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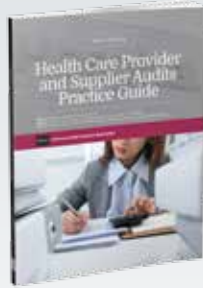
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Health Care Provider and Supplier Audits Practice Guide

FIRST EDITION

Jessica L. Gustafson, Abby Pendleton, Editors

Darby C. Allen, Lauren M. Gaffney, Anna M. Grizzle, Jessica L. Gustafson, Stephanie Fuller Johnson, B. Scott McBride, Sydney R. Nash, Abby Pendleton, and Sara Kay Wheeler, authors

Savings from provider payments will be required to deliver health care services to more health care consumers. This will result in ever-increasing audit activity. This new *Practice Guide* will become your go-to source for understanding the intricacies of the Medicare, Medicaid, and commercial payer audit environments.

With this comprehensive new publication, you will have the background you need on:

- › Reporting and repayment
- › Contractor audit methodologies
- › Statistical sampling used by contractors to calculate overpayment demands
- › The appeals processes applicable to each type of review and determination
- › Common focus areas when providers receive overpayment demands
- › Developing mandatory compliance programs

The publication also includes a 50-State Medicaid RAC Contractor Information Chart.

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- › Law of Health Information Technology (HIT), Second Edition
- › The Medical Staff Guidebook: Minimizing Risks and Maximizing Collaboration, Fourth Edition (formerly Healthcare Entity Bylaws and Related Documents)
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Representing Physicians Handbook

FOURTH EDITION

A TASK FORCE OF THE AHLA PHYSICIAN ORGANIZATION'S PRACTICE GROUP

Michael F. Schaff, Task Force Chair; Lisa Gora, Coordinating Editor

Since the publication of the third edition, there has been continued expansion of the health care laws and regulations applicable to physicians. This newly updated edition of the AHLA *Representing Physicians Handbook* addresses a wealth of issues confronting physicians and their legal representatives, including the latest Stark Law changes. With each edition, the expert authors have enhanced the resource to ensure up-to-date coverage in this complex and highly regulated area. Even if you own a past edition, it is critical that you secure the latest update. From regulatory compliance and business formation and operation, to tax consequences and reimbursement issues, this informative *Handbook* has become a go-to source for innumerable health law attorneys.

Each chapter of the *Handbook* is written by a practitioner in his or her area of expertise. In addition to relevant background on the subject matter, the authors include helpful suggestions on how to advise clients on their business matters and in their dealings with health care institutions.

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[See also *Physician Recruitment and Compensation Arrangements Practice Guide, Third Edition, p. 30.*]



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Ancillary Providers in Health Care: A Primer

FIRST EDITION

Doriann H. Cain, Anne B. Compton-Brown, Heather F. Delgado, Gayland O. Hethcoat II, Serj Mooradian, Claire M. Reed, Charles J. Schultz, Laura D. Seng, Julie A. Veldman

This new publication meets the need for succinct, thorough guidance to the growing area of ancillary care. With the state-by-state regulatory scheme that governs physician assistants, nurse practitioners, and other ancillary providers, providing informed counsel can be challenging.

Nurse practitioners and physician assistants are increasingly deployed to address a host of issues, from the inadequate number of primary care physicians to demands for cost effectiveness and greater patient satisfaction. If you advise clients in this area, you must be aware of the state regulatory scheme, as well as emerging issues related to:

- Potential new liability risks on the part of physicians employing ancillary providers
- Differing scope of practice between types of ancillary providers
- Policy arguments surrounding clinical privileging and the role of physician assistants and nurse practitioners
- Increased risk and the need to understand and avoid severe penalties for improper care, as well as billing of services
- The demand for national credentialing and the issues likely to emerge along the road to establishing them
- The expanding role of pharmacists, with each state defining its own specific terms and conditions

In addition to thorough, comprehensive treatment, this invaluable new primer includes timesaving state-by-state charts, organized by provider type—nurse practitioners, physician assistants, pharmacists, and other complementary and alternative medicine providers.

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Ch. 5 Liability Issues in Physician Assistant and Nurse Practitioner Practice
Ch. 6 Pharmacist Collaborative Practice Services
Ch. 7 State Regulation of Complementary and Alternative Medicine Providers



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Data Breach Notification Laws: A Fifty State Survey

SECOND EDITION

Jonathan M. Joseph

Data breaches can occur in the best-run organizations, and when they do, you must be prepared to react quickly. When your operation or customer base spans state lines, knowing how to respond in multiple jurisdictions becomes critical. The latest edition of *A Fifty State Survey* is a one-stop guide to existing state data breach laws. And with breaches occurring at the state level with more and more frequency, legislatures are enacting an ever-increasing array of notification laws that you must consider.

In addition to the comprehensive state survey, the book enables you to:

- ▶ Tap into a collection of state-specific reporting forms for CA, MA, NY, NC, OR, VT, and VA
- ▶ Understand the timing and content of notification to those affected
- ▶ Determine which states require notification of a breach to specific state agencies or attorneys general

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AHLA's Federal Health Care Laws & Regulations, 2015-16 Edition

William W. Horton, Editor

For those who must understand the latest regulatory activity generated by the Affordable Care Act and today's health care related legal issues, this comprehensive compilation is essential. Gain insights into these and other issues:

- ▶ New provider incentive programs such as physician pay-for-performance
- ▶ Disincentives such as payment adjustments due to hospital-acquired conditions
- ▶ The Centers for Medicare & Medicaid Services: Voluntary Self-Referral Disclosure Protocol
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- ▶ Regulations relating to accountable care organizations
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VOLUME II

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Health Care Finance: A Primer

THIRD EDITION

Nathan F. Coco, Deborah Gordon, John P. Hammond, Patrick J. Martinez, Gary B. Rosenbaum

For those involved in health care financing, this is your ideal starting place for a full understanding of financing options and their potential implications. Now in its third edition, this guide addresses all the basics, from a discussion of the particular needs of various types of health care entities to specific financial arrangements and the attending documents that are integral to them. In addition, it includes various types of loans and sample representations and warranties for life sciences companies and health care facilities. The guide provides thorough coverage of:

- The critical importance of finance to the future of health care
- The effect of health care reform and consolidation
- Legal and economic issues
- Various health care providers and their need for capital

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122 pages, softbound,
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Health Plan Disputes and Litigation Practice Guide

FIRST EDITION

Joseph Scott Schoeffel and Julie A. Simer

The passage of the Affordable Care Act has led to numerous changes to the delivery of health care, including new marketplaces to purchase insurance to cover health care expenses. As more people become insured, their health plan decisions become even more important to them and to the health plan industry in general.

Experienced practitioners Joseph Scott Schoeffel and Julie A. Simer provide thorough treatment of those areas likely to give rise to disputes. The book will be a welcome addition to the libraries of both new practitioners in this area and veteran practitioners alike.

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Health Plans Contracting Handbook: A Guide for Payers and Providers

SEVENTH EDITION

Robert M. Keenan III, Project Chair and Editor
Anne W. Hance, Leah B. Stewart, Project Vice Chairs and Co-Editors

Matthew P. Amodeo, Adam C. Aseron, James W. Boswell, Robin J. Fisk, Lisa G. Han,
Robert M. Keenan III, Richard J. King, John M. Kirsner, Mark S. Kopson, Kathrin E. Kudner,
Steven J. Lauwers, Jacqueline B. Penrod, Michael F. Schaff, Adam C. Varley, authors

Since the prior edition of *Health Plans Contracting Handbook*, new challenges have arisen in the financing and delivery of health care services, while increased regulatory oversight and monitoring are continually changing the landscape. With the how-to coverage in this *Guide*, you'll be prepared to efficiently provide the accurate, iron-clad documents your clients demand. And while the *Guide* has been both updated and enhanced, the practical, user-friendly approach remains. It is designed to help you provide contracting services to both providers and payers alike. Practical discussions and sample clauses are included for the myriad different contracts and situations you are likely to encounter.

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Appendix B	Table of Sample Clauses
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The ACO Handbook: A Guide to Accountable Care Organizations

SECOND EDITION

Peter A. Pavarini, Charlene L. McGinty and Michael F. Schaff, Executive Editors
Mark L. Mattioli, Coordinating Editor

Gregory D. Anderson, Peggy L. Barlett, Clifford E. Barnes, Troy A. Barsky, Thomas E. Bartrum, Elisabeth Belmont, Julian D. "Bo" Bobbit Jr., Timothy J. Cahill, Michelle E. Calloway, Robert James Cimasi, Sarah S. Fallows, Robert A. Gerberry, Jenny E. Gladieux, David W. Grauer, Lauren N. Haley, Rick L. Hindmand, Robert G. Homchick, Travis F. Jackson, John M. Kirsner, Teresa Koenig, David E. Kopans, Marilyn Lamar, Kelly A. Leahy, Alyson M. Leone, Kim Harvey Looney, Daniel C. Lyons, Grace D. Mack, Mary C. Malone, Charlene L. McGinty, David W. McMillan, Rodney A. Myer, Thomas E. Miller, Kimberly A. Mobley, M. Daria Niewenhous, Peter A. Pavarini, David R. Pearl, Craig Pederson, Glenn P. Prives, Martie Ross, Michael F. Schaff, Thomas N. Shorter, Toby G. Singer, Donald B. Stuart, Sarah E. Swank, Elizabeth E.H. Trende, Danielle L. Trostorff, Claire M. Turcotte, John R. Washlick, Stephen M. Weiner, Keith Wright III, Todd A. Zigran, authors

The authors and editors contributing to this *Handbook* have strived to produce the most comprehensive guide to ACOs available today. It is a critical work whether you're advising a hospital or health system in establishing an ACO model, or counseling organizations already operating within the delivery structure.

The book analyzes various components of an optimized delivery system, and examines issues ranging from the financial aspects of ACOs to the unique nature of academic medical center, pediatric, and commercial ACOs. Coverage includes:

- ▶ New chapters examining compliance plans, non-Medicare commercial ACOs, best practices, and payer perspectives
- ▶ A review of integration models used by hospitals and physicians prior to enactment of the ACA
- ▶ Examinations of cost containment in the "Medical Home"
- ▶ Waivers by the federal government of aspects of the Stark Law, the Anti-Kickback Statute, and certain provisions of the civil monetary penalty law (Gainsharing CMP)
- ▶ The implications for various organizations in their pursuit of integration and coordination of services, whether as an ACO or otherwise
- ▶ In-depth discussions of why understanding health information technology, antitrust, financing, and risk-sharing issues are critical to the operation and success of ACOs



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Ambulatory Surgery Centers: Legal and Regulatory Issues

FIFTH EDITION with CD-ROM

Scott Becker, Megan Michelle Bushee, LauraLee Lawley, Melissa Szabad,
Anna Timmerman, Barton Walker, and Amber Walsh

This publication addresses the unique nature of ASCs, emphasizing their physical and organizational separation from other providers, regardless of whether they are owned by a hospital, a physician practice, or other entity. This revised and updated edition focuses on current issues for ASCs, and offers practical and useful guidance for those involved in giving legal advice to them. Coverage includes: key trends and tensions facing ASCs, such as the points of conflict that often arise between ASCs, hospitals, and physicians; Medicare and Medicaid fraud and abuse concerns, tax exemption and other tax-related issues, and the safe harbors for ASCs; relevant Stark issues, as well as the impact of state self-referral laws; and antitrust considerations for ASCs that face often intense competition.



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Antitrust and Healthcare: A Comprehensive Guide

FIRST EDITION with CD-ROM

Christine L. White, Saralisa C. Brau, and David Marx Jr., authors and Editors
David A. Argue, Martin Bienstock, Robert S. Canterman, David Narrow,
Joshua H. Soven, and Shoshana Speiser, contributing authors

If you represent clients in the health care arena, or are a professional with business interests in this area, *Antitrust and Healthcare: A Comprehensive Guide* is a must-have resource for informing your advice, understanding the inherent risks, opportunities and alternative strategies for effective transactions, and evaluating the antitrust issues associated with marketplace conduct. The accessible *Guide* covers:

- › Substantive antitrust law
- › Important case law developments
- › Formal and informal guidance issued by federal and state enforcement agencies

Consult *Antitrust and Healthcare* for guidance on any of the business activities your clients or organization are likely to be involved with such as mergers, acquisitions, and other transactions; joint ventures, provider networks, and other collaborative arrangements—including clinically integrated networks and ACOs; pre-merger notification and transaction planning; exclusive contracting; medical staff membership, clinical privileges, and peer review activities; and trade association and group-purchasing activities.

Additionally, the publication provides invaluable “practice pointers” to help minimize antitrust risk and more successfully plan and execute business and litigation strategies. The expert authors draw on their significant government enforcement and private sector counseling and litigation experience to provide practical insights for:

- › Pre-merger notification and transaction planning
- › Developing antitrust compliance and “sensitivity training” programs
- › Identifying conduct and language that could create antitrust “red flags”
- › The creation, distribution, and use of emails, electronic documents, and other materials
- › Antitrust safety zones, defenses, and immunities

[See also *Healthcare Antitrust FAQ Handbook*, p. 22.]



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Clinical Research Practice Guide

SECOND EDITION with CD-ROM

R. Harold McCard, Coordinating Editor

Monica R. Chmielewski, M. Leeann Habte, Jonathan M. Holda, E. Scott Johnson, Christopher F. Lonegro, Melissa L. Markey, Aaron J. Rabinowitz, Sarah E. Swank, Lawrence W. Vernaglia, David S. Weinstock, Jamie K. Wolszon, and Torrey K. Young, authors

With this important book, those who represent health care entities will gain insight into the growing interrelationship between health law and life sciences, as well as the growing risks and compliance issues facing clients involved in this complex area. The Second Edition of the *Practice Guide* is extensively enhanced and updated with coverage of:

- › Changes to HIPAA that affect research and IRBs
- › New Food and Drug Administration guidances and finalization of draft guidances
- › Changes to patent law due to the America Invents Act
- › HITECH and enhanced coverage of the Security Rule
- › New requirements for group health plans and health insurers to cover routine patient costs in an approved clinical trial

Comprehensive coverage in the *Clinical Research Practice Guide* is both analytical and practical, with thorough treatment of:

- › The development of human subject protections
- › The federal approval process for pharmaceuticals, medical devices, and biologics
- › The responsibility for regulatory oversight and investigations, with a discussion of which agency in the U.S. Department of Health and Human Services has responsibility for ensuring compliance
- › Intellectual property considerations, including an extensive discussion of the basics
- › Information management, including the sources for human subject protection: the Federal Common Rule, FDA Guidance, and HIPAA
- › Insurance payments for clinical trial services, whether through private insurance or federal reimbursement

(See also Institutional Review Boards: A Primer, Second Edition, p. 25.)



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Corporate Practice of Medicine: Fifty State Survey

FIRST EDITION with CD-ROM

Stuart Silverman, Chair, AHLA Corporate Practice of Medicine Project

Anthony H. Choe, Terri A. DeSio, Alyson M. Leone, Glenn P. Prives, Daniel Z. Sternthal, and Rose J. Willis, team leaders; with numerous authors and editorial board members

The corporate practice of medicine doctrine (CPOM) has a long history as an effort by the American Medical Association to distinguish physicians from non-physicians offering services and cures for various afflictions. The doctrine seeks to prohibit a non-physician from interfering with a physician's professional judgment by prohibiting corporations not owned or controlled by physicians from employing physicians to practice medicine and charge for those professional services.

This valuable resource is for anyone needing to determine how a particular state addresses the corporate practice of medicine doctrine. The doctrine is most often invoked in contract disputes, such as enforcement of noncompetition agreements and the right to receive reimbursement from third parties. Some courts have cited the doctrine in refusing to enforce an insurance carrier's reimbursement to a medical corporation operating in violation of a state's CPOM.



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Enterprise Risk Management Handbook for Healthcare Entities

SECOND EDITION with CD-ROM

Roberta L. Carroll, Editor in Chief; Peggy Nakamura and Rachel V. Rose, Editors
 Jessica K. Bae, Ellen Barron, Ellen L. Barton, India K. Brim, Patchin C. Curtis, John R. Evancho, Mark Faccenda, Amanda J. Flanagan, Phyllis F. Granade, Steven O. Grubbs, Sheila Hagg-Rickert, Daniel G. Hale, Peter J. Hoffman, Mark A. Kadzielski, Christopher N. Kanagawa, Jee-Young Kim, Marilyn Lamar, Eileen Lampe, R. Jeffrey Layne, Dana B. Mehlman, Elizabeth M. Mills, Jennifer C. Monroe, Joshua Moore, Cheryl Camin Murray, Deborah Martin Norcross, Amy Norris, Gisele Norris, Richard S. Porter, Yvonne K. Puig, Steven M. Puiszis, Emily Rhinehart, Fay A. Rozovsky, Joshua Rozovsky, Mary S. Schaefer, and Kathryn K. Wire, authors

This Second Edition addresses the need for and implementation of a comprehensive risk management process that encompasses the entire enterprise and crosses departmental barriers. Coverage begins with an overview of enterprise risk management (ERM) and its evolution, and goes on to address the structuring of an ERM system, as well as risk financing methods.

The authors delineate how to manage risk in a variety of settings, including:

- Contract management
- Claims management
- Environmental compliance
- Human research
- Peer review and credentialing
- Due diligence in business transactions
- Consent to treatment
- And numerous others

The publication also includes insight on the impact that electronic health record (EHR) systems, combined with the advent of e-discovery rules, will have on traditional documentation issues.

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(See also *Legal Issues in Healthcare Fraud and Abuse, Fourth Edition, p. 26.*)

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(See also Pharmaceutical and Medical Device Compliance Manual, First Edition, p. 29.)

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Healthcare Antitrust FAQ Handbook

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Mark L. Mattioli, Alexander M. McIntyre Jr., David M. Narrow, Stephen P. Murphy, Patricia M. Wagner, and Hillary A. Webber

Here is an important resource for anyone needing to understand how antitrust issues impact health care organizations. Whether you are in-house counsel with a health care organization, a health care attorney not generally involved with antitrust issues, or even one more familiar with how issues impact health care organizations, you will benefit from this handy guide.

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(See also Antitrust and Healthcare: A Comprehensive Guide, First Edition, p. 13.)



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(See also The Law of Health Information Technology, First Edition, p. 25.)



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(See also Clinical Research Practice Guide, Second Edition, p. 14.)



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(See also HIPAA/HITECH Resource Guide, First Edition, p. 24.)



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(See also False Claims Act & The Healthcare Industry: Counseling & Litigation, Second Edition, p. 17.)



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[See also Peer Review Hearing Guidebook, Second Edition, below.]



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[See also Representing Physicians Handbook, Fourth Edition, p. 4.]



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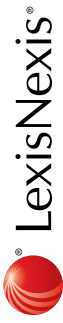
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