
Key Takeaways From 27th Annual King & Spalding Health Law & Policy Forum

By King & Spalding Healthcare associate [Kirstin Rodrigues](#)

On March 19, more than 350 healthcare law professionals from around the country attended the 27th Annual King & Spalding Health Law & Policy Forum in Atlanta. Attorneys from King & Spalding's Healthcare group joined with esteemed health law experts for seven sessions to discuss emerging issues and hot topics in the health law and policy arena.

If you weren't able to attend the forum this year, here are some key takeaways from each session:

- **Physician Alignment Strategies** – Although the trend of physician alignment is not new, how these parties are aligning and who is aligning is different than ever before. The goal is still to produce value-based partnerships and value-based products to control costs and coordinate care, but the options for alignment and integration continue to expand. Panelists discussed the different methods and levels of integration and the legal and regulatory risks that arise from these arrangements. Panelists also discussed how non-traditional providers, such as Apple and Google, are adding a new twist to integration trend.
Panelists: Partners [Tom Hawk](#) and [Phillip Street](#), counsel [Craig Smith](#), Hector Calzada, managing director of Deloitte Transactions and Business Analytics and [Jacque Sokolov, M.D.](#), chairman and CEO of SSB Solutions. [Session presentation](#).
- **Developments on Corporate Integrity Agreements (CIA) Implementation: Selecting and Interacting with an Independent Review Organization (IRO)** Speakers highlighted many of the recent developments to the implementation and enforcement of CIAs, such as the move from voluntary to mandatory compliance, a shift in focusing on day-to-day operations to upper-level management decisions, and an evolution of the typical CIA model. From engaging to interacting with the IRO during the CIA enforcement, panelists highlighted the importance of fostering a collaborative relationship despite the independence and objectivity the IRO must possess.
Panelists: Partner [Gary Eiland](#) and [Kristen Schwendinger](#), senior managing consultant for BRG Consulting. [Session presentation](#).
- **Operational Hot Buttons and Updates** – Both the Joint Commission and CMS have put their focus on EMTALA (the Emergency Medical Treatment & Labor Act) and the care of patients in psychiatric crises in the emergency department (ED). Panelists discussed how EDs can respond to the new emphasis on decreasing ligature risks, psychiatric boarding, and appropriately transferring patients. Speakers also updated attendees about the ramp-up in OCR's audits and enforcement of HIPAA. If you ever thought you could hit the snooze button on HIPAA, that time is long gone.
Panelists: Partners [Kathy Poppitt](#) and [Juliet McBride](#). [Session presentation](#).

- **2018 and 2020 Elections and Healthcare** – Panelists identified the top health policy issues to be addressed by Congress such as Stark reform, the opioid crisis, drug pricing, Medicaid expansion and Value Based Purchasing. We can expect to see more moves in the regulatory space, because time may be an issue for legislative policies to come together before the midterm. Panelists gave predictions on the upcoming Senate and House midterm elections and noted that the competition for seats in both houses, as in any competition, is all about the incumbent.

Panelists: Former governor and senior counsel [Robert Ehrlich, Jr.](#), government relations advisor [Allison Kassir](#) and partner [Tom Spulak](#). [Session presentation](#).
- **Future of Healthcare** – Speakers projected the inevitable expansion of Georgia’s Medicaid program to cover nearly all low-income adults, the likelihood of stabilizing the ACA, rather than replacing and repealing the ACA, the looming rural physician shortage and overall nursing shortage, the struggles rural hospitals will face and the options these hospitals will be left with, and the increasing tension between growing hospital systems and the insurers.

Panelists: Partner [Glen Reed](#), Susanna Capelouto, senior editor of WABE, and Andy Miller, CEO and editor of Georgia Health News. [Session presentation](#).
- **Medicare Reimbursement & 340B Developments** – Panelists explained the developments of Medicare’s 340B program in the last 12 months and highlighted what both the House and Senate have in the works to help remedy the situation for hospitals facing nearly 30 percent payment cuts for 340B drugs. Speakers also addressed the unmistakable pressure to move the provision of services from the inpatient setting to the outpatient and freestanding setting, which is exemplified by CMS removing knee surgeries from the inpatient-only list.

Panelists: Partners [Travis Jackson](#), [Christopher Kenny](#) and [Mark Polston](#). [Session presentation](#).
- **Hot Topics in Provider-Payer Relationships** – The hot topics in provider relationships with commercial payers ranged from Anthem’s new Imaging Site of Services and Emergency Services Policies aimed at deteriorating policyholders’ coverage, the Medicare Advantage opportunities in the telehealth space, and how providers can argue for receiving higher rates for non-contracted out-of-network services.

Panelists: [Marcia Augsburger](#), [Jim Boswell](#) and [Stephen Goff](#). [Session presentation](#).

[Click here to see the full 27th Annual King & Spalding Health Law & Policy Forum agenda](#). If you would like to be included on our regular pharmaceutical manufacturers, medical device manufacturers or healthcare provider mailing lists to receive notices of other events and written updates, you can be added by submitting your full contact information to lifesciences-healthcare@kslaw.com and specifying the list you wish to join.

