employer-Provided Health Insurance; Analysis of

"Pay or Play" Rules

12:15-1:00 p.m. Networking Lunch

(Sponsored by the Health Care Law Section)

1:00-2:00 p.m. South Carolina ACA-Related Legislative Update

Moderated by Robert R. Smith II, Esq., Moore & Van Allen, PLLC, Columbia State legislators, including Hon. G. Murrell Smith Jr. (R-Sumter), will provide a South Carolina legislative update on all actual or pending ACA-related South Carolina statutes and regulations, followed by a panel discussion and analysis of the impact of these statutes and regulations on South Carolina citizens, health care providers and the state budget.

2:00-2:50 p.m. New Enforcement Provisions and Initiatives Under the ACA

and Related Trends

**Enforcement Trends and Initiatives following the Enactment of the ACA from** 

**Government's Perspective** 

James C. Leventis Jr., Esq., U.S. Attorney's Office, Columbia

**Enforcement Trends and Initiatives following the Enactment of the ACA from** 

the Defense Bar's Perspective

Derk Van Raalte IV, Esq., Law Offices of J. Brady Hair, N. Charleston

2:50-3:00 p.m. Conclusion and Evaluation



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### DOWNTOWN COLUMBIA HOTELS (click on hotel

name to visit website)

#### **Holiday Inn Express**

501 Taylor St. (803) 744-4000

#### **Sheraton**

1400 Main St. (803) 988-1400

## Staybridge Suites Columbia

1913 Huger St. (803) 451-5900

#### Marriott Columbia

1200 Hampton St. (803) 771-7000

#### **REGISTRATION FORM**

Please complete and return the registration form by April 30 to:

Tara G. Caine South Carolina Bar P.O. Box 608

Columbia, SC 29201

Fax: (803) 799-4118/ e-mail: tcaine@scbar.org

and (ede) ree in terms countries		
Name:	Bar	#:
Address:		
City, State, Zip:		
Phone:	Fax:	
E-mail:		

**REGISTRATION FEES:** (Includes continental breakfast, lunch and handout materials)

Section Members No Fee
Non-Section Members \$50.00

Enclosed is my check in the amount of \$\_\_\_\_\_. Please make checks payable to the S.C. Bar.

Please charge my:  $\square$  Discover  $\square$  MasterCard  $\square$  Visa

Name on Card: \_\_\_\_\_\_ Exp. Date: \_\_\_\_\_

**Registration Policy:** Registrations will not be accepted after 5:00 p.m. on April 30. Walk-in registrations will <u>not</u> be accepted. **Seminar materials will not be distributed** 

to those who do not attend the seminar.

If you have a disability, please call ahead to let us know how we may accommodate your needs.



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#### **ABOUT THE FACULTY**



Irving A. Albrecht has spent the last 37 years in the insurance industry starting in 1975 as a college agent trainee for a west coast mutual insurance company. He holds a Bachelor of Science in Marketing and a Master in Business Administration from the

University of New Orleans. He was an instructor and taught at the University of New Orleans, College of Business, Marketing Department full time prior to accepting a position as a product manager for a mutual insurance company headquartered in New Orleans.

In 1994 he joined BlueCross/BlueShield of South Carolina to start up its voluntary benefits and full service Sec. 125 administration department. After Passage of the Affordable Care Act he was designated chairman of the Exchange Committee at BlueCross BlueShield of South Carolina. During his career he has spoken at numerous industry seminars both locally and nationally. He holds the designation of CFCI, Certified Flexible Compensation Instructor, Fellow, Life Management Institute and Fellow, Academy for Health Care Management. Currently he is AVP, Direct Response & New Marketing Development at BlueCross/BlueShield of South Carolina.



Scott E. Hultstrand is General Counsel and Vice President for External Affairs of the South Carolina Medical Association. In this role, he manages the legislative advocacy of the SCMA, runs the Political Action Committee known as MEDPAC, and works directly

with physicians to help them adapt to new health care payment and delivery structures. He has recently

started SCMA Consulting, a division of the SCMA committed to helping physicians, hospitals and other health care delivery organizations with their clinical integration efforts. Mr. Hultstrand is a graduate of the University of Virginia School of Law and the University of South Carolina Honors College.



Charles M. Jordan Jr., current chair of the S.C. Bar Health Care Law Section, is a member of Moore & Van Allen, PLLC in Charleston and practices in the area of health care and general business/ corporate law.

Mr. Jordan provides counsel on a wide range of

regulatory, contractual and transactional matters involving health care systems, hospitals, physician practices, medical billing companies and other health care-related organizations. He is a graduate of Davidson College and the University of South Carolina School of Law.



Anthony "Tony" Keck is
Director of Health and Human
Services for Gov. Nikki R.
Haley. He holds a Bachelor's
of Industrial Engineering and
Masters of Public Health from
the University of Michigan
and is completing his
doctoral thesis in health
systems management at

Tulane University focusing on physician workforce issues. He has more than 23 years of experience in health care management consulting and policy. Prior to his appointment in South Carolina, he served in the administration of Louisiana Governor Bobby Jindal as health and social services policy advisor to the governor, and chief of staff and deputy secretary of the Louisiana Department of Health & Hospitals.



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#### Faculty, continued.

James C. Leventis Jr. is an Assistant U.S. Attorney and is primarily responsible for handling federal civil prosecution of health care and procurement fraud cases throughout South Carolina. He joined the U.S. Attorney's office in 2007 as a criminal prosecutor and handled narcotics and violent crime cases. Prior to joining the U.S. Attorney's Office, Mr. Leventis was an associate in private litigation practices in Columbia and Palo Alto, California. He is a graduate of the Santa Clara University School of Law and received his undergraduate degree from the University of Virginia.



Robert R. Smith Jr. is an attorney with Moore & Van Allen, PLLC in Columbia and assists clients with regulatory and legislative matters in the health care energy, business and environmental arenas. His experience includes serving in various capacities

as staff in the S.C. General Assembly and the U.S. Senate.

After graduating law school, Mr. Smith served as law clerk to the Hon. Larry R. Patterson, Circuit Judge for the 13th Judicial Circuit of South Carolina. Following his service with Judge Patterson, Mr. Smith served on the staff of the S.C. House of Representatives as assistant staff counsel to the House Labor, Commerce and Industry Committee, Counsel to the Speaker of the House, and as chief counsel, House Labor, Commerce and Industry Committee. Additionally, Mr. Smith served as house counsel for the newly created State Regulation of Public Utilities Review Committee, which is charged with oversight of the S.C. Public Service Commission and the newly created Office of Regulatory Staff. Prior to and during law school, Mr. Smith served as a staff assistant to the Hon, J. Strom Thurmond, U.S. Senator.



Derk Van Raalte practices in N. Charleston along with his partner Brady Hair. His private practice focuses on federal criminal work, complex civil litigation and governmental law. Mr. Van Raalte has been involved in the defense of several of the

most prominent health care, securities, environmental and federal criminal cases prosecuted in South Carolina in the last decade. He has defended clients ranging from prominent hospitals and Fortune 500 health care providers to defense contractors, brokers and individuals. In addition to his private practice, he serves as the chief deputy general counsel to the City of N. Charleston. There, among other things, he succeeded in having the State Legislature's property "Tax Cap" declared unconstitutional, resulting in eventual amendment of the S.C. Constitution. Prior to entering private practice Mr. Van Raalte prosecuted on the local level and as an Assistant U.S. Attorney. He has also been actively involved in assisting the South Carolina Bar with publications, having helped author or edit books including Health Care Fraud and Collateral Consequences (2000 and 2011), Computer and Intellectual Property Crimes (2003) and Federal and State Securities Fraud (2008).



Lynne S. Wakefield has been a partner with K&L Gates since 2009 and an associate from 2005 to 2009. Prior to joining K&L Gates, Ms. Wakefield was an employee benefits associate in a regional law firm. She focuses her practice on employee benefits. She

regularly advises clients on the design,



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#### Faculty, continued.

implementation and administration of tax-qualified retirement plans such as 401(k), profit sharing, traditional pension and cash balance plans. She also assists clients with issues relating to welfare benefit plans, including ERISA, COBRA and HIPAA compliance; negotiation of administrative services agreements; the design, implementation and administration of group health plans, cafeteria plans, health savings accounts (HSAs) and health reimbursement arrangements (HRAs); and other aspects of consumer-driven healthcare.

Ms. Wakefield provides clients with advice in other benefits areas as well, including nonqualified deferred compensation plans; equity plans; compliance with reporting and disclosure requirements; correction of qualified plan defects and related submissions under the Internal Revenue Service and Department of Labor voluntary correction programs; and mergers and acquisitions. She also regularly assists clients with ERISA litigation.



Jimmy Walker is the Senior Vice President of Regulatory and Workforce with the S.C. Hospital Association. He oversees and directs the association's efforts related to workforce development, as well as monitoring and responding to proposed regulations at the state and

federal levels. Mr. Walker earned an undergraduate degree from Rhodes College in Tennessee. He also holds a Master of Education and Master of Hospital Administration from the University of South Carolina.



Edward K. White is a partner of Nelson Mullins Riley & Scarborough, LLP in Columbia where he practices in the areas of corporate, partnership, healthcare, taxation and non-profit law. He is a certified specialist in taxation, a designation

awarded by the S.C. Supreme Court. Additionally, he is a certified public accountant in South Carolina.

Mr. White provides a multidisciplinary approach to business transactions combining his accounting and tax background into a corporate practice; advises clients in business transactions, including organizational and operational matters for business entities, drafting contracts, employment agreements, handling the acquisition and disposition of business interests, mergers, acquisitions, structuring partnerships, joint ventures and other strategic relationships; and provides advice to both proprietary and non-profit organization on corporate and tax matters.