

Health Care Fraud & Abuse Laws in the Era of Health Reform

April 20, 2012
11:15 am - 1:00 pm
DoubleTree Hotel

Husch Blackwell's Kim Gibbens and Megan Phillips will discuss the government's increased scrutiny on fraud and abuse in the health care industry. Their discussion will focus on key health care fraud and abuse laws, including the Stark Law, the Anti-Kickback Statute and the False Claims Act, and how these laws affect healthcare providers in today's regulatory environment. Both Kansas and Missouri ethics credit is available for this program.



Kim Gibbens is Senior Counsel in Husch Blackwell's Kansas City office. She represents hospitals and health systems, physician practices and other types of healthcare providers. She counsels clients on a variety of legal issues including hospital-physician transactions and regulatory

compliance matters concerning the Stark Law, the Anti-kickback Statute, and Medicare statutes and regulations.



Megan Phillips is Senior Counsel in Husch Blackwell's Omaha office. She assists clients on issues related to Medicare and Medicaid reimbursement, Stark and Anti-Kickback analysis, state and federal licensure/ certification of health care facilities, corpo-

rate health care transactions, HIPAA compliance and other regulatory matters.

President's Message

DEAR EBPA MEMBERS,

Welcome to spring which means fun in the sun with family and friends and lots of baseball, golf, or whatever it may be that you enjoy the most! I hope everyone is off to a great start this year and I want to thank you for your continued support of the EBPA! Our seminar and golf committees have been hard at work planning out a year that



is shaping up to be even better than last! We have a great team putting in lots of time. They all deserve a big pat on the back for doing what they do to make our organization a success. Remember to register for the April 20th luncheon for Ethics credit and find a way to get out to Loch Lloyd on May 15th. Go to www.ebpa-kc.org for all the details. If you have any suggestions on continuing education credit topics or speakers, please send them my way and we will do our best to accommodate.

The judicial review and respective arguments did not disappoint with some twists and turns related to the constitutionality of the individual mandate. Lively discussion regarding severability rules and arguments about what will stand as law and what will not if the mandate is ruled as unconstitutional were a little surprising. The court may have tipped its hand a little by inferring they have no desire to go page by page and review every component of the law and decide what is impacted and what is not if the mandate is struck down. It might be wishful thinking but perhaps a good sign for those that believe we need a fresh start. Stay tuned until June for how this one turns out. Let's hope the court realizes that the increasing administrative burden along with benefit mandates have done nothing but increase cost and have missed the mark.

In conjunction with the "real" reason around the need for reform, which is cost if everyone remembers why this

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The *EBPA Newsletter* is published quarterly by the Greater Kansas City Employee Benefit Professionals Association, a Non-Profit Organization, P.O. Box 40071, Overland Park, Kansas 66204-0971 (913) 381-4458, fax (913) 381-9308. Newsletter items should be submitted to the editor, Denise Lambert, Saint Luke's Health System, (816) 932-2000, dlambert@saint-lukes.org.

The opinions expressed in the *EBPA Newsletter* are those of the writers and not necessarily those of the Greater Kansas City Employee Benefit Professionals Association.

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PRESIDENT'S MESSAGE

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all started, employers are now more than ever understanding and receptive to creating a culture of health. Regardless if the law survives or not, employers are looking for innovative ideas to influence behavior as they continue to take more ownership as an influence on the health of their workforce. This is an interesting time in our market with a wide spectrum of challenges and opportunities. The patient is at one end of the spectrum and the provider at the other, with a multitude of tactics, tools, and resources in between focused on creating accountability, improving health, and lowering costs. Various employer surveys indicate that this trend will remain, requiring all of

us and our respective organizations to continue to adapt in a changing environment. Who ever said insurance was boring!

The benefits world continues to move along at a rapid pace with everyone working harder than ever just to keep up. The motto these days continues to be "do more with the same" or even "more with less" and we are not exempt from this standard of productivity in the insurance and benefits industry. I encourage all to maintain the integrity of our industry by continuing to provide the professional knowledge and service our customers need and deserve. I am proud to serve all of the wonderful professionals belonging to the EBPA of GKC and look forward to seeing you at one of our events.

Matt Tritz

ANNUAL BENEFITS SEMINAR

June 22, 2012

In celebration of our 25th Anniversary, the 2012 EBPA Seminar will walk through the past 25 years of employee benefits. Each of our speakers will focus on what was happening when EBPA first began, what is happening now, and try to shed some light on what we have to look forward to in the future.

Employee Benefits: Yesterday...Today...& Tomorrow

- Development of New Techniques in Medicine
- Corporate Wellness
- Data Storage and Compliance Regulation (Ethics)
- Workplace Productivity
- The Evolution of Health Care Plans

Watch your emails for further details.

Health Exchange Regulations Ruling

by Lauren Schultz, Legislative Chair

On March 12, 2012, the Department of Health and Human Services (HHS) released a 644-page ruling regarding the establishment of the state health insurance exchanges. The policies released have given states a substantial amount of flexibility regarding the infrastructure and administration of their exchanges in order to allow each state to best serve its residents. While the document covered a wide variety of issues, two of the HHS's main objectives were to provide guidance for setting up Small Business Health Options Programs (SHOPs) and to establish standards for creating web-based systems for individuals to apply and enroll in qualified health insurance plans.

According to the HHS Secretary Kathleen Sebelius, "These new marketplaces will offer Americans one-stop shopping for health insurance, where insurers will compete for your business. More competition will drive down costs and Exchanges will give individuals and small businesses the same purchasing power big businesses have today." The lack of regulation around the exchanges will allow states to determine whether they operate their exchanges through existing agencies or through new not-for-profit entities, give them the op-

tion to open exchanges to all insurers and health plans (rather than limiting consumers' options to a selected few), and even allow larger employers to participate in the exchanges as well. Additionally, states will have the authority to determine the significance of the role that insurance brokers and agents will have in selling health plans to individuals and employers through the exchanges.

The Deputy Director in the Centers for Medicare and Medicaid Services insurance-regulation office Tim Hill says that, "allowing third-party companies or brokers access to the exchanges will help spread the word about them. Those are relationships that are regulated on the state level... to determine the fee structure for how agents or brokers can be compensated for bringing business to the exchanges." Opponents to this piece of the ruling are raising concerns that allowing brokers and agents to interact with the exchange on an automated level will taint the ability to provide consistent and objective information to consumers. However, as long as the federal government is responsible for determining eligibility for insurance coverage and tax credits, the states will retain the right to oversee their own sales and operations.

Sign up for Golf Tournament May 15

This year's EBPA Golf Tournament will be held on Tuesday, May 15th, at Loch Lloyd Country Club with registration at 8:00 AM and tee-off at 9:00 AM. Once again, we anticipate a full field of enthusiastic golfers to make this tournament a success. Immerse yourself in one of the finest golf communities in the Midwest - Loch Lloyd. In the Spring of 2012, Kansas City's greatest champion and Hall of Fame golfer, Tom Watson, will open the new Tom Watson Signature Design golf course at Loch Lloyd. Here is your chance to see why many are already calling the new Tom Watson Signature Design the finest test of golf in Kansas City.

EBPA's Charity this year is for CDKL5, (cyclin-dependent kinase-like 5) a rare linked genetic disorder. With our donations we hope to further research and find a cure for the children!

Participation is limited to the first 144 golfers, so sign up now! Payment must be received prior to the tournament. *There are also sponsorships still available. Just go to www.ebpa-kc.org and check out the golf tournament page.*

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Notice of CEU Procedures

Participants must sign in at the registration desk **AND** submit a completed evaluation form in order to receive CEU credits. Documents will not be accepted by mail. *CEU credit is available to 2012 EBPA members only.*

EBPA April 20, 2012 Reservation

Company _____

Name(s) _____

Phone _____ E-mail _____

**Registration and payment may be made online by going to
<http://www.ebpa-kc.org/index.asp?initpage=Meeting%20Reservation>**

To pay by credit card: __Mastercard__ Visa__ Amex No. _____

Expiration date: _____ Signature of cardholder _____

Registration fee: Prior to April 18: \$35 for members, \$45 for nonmembers, add \$5 after April 18
 Payment must be received in advance of meeting.

Cancellations must be received 48 hours in advance of meeting.

EBPA, P.O. Box 40071, Overland Park, KS 66204, 913.381.4458, fax 913.381.9308, ebpa@sbcglobal.net

CANCELLATION POLICY

✓ CANCELLATIONS MUST BE RECEIVED 48 HOURS IN ADVANCE of the meeting. A credit for a future meeting will be provided for any cancellations received within this time frame. No shows that have not been prepaid will be billed. Of course, if you wish to send someone in your place to the meeting, please feel free to do so!

We appreciate your compliance with these policies. If you have any questions, please do not hesitate to call (913) 381-4458 or any of the board members shown on page 2.

Check Your CE Credits

EBPA files all credits for meetings electronically with the states of Kansas and Missouri. You are able to check the credits that have been filed on your behalf by going to:

Kansas:

<http://www.ksinsurance.org/industry/agent/conted.htm>

Missouri:

http://insurance.mo.gov/agents/ce/ce_res.php

You must be a member of EBPA in order to receive the CE credits from a meeting. An evaluation form must be completed and turned in at each meeting, as well as the sign-in sheet completed.