

ESSENTIAL RESOURCES

FRAUD

2018–2019

ANTITRUST



# PUBLICATIONS CATALOG

FINANCING



PHYSICIANS

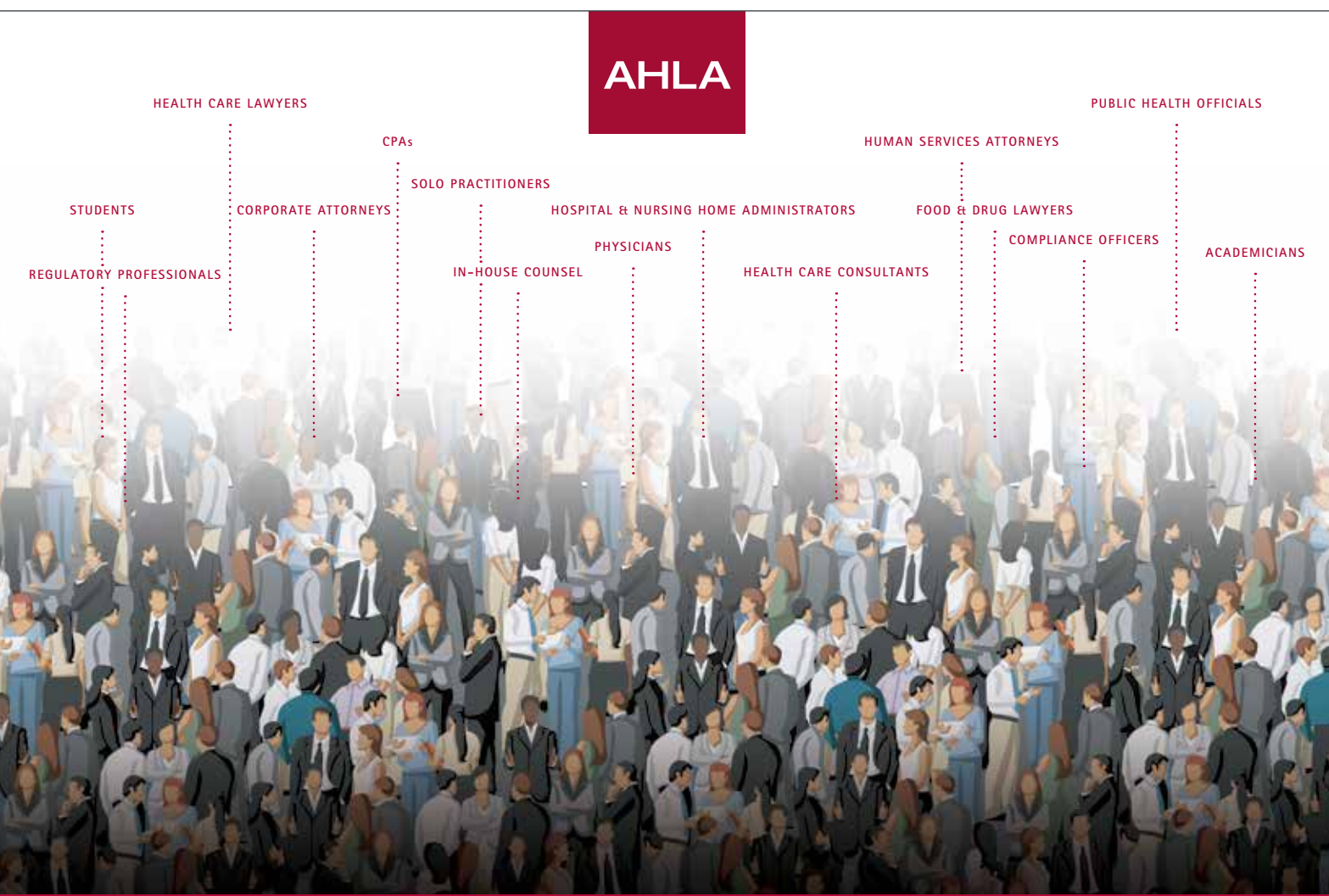
HEALTH INFORMATION

PROVIDERS



LIFE SCIENCES

INSURANCE



# The Value of AHLA Membership

The world of health care is ever changing and so are health law and related policies. AHLA has grown to include nearly 14,000 attorneys and in-house counsel, compliance professionals, finance and privacy officers, health care consultants, regulatory professionals, physicians, nurses, CEOs, public health officials, and others interested in health care legal and regulatory issues.

We are the premier association for all who are interested in health law and we invite you to join AHLA and gain access to a variety of resources:

**Practice Groups**

increase your level of expertise in and knowledge of specific health law issues, grow professionally, and network with members across the nation with similar interests

**Members-only Discounts**

save when registering for programs, webinars, and purchasing publications (savings alone pay for membership)

**Health Law Archive**

rich with past content from across our practice groups like in-person program papers, journal issues, newsletters, toolkits, briefings, alerts and much more

**Members-only Subscriptions**

publications providing in-depth reporting on the latest developments affecting health law

**Mentoring Program and Career Center**

no matter where you are in your career, we are here to help match you with a mentor or help find your next step

For more information on the benefits of joining AHLA, visit us at [www.healthlawyers.org/join](http://www.healthlawyers.org/join)

Dear Health Law Expert,

As the nation's largest, nonpartisan, nonprofit organization devoted to legal issues in the health care field, the American Health Lawyers Association (AHLA) leads in providing just-in-time education, establishing trusted resources, and encouraging robust dialogue among its members and the greater health law community. With nearly 14,000 members, AHLA boasts generous volunteers with deep expertise—practitioners who represent clients across the entire health care industry spectrum. We particularly thank the authors of the publications listed in this catalog. These resources will benefit not only attorneys, but also anyone who advises physicians, hospitals, health systems, specialty providers, payers, life sciences companies, and many other health care stakeholders. If you have an interest in health law, you have a home in AHLA.

In 2018, AHLA and LexisNexis® continue our long-standing partnership, offering over 30 titles addressing both fundamental and emerging issues facing the health law community today. These books complement AHLA's full offering of in-person programs, educational webinars, and on-demand expertise, allowing you to build the foundation of your practice with resources that will last—and instantly access references to your health law digital library as the environment we practice in changes. If you have a question in health law, AHLA has an answer.

Thank you for browsing this catalog. We look forward to serving your educational needs.

David S. Cade  
Executive Vice President/Chief Executive Officer

P.S. Did you know that members get a discount on all AHLA publications at the LexisNexis® Store, as well as our in-person programs, educational webinars, and more? Join today at [www.healthlawyers.org/join](http://www.healthlawyers.org/join)!

**TABLE OF CONTENTS**

Essential Resources ..... 2  
 Working with Physicians..... 7  
 Delivery Models and Settings..... 10  
 Life Sciences Practice..... 13  
 Fraud and Abuse ..... 14  
 Health Information ..... 18  
 Antitrust ..... 21  
 Insurance and Reimbursement ..... 22  
 Health Care Finance and Transactions ..... 23  
 Index..... 24

**ORDER TODAY!**

ONLINE at [store.lexisnexis.com/ahla](http://store.lexisnexis.com/ahla)  
 CALL 800.533.1637

**AHLA's Guide to Healthcare Legal Forms, Agreements, and Policies**  
 SECOND EDITION WITH CD-ROM AND 2017 SUPPLEMENT

Collected from expert health law attorneys and members of AHLA, this resource is designed to meet the needs of health law attorneys who must regularly create documents for their clients. Conveniently organized by topic, the Second Edition includes more than 300 forms, contracts, agreements, checklists, and other legal documents.

The new forms included in the latest supplement span many areas of coverage. For example, the Risk Management chapter now includes valuable crisis management documents including:

- › Crisis Communications Plan Checklist
- › Crisis Communications Plan Contact List
- › Crisis Communications Plan Dos and Don'ts
- › Crisis Communications Plan Initial Press Statement
- › Crisis Communications Plan Media Inquiry Telephone/Email Tracking Sheet

In the Internal Investigations chapter, content includes:

- › Document Retention Memorandum for Internal Investigations
- › Email for Investigation Memo
- › Internal Investigation Delegation of Authority
- › Internal Investigations Policy
- › Internal Processes and Best Practices Checklist
- › Interview Scheduling Script
- › Investigation Closure Memo
- › Investigation/Engagement Memo
- › Investigative Work Plan Consideration Checklist
- › Subpoena for Internal Investigation

Contents are updated regularly with a yearly supplement.

TABLE OF CONTENTS

<b>VOLUME 1</b>	<b>VOLUME 2</b>
Accountable Care Organizations	Healthcare Privacy and HIPAA
Alternative Dispute Resolution	Internal Investigations
Business Transactions	Labor and Employment
Clinical Trials and Research	Legal Services
Conflicts of Interest	Long Term Care
Corporate Compliance Programs	Medical Group Practices
Facility Operations	Medical Staff Issues
Fraud and Abuse	Patient Care Policies
Governance	Patient Safety and Adverse Outcomes
Health Information Exchanges	Physician Employment
Health Information Technology	Reimbursement
Health Plan Contracting	Risk Management

1,900 pages, 2 volumes, loose-leaf with CD-ROM, includes 2017 supplement, Pub. #27635, © 2013  
**\$550 Members** | ISBN 9780769860749  
**\$640 Non-members** | ISBN 9780769861005



**AHLA's Federal Healthcare Laws & Regulations**  
 2017 – 2018 EDITION

*William W. Horton, Editor*  
*Jody Erdfarb, W. Scott Hardy, John A. Meyers, Daniel F. Murphy, Serra J. Schlanger, Paul W. Shaw, Donald B. Stuart, Judith A. Waltz, Editorial Advisory Board*

For those who must understand the latest legislative and regulatory activity, this compendium is essential. Up-to-date coverage includes:

- › The 21st Century Cures Act
- › Final rule implementing new civil money penalties, including civil money penalties for failing to report and return identified overpayments
- › Final rule expanding the OIG's permissive exclusion authority
- › Final rule implementing site-neutrality rules for hospital outpatient department reimbursement
- › Final rule implementing the 90-day meaningful use reporting period for 2016 and 2017
- › Final rule implementing direct review of certified health information technology by the Office of the National Coordinator
- › Adoption of new and revised safe harbors under the Anti-Kickback Statute
- › Continued new rulemaking under the Affordable Care Act



TABLE OF CONTENTS

<b>VOLUME 1</b>	<b>VOLUME 2</b>
<b>United States Code Titles</b>	<b>Code of Federal Regulations Titles, continued</b>
Title 2 The Congress	Title 20 Employees' Benefits
Title 5 Government Organizations and Employees	Title 21 Food and Drugs
Title 10 Armed Forces	Title 24 Housing and Urban Development
Title 15 Commerce and Trade	Title 26 Internal Revenue
Title 18 Crimes and Criminal Procedure	Title 29 Labor
Title 21 Food and Drugs	Title 32 National Defense
Title 26 Internal Revenue Code	Title 38 Pensions, Bonuses, and Veterans' Relief
Title 29 Labor	Title 41 Public Contracts and Property Management
Title 31 Money and Finance	Title 42 Public Health
Title 35 Patents	<b>VOLUME 3</b>
Title 38 Veterans' Benefits	Title 42 Public Health, <i>continued</i>
Title 42 The Public Health and Welfare	Title 45 Public Welfare
<b>Code of Federal Regulations Titles</b>	Index
Title 5 Administrative Personnel	
Title 10 Energy	
Title 16 Commercial Practices	

7,984 pages, 3 volumes, softbound, with CD-ROM, Pub. #26742, © 2017  
**\$399 Members** | ISBN 9781522129240  
**\$479 Non-members** | ISBN 9781522129257  
**New supplement coming Fall 2018**

**eBook Availability!**  
 Most AHLA titles are available in eBook formats. Same reliable content, increased portability, and accessibility.

NEW EDITION

## Fundamentals of Health Law

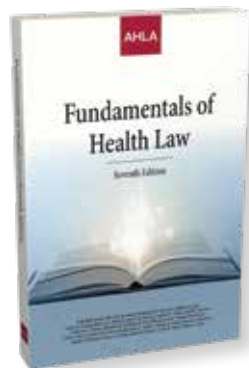
SEVENTH EDITION

Anita Beth Adams, Barry D. Alexander, Bernadette M. Broccolo, Anthony H. Choe, Anthea R. Daniels, Rebecca E. Dittrich, Sandra M. DiVarco, Anjali N.C. Downs, Geoff A. Drucker, Catherine A. Hurley, Raymond J. Lindholm, Carol Colborn Loepere, Thomas Wm. Mayo, John J. Miles, Yetunde Oni, Kristen Rosati, Ross E. Sallade, Michael F. Schaff, Susan O. Scheutzow, Daniel J. Schwartz, Nancy A. Sheliga, Kerrin B. Slattery, Craig H. Smith, Melissa A. Soliz, Authors

This **Seventh Edition** of *Fundamentals of Health Law* is a thorough resource for individuals who need to understand not only fundamental health law requirements, but also the complex web of legal relationships among patients, providers, suppliers, payers, technology vendors, researchers, and others.

This new edition includes a brand-new chapter on data sharing. It also incorporates analysis of recent high-impact changes in the health care industry and how they are regulated:

- > Increased industry integration
- > Physician employment
- > The 21st Century Cures Act
- > Health Insurance Portability and Accountability Act (HIPAA) guidance
- > Fraud enforcement
- > Evolution of payment schemes, including the Medicare Access and CHIP Reauthorization Act (MACRA)
- > Legislative and regulatory changes, United States Supreme Court decisions, and more



### TABLE OF CONTENTS

Ch. 1 Terminology	Ch. 9 Regulation of Hospitals
Ch. 2 Patient Care	Ch. 10 Representing Physicians
Ch. 3 Medicare	Ch. 11 Post-Acute Providers and Suppliers
Ch. 4 Medicaid Fundamentals	Ch. 12 Health Care Transactions and Contracting
Ch. 5 Fundamentals of Health Law Fraud and Abuse	Ch. 13 Bioethics
Ch. 6 Tax-Exempt Issues	Ch. 14 Data Sharing for Clinical Integration and other "Big Data" Initiatives
Ch. 7 Antitrust Law	Ch. 15 Dispute Resolution
Ch. 8 The Source of Payment: The State and Federal Regulation of Private Health Care Plans	Index

Available in print and eBook formats

679 pages, softbound with eBook, Pub. #26940, © 2018

**\$149 Members** | ISBN 9781522153313 | **\$143 Members** | eBook, eISBN 9781522153337

**\$199 Non-members** | ISBN 9781522153320 | **\$190 Non-members** | eBook, eISBN 9781522153344

**BEST VALUE!**  
Print purchase price  
also includes the eBook.

## Health Care Compliance Legal Issues Manual

FOURTH EDITION WITH CD-ROM

Harry R. Silver and Cynthia F. Wisner, Editors

Amy Bailey, Douglas A. Blair, Nancy E. Bonifant, Elizabeth Carder-Thompson, Thomas S. Crane, Gerald "Jud" E. DeLoss, Andrew A. Dick, Gerald M. Griffith, Jacob "Jake" J. Harper, Ann T. Hollenbeck, Kenneth E. Hooper, Gabriel L. Imperato, Richard G. Korman, Ronald H. Levine, Melissa L. Markey, Robert A. Pelaja, Vanessa A. Reynolds, Albert W. Shay, Harry R. Silver, E. John Steren, Jessica M. Warren, Cynthia F. Wisner, and Howard J. Young, Authors

This publication continues to act as the authoritative source for every stakeholder in the health care arena. With contributions from more than 20 esteemed authors and editors, coverage includes:

- > Regulatory and legal developments
- > How to conduct an internal investigation
- > Audit basics
- > Medicare and Medicaid compliance issues
- > What to consider prior to repayments and disclosures
- > Substantive overviews of the False Claims Act
- > The Stark and Anti-Kickback Laws
- > HIPAA privacy and security
- > Issues in life sciences entities
- > Tax compliance



ASK US ABOUT THE UPCOMING NEW EDITION

Available in print and eBook formats

570 pages, softbound with CD-ROM, Pub. #27060, © 2014

**\$192 Members** | ISBN 9781632806154 | **\$187 Members** | eBook, eISBN 9781632816429

**\$236 Non-members** | ISBN 9781632806161 | **\$231 Non-members** | eBook, eISBN 9781632816436

## Enterprise Risk Management Handbook for Health Care Entities

THIRD EDITION

Co-published with ASHRM, the American Society for Healthcare Risk Management  
Sheila Hagg-Rickert, Editor in Chief  
Roberta L. Carroll, Teresa L. Kielhorn, Erin L. Muellenberg, Fay A. Rozovsky, Editors  
with numerous Contributing Authors

Once the province of financial institutions, manufacturing, and government entities, enterprise risk management (ERM) has taken hold in the health care industry, and it is easy to understand why. To cost-effectively deliver quality services, the entire entity must share the risk and responsibility for the health of the operating environment, and ERM is a means to this end. The authors delineate how to manage risk in a variety of settings, including:

- > Contract management
- > Human research
- > Health information exchanges
- > Peer review and credentialing and electronic health records
- > Consent to treatment
- > Environmental compliance
- > Medical identity theft



### TABLE OF CONTENTS

#### PART I An Introduction to Enterprise Risk Management

- Ch. 1 Enterprise Risk Management—What's It All About?
- Ch. 2 Structuring an Enterprise Risk Management Program

#### PART II Viewing Traditional Health Care Risks Through the Prism of ERM

- Ch. 3 Patient Rights: Informed Consent and Clinical Research
- Ch. 4 Disclosure of Adverse Events to Patient and Family
- Ch. 5 Peer Review and Credentialing in an Era of Enterprise Risk Management
- Ch. 6 Economic Credentialing: A Balancing of Risks

#### PART III Emerging ERM Risks for Health Care Organizations

- Ch. 7 Practical Approaches to Health Information Exchanges and Electronic Health Records: An Enterprise Risk Approach
- Ch. 8 Medical Identity Theft
- Ch. 9 Compliance and Enterprise Risk Management
- Ch. 10 Retail Health Clinics
- Ch. 11 An ERM Approach to Technological Advances in Health Care
- Ch. 12 Enterprise Risk Approach to Successful Population Management
- Ch. 13 Adverse Event Reporting: Reporting for Patient Safety and Public Health

#### PART IV Business Risks Impacting the Health Care Enterprise

- Ch. 14 Attributes of Excellence: Governance, Risk Management, and Compliance of Health Care Organizations
- Ch. 15 Financial Stewardship
- Ch. 16 Contracts & Agreements—An Enterprise Risk Management Approach
- Ch. 17 The Employment Relationship—Identifying and Managing Risks
- Ch. 18 Environmental Compliance in the Context of ERM
- Ch. 19 Hospital Mergers, Acquisitions and Consolidations and the Associated Risks
- Ch. 20 An ERM Approach to Social Media
- Ch. 21 Public Relations, Marketing, and Advertising
- Ch. 22 Captive Insurance Company as an ERM Driver
- Ch. 23 A Do It Yourself ERM Demonstration Project: Going Green as an ERM Process

Available in print and eBook formats

592 pages, softbound, Pub. #27997, © 2017

**\$169 Members** | ISBN 9781522126355 | **\$164 Members** | eBook, eISBN 9781522126386

**\$214 Non-members** | ISBN 9781522126362 | **\$209 Non-members** | eBook, eISBN 9781522126393

# What if you had instant access to your legal resources on any device?

Experience that freedom with AHLA eBooks. Blend tried and true research methods with advanced features like highlighting, annotating, and printing. Start reading right away via your web browser or any mobile device. Even go beyond the book and link to sources on the Lexis Advance® service.\* Same reliable content, increased portability, and accessibility.

To order visit [lexisnexis.com/AHLA](http://lexisnexis.com/AHLA) or call 800.533.1637

AHLA titles are also part of the LexisNexis® Digital Library. For more information go to [lexisnexis.com/DL](http://lexisnexis.com/DL).

\* Lexis Advance linking may not be available in all titles. Access to the Lexis Advance service requires an active subscription.

## Corporate Practice of Medicine: A Fifty State Survey

FIRST EDITION

Stuart Silverman (Chair of the 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 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.

Whether you are analyzing the permissible scope of practice and reimbursement for non-physician practitioners in an organization or assessing the roles of non-physician investors and others within an entity's governance structure, this valuable resource is for anyone needing to determine how a particular state addresses the corporate practice of medicine doctrine.

Available in print and eBook formats  
416 pages, softbound with CD-ROM, Pub. #28278, © 2014  
**\$186 Members** | ISBN 9780769881867 | **\$181 Members** | eBook, eISBN 9780769881720  
**\$242 Non-members** | ISBN 9780769881713 | **\$237 Non-members** | eBook, eISBN 9780769881737



NEW EDITION IN 2019

## Representing Physicians Handbook

FOURTH EDITION

A Task Force of the AHLA Physician Organizations Practice Group  
Michael F. Schaff, Task Force Chair  
Lisa Gora, Coordinating Editor  
with numerous Contributing Authors

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 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.



### TABLE OF CONTENTS

Ch. 1 Physician Practice Organization	Ch. 15 Use of Non-Competition Covenants in Physician Employment Relationships
Ch. 2 Overview of Regulatory Issues Affecting Physicians	Ch. 16 Labor and Employment
Ch. 3 Telemedicine	Ch. 17 Industry Relationships
Ch. 4 Employment Agreements and Other Working Relationships	Ch. 18 Compliance, Compliance Plans, and Process for the Physician Practice
Ch. 5 Life Cycle of Association: The Buy-In and the Buy-Out	Ch. 19 Non-Physician Practitioners
Ch. 6 Tax Principles Concerning Buy-Outs and Related Post-Withdrawal Compensation Issues	Ch. 20 Physician Ancillary Services
Ch. 7 Tax Consequences Resulting From Choice of Entity	Ch. 21 Physician Recruitment Agreements
Ch. 8 Practice Breakups and Physician Departures	Ch. 22 Physician Agreements
Ch. 9 Reimbursement of Physician Services	Ch. 23 Background on Concierge Care
Ch. 10 Physician/Hospital Relationships	Ch. 24 Physician In-Office Drug Dispensing and Compounding Arrangements
Ch. 11 Professional Liability: A Primer on Malpractice Insurance and Risk Management	Table of Cases
Ch. 12 Physician Joint Ventures	Table of Statutes
Ch. 13 The Sale and Purchase of a Medical Practice	Index
Ch. 14 Hospital-Based Physician Representation	

Available in print and eBook formats  
786 pages, softbound, Pub. #26965, © 2016  
**\$186 Members** | ISBN 9781522100201 | **\$181 Members** | eBook, eISBN 9781522100225  
**\$259 Non-members** | ISBN 9781522100218 | **\$254 Non-members** | eBook, eISBN 9781522100232

## Peer Review Guidebook

FIFTH EDITION

Barbara Blackbond, Charles J. Chulack, Joshua A. Hodges, Lauren M. Massucci, Dan Mulholland, Authors

*Peer Review Guidebook* is an invaluable source for complying with Health Care Quality Improvement Act (HCQIA) procedural requirements. For institutions or individuals participating in a review action, following appropriate procedures is the key to securing immunity from monetary damages. From credentialing, privileging, or evaluating a physician, through potential reduction or denial of privileges, you will find thorough coverage of:

- › Analysis of HCQIA and its impact on the peer review process
- › Recognizing and characterizing the issue
- › Informal dispute resolution
- › Injunctive relief from peer review actions
- › The formal hearing process
- › Utilization of legal counsel by both sides
- › Presentation of the case
- › Reporting requirements
- › Suspension of privileges

Along with citations to cases, regulations, and other sources, this book contains detailed appendices listing numerous peer review cases to facilitate your fact-specific analysis.

Available in print and eBook formats  
234 pages, softbound, Pub. #27080, © 2013

**\$159 Members** | ISBN 9781522116721 | **\$154 Members** | eBook, eISBN 9781522116745  
**\$204 Non-members** | ISBN 9781522116738 | **\$199 Non-members** | eBook, eISBN 9781522116752



## The Medical Staff Guidebook: Minimizing Risk and Maximizing Collaboration

FOURTH EDITION

Karen S. Reiger, Author

Increased interaction between health care entities and medical staff, along with scrutiny from both regulators and the market itself, continue to impact the relationship between physicians and the entities where they provide service. With an increasing number of facilities offering medical care, the interrelationship can become even more complicated. At the heart of this balancing act are the medical staff bylaws. *Guidebook* coverage includes:

- › An overview of the applicable regulations, including conditions of participation, and the role that accreditation organizations play
- › The protection afforded health care entities and physicians by the Health Care Quality Improvement Act of 1986
- › The Joint Commission's changes incorporated in MS.01.01.01
- › The underlying legal and business issues that will impact the drafting of appropriate bylaws
- › An overview of key provisions of the bylaws related to: medical staff governance, medical staff appointment, procedures for determining clinical privileges, and fair hearing procedure
- › Organizational and drafting tips
- › Sample language, and key clauses

Available in print and eBook formats  
152 pages, softbound, Pub. #26513, © 2016

**\$153 Members** | ISBN 9781632842510 | **\$148 Members** | eBook, eISBN 9781632842534  
**\$192 Non-members** | ISBN 9781632842527 | **\$187 Non-members** | eBook, eISBN 9781632842541



## Peer Review Hearing Guidebook

SECOND EDITION

S. Allan Adelman, Ann O'Connell, Co-Editors and Authors  
Hannah M. Whitman, Contributing Author

Since its original edition, *Peer Review Hearing Guidebook* has become a go-to source for counsel, hearing officers, and other parties with a stake in the review process. It focuses on the peer review hearing process, including steps that should be taken long before a medical staff hearing is contemplated. The practical *Guidebook* includes:

- › Joint Commission Standards
- › Whether physicians employed or contracted with the hospital should serve on hearing panels
- › The right of practitioners to be represented by legal counsel during investigations
- › Collaborative processes for selecting hearing panel members
- › Bylaw provisions limiting the duration of hearings
- › Use of electronic medical records in hearings

Expansive coverage includes:

- › A 50-state survey
- › An introduction to the applicable laws, including the federal Health Care Quality Improvement Act of 1986 (HCQIA)
- › A step-by-step road map for hearing implementation of a successful peer review hearing process
- › The need for proper preparation and the important role of medical staff bylaws
- › Who is entitled to a hearing?
- › The effect of a summary action by the entity on the process
- › The role of the hearing officer; using an attorney as a hearing officer
- › Selection and role of the hearing committee
- › Pre-hearing discovery; various evidentiary standards of proof
- › The importance of a hearing record
- › Preparation of the final report for the governing committee

Available in print and eBook formats  
200 pages, softbound with CD-ROM, Pub. #26692, © 2013

**\$99 Members** | ISBN 9781422489710 | **\$94 Members** | eBook, eISBN 9780769887661  
**\$129 Non-members** | ISBN 9781422489727 | **\$124 Non-members** | eBook, eISBN 9780769887678



### SPECIAL OFFER:

Save on *Peer Review Hearing Guidebook* when purchased with *The Medical Staff Guidebook* or *Peer Review Guidebook*. For more information call 800.533.1637.

AHILA

## THE foundation OF YOUR HEALTH CARE LIBRARY

As the premier publisher for health law publications, fundamental resources from AHILA are the cornerstone of a successful health care law library. Both veteran and new practitioners alike can trust AHILA publications to provide a solid foundation with "fundamental" titles containing comprehensive and reliable guidance.

### ESSENTIAL RESOURCES

#### Fundamentals of Health Law

(See complete content details on p. 4.)

### DELIVERY MODELS AND SETTINGS

#### The Fundamentals of Behavioral Health Care Law

(See complete content details on p. 11.)

### LIFE SCIENCES

#### The Fundamentals of Life Sciences Law: Drugs, Devices, and Biotech

(See complete content details on p. 13.)



For more information on these and all AHILA publications, visit [www.lexisnexis.com/AHILA](http://www.lexisnexis.com/AHILA).

**Representing Hospitals and Health Systems Handbook**

FIRST EDITION

*Dinetia Newman, Robert G. Homchick, Co-Editors  
Emily Black Grey, Michael Lampert, Travis G. Lloyd, Claire Turcotte, Coordinating Editors  
with numerous additional Authors and Editors*

Operating the health care entity—whether an established business, or one that has been newly created—receives thorough treatment in this handbook. Coverage includes:

- > Establishment of facilities
- > Certification process
- > State and federal fraud and abuse regulations
- > State licensing requirements
- > Payment methodologies
- > Operational issues, including patient relations, privacy, grievance rights, and consent to treatment

From attorneys to providers to lenders, anyone who needs to understand the intricacies and complexities of hospitals and health systems will consider this book an indispensable resource.



TABLE OF CONTENTS

<b>PART 1 Background and History</b>	<b>PART 6 Hospital Operational Issues</b>
Ch. 1 Background and History	Ch. 21 Patient Relations
<b>PART 2 Establishing and Maintaining Hospitals</b>	Ch. 22 EMTALA
Ch. 2 Licensure, Certification and Related Requirements	Ch. 23 Risk Management
Ch. 3 Medicare Enrollment and Certifications	Ch. 24 Privacy and Medical Records
<b>PART 3 Sources of Revenue-Payment for Hospital Services</b>	Ch. 25 Telehealth—The Newest Age of Health Care Delivery
Ch. 4 Sources of Revenue	Appx. 25.1 Telemedicine Credentialing Agreement
Ch. 5 Medicare Payment Adjustments	Ch. 26 Hospital Contracting Issues
Ch. 6 Rural Hospitals and Other Providers	Ch. 27 340B Issues
Ch. 7 Other Medicare Payment Issues	Ch. 28 Clinical Research
Ch. 8 Medicare Provider-Based Status	<b>PART 7 Transactions</b>
Ch. 9 Medicare Audits and Appeals Process	Ch. 29 Transactions
Ch. 10 Medicare and Medicaid Alternative Payment Models	<b>PART 8 Integrated Health Systems</b>
Ch. 11 Medicaid	Ch. 30 Other Providers
Ch. 12 Private Payers	<b>PART 9 Miscellaneous</b>
Ch. 13 The Uninsured and Underinsured	Ch. 31 Academic Medical Centers
<b>PART 4 Fraud and Abuse Principles for Hospitals</b>	Ch. 32 Public Hospitals
Ch. 14 Federal Fraud and Abuse Laws	Ch. 33 Children's Hospitals
Ch. 15 State Fraud and Abuse Laws	Ch. 34 Antitrust Issues for Hospitals and Health Systems
Ch. 16 Fraud and Abuse Issues Unique to Hospitals	Ch. 35 Tax Issues
Ch. 17 Compliance with Fraud and Abuse Laws	Appx. 35A Hospital Joint Venture Policy
<b>PART 5 Relationships with Physicians</b>	Appx. 35B Hospital Calendar Year 2015 Conflict of Interest and Disclosure Statement for Board of Trustees, Officers and Key Employees
Ch. 18 Common Arrangements with Physicians	Appx. 35C Flowchart for Application of Rev. Proc. 97-13
Appx. 18A Duties of Medical Director, Surgical Intensive Care Unit	Ch. 36 Governance
Ch. 19 Hospital-Physician Alignment Strategies	Ch. 37 Labor and Employment
Ch. 20 Medical Staff Issues	Ch. 38 Real Estate Issues

Available in print and eBook formats  
870 pages, softbound, Pub. #29965, © 2016  
**\$194 Members** | ISBN 9781632813473 | **\$189 Members** | eBook, eISBN 9781632813763  
**\$269 Non-members** | ISBN 9781632813480 | **\$264 Non-members** | eBook, eISBN 9781632813770

**The Fundamentals of Behavioral Health Care Law**

FIRST EDITION

*Peter J. Domas and Russell A. Kolsrud, Editors  
Gerald "Jud" E. Deloss, Jena M. Grady, Alexandra A. Hall, Russell A. Kolsrud, Gregory W. Moore, Paige M. Steffen, Serene K. Zeni, Authors*

This title covers a broad range of issues for health care institutions, social services providers, and the lawyers who represent them, and will be turned to time and again to gain a deeper understanding of the complex web of legal issues that impact the delivery of behavioral health care services. Gain insight to a range of issues likely to impact your representation, including:

- > The move from institutionalization to a community-based outpatient system of care
- > Legal duty owed by behavioral health providers to others
- > Hindsight bias and its effect on behavioral health jurisprudence
- > Criteria for when someone can be subjected to involuntary psychiatric treatment
- > The impact of patient's illness on the rules that govern treatment records
- > Integration of behavioral health with physical medical issues



TABLE OF CONTENTS

Ch. 1 Terminology	Appx. A Mental Health Statutes
Ch. 2 Behavioral Health Care Jurisprudence	Appx. B Civil Commitment Statutes
Ch. 3 Capacity and Consent to Treatment	Table of Statutes
Ch. 4 Danger to Self or Others	Table of Cases
Ch. 5 Privacy, Security, and HIPAA	Index
Ch. 6 Integrating Behavioral Health and Physical Medicine	
Ch. 7 Ethical Considerations for Behavioral Health Care Professionals	

Available in print and eBook formats  
274 pages, softbound, Pub. #30098, © 2016  
**\$149 Members** | ISBN 9781522104254 | **\$144 Members** | eBook, eISBN 97815221042748  
**\$194 Non-members** | ISBN 9781522104261 | **\$189 Non-members** | eBook, eISBN 9781522104285

**The ACO Handbook: A Guide to Accountable Care Organizations**

SECOND EDITION

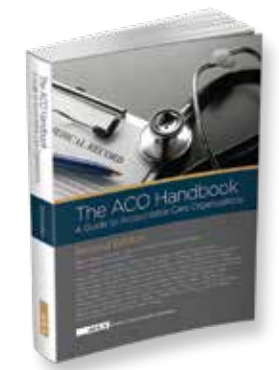
*Peter A. Pavarini, Charlene L. McGinty, Michael F. Schaff, Executive Editors  
Mark L. Mattioli, Coordinating Editor  
with numerous Contributing Authors*

*The ACO Handbook* is a critical work, whether you're advising a hospital or health system establishing an ACO model, or counseling organizations operating within the delivery structure.

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

- > Medicare, Medicaid, and commercial ACOs
- > Compliance plans, best practices, and payer perspectives
- > Implications of integration and coordination models
- > Examinations of cost containment, metrics, and compensation
- > Application of the Stark Law, the Anti-Kickback Statute, and certain provisions of the Civil Monetary Penalty Law
- > In-depth discussions of health information technology, antitrust, financing, and risk-sharing issues

Available in print and eBook formats  
325 pages, softbound, Pub. #28190, © 2015  
**\$192 Members** | ISBN 9781632820679 | **\$187 Members** | eBook, eISBN 9781632820693  
**\$236 Non-members** | ISBN 9781632820686 | **\$231 Non-members** | eBook, eISBN 9781632820709



**Ambulatory Surgery Centers: Legal and Regulatory Issues**

FIFTH EDITION WITH CD-ROM

*Scott Becker, Meggan Michelle Bushee, LauraLee Lawley, Melissa Szabad, Anna Timmerman, Barton Walker, Amber Walsh, Authors*

This publication addresses the unique nature of Ambulatory Surgery Centers (ASCs), emphasizing their physical and organizational separation from other providers, regardless of whether they are owned by a hospital, a physician practice, or another entity. Coverage includes: key trends and tensions facing ASCs; 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; safe harbors for ASCs; relevant Stark Law issues, as well as the impact of state self-referral laws; and antitrust considerations for ASCs that face often intense competition.

Available in print and eBook formats

280 pages, softbound with CD-ROM, Pub. #26900, © 2014

**\$148 Members** | ISBN 9780769899794 | **\$143 Members** | eBook, eISBN 9780769899817**\$190 Non-members** | ISBN 9780769899800 | **\$185 Non-members** | eBook, eISBN 9780769899824**Post-Acute Care Handbook: Regulatory, Risk, and Compliance Issues**

FIRST EDITION

*Ari J. Markenson, Editor in Chief**Caroline Berdzik, Joseph A. Donchess, Alan C. Horowitz, James F. Miles, Barbara L. Miltenberger, Michelle Peterson, Kelly A. Priegnitz, Christopher C. Puri, Lawrence W. Vernaglia, Editors with numerous Contributing Authors*

The authors and editors of this invaluable guide provide an important view into the evolving compliance and regulatory issues governing this area. In-depth coverage includes:

- › The evolution of the nursing home survey process
- › Residents' rights and facility practices
- › The importance of nursing facility agreements
- › Compliance issues, including federal and state reimbursement requirements
- › Facilities' ability to challenge enforcement remedies imposed against them
- › Fraud and abuse issues that affect the industry
- › Development of new systems and relationships that respond to incentives under the Affordable Care Act

Available in print and eBook formats

518 pages, softbound with CD-ROM, Pub. #28293, © 2014

**\$149 Members** | ISBN 9781630435035 | **\$144 Members** | eBook, eISBN 9781630435264**\$199 Non-members** | ISBN 9781630435042 | **\$194 Non-members** | eBook, eISBN 9781630435271**Ancillary Providers in Health Care: A Primer**

FIRST EDITION

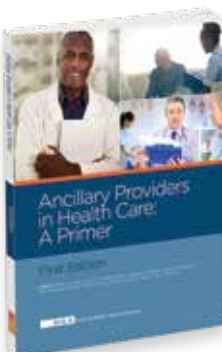
*Doriann H. Cain, Anne B. Compton-Brown, Heather F. Delgado, Gayland O. Hethcoat II, Serj Mooradian, Claire M. Reed, Charles J. Schultz, Laura D. Seng, Julie A. Veldman, Authors*

With the state-by-state regulatory scheme that governs physician assistants, nurse practitioners, and other ancillary providers, providing informed counsel can be challenging. This publication meets the need for succinct, thorough guidance to the growing area of ancillary care. If you advise clients in this area, you must be aware of your state's 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 expanding role of pharmacists

Available in print and eBook formats

96 pages, softbound, Pub. #32774, © 2015

**\$59 Members** | ISBN 9781632827913 | **\$54 Members** | eBook, eISBN 9781632827937**\$99 Non-members** | ISBN 9781632827906 | **\$94 Non-members** | eBook, eISBN 9781632827920**Pharmaceutical and Medical Device Compliance Manual**

FIRST EDITION WITH CD-ROM

*Kathleen M. Boozang and Simone Handler-Hutchinson, Editors with numerous Contributing Authors*

This publication is a joint project of the Center for Health & Pharmaceutical Law & Policy at Seton Hall University School of Law, the Food and Drug Law Institute, and AHLA. It is a must-have for anyone involved in building, implementing, or monitoring a pharmaceutical and medical device compliance program. Coverage includes:

- › The federal Anti-Kickback Statute and the False Claims Act
- › Promotion of off-label uses for drugs and reimbursement for prescription drugs and medical devices
- › Distinctions between manufacturers' lawful dissemination of scientific information, and the unlawful promotion of off-label usage
- › The Foreign Corrupt Practices Act
- › Implications of extra-territorial reach outside the United States
- › Prescription drug price regulations

Available in print and eBook formats

350 pages, softbound with CD-ROM, Pub. #28198, © 2012

**\$158 Members** | ISBN 9780769849560 | **\$153 Members** | eBook, eISBN 9780327175339**\$207 Non-members** | ISBN 9780769849577 | **\$202 Non-members** | eBook, eISBN 9780327175346

NEW EDITION COMING SOON

**The Fundamentals of Life Sciences Law: Drugs, Devices, and Biotech**

SECOND EDITION WITH CD-ROM

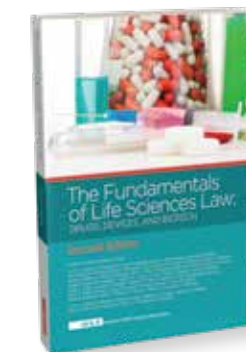
*Kristian A. Werling, Editor in Chief**Jeffrey W. Brennan, Marie Connelly, Stefanie A. Doeblner, Jennifer S. Geetter, Scott A. Memmott, Stephen J. Smith Jr, and Heather M. Zimmerman, Editors with numerous Contributing Authors*

This publication provides a solid grounding in the legal principles and issues inherent in this complex area. It features contributions from experienced and respected practitioners of life sciences and health law. Whether you're looking for an introduction to this area, or you need a go-to reference on your shelf, the coverage includes:

- › Regulation of drugs
- › Antitrust
- › Regulation of medical devices
- › International Issues
- › State regulation
- › Clinical trials
- › Intellectual property
- › Fraud and abuse
- › Payment and reimbursement
- › Privacy
- › Regulation of biologics
- › Regulation of advertising, and of drugs, medical devices, and biologics

Available in print and eBook formats

500 pages, softbound with CD-ROM, Pub. #26698, © 2014

**\$148 Members** | ISBN 9781630440145 | **\$143 Members** | eBook, eISBN 9784630440169**\$201 Non-members** | ISBN 9781630440152 | **\$196 Non-members** | eBook, eISBN 9781630440176

COMING THIS FALL

**Institutional Review Boards: A Primer**

THIRD EDITION

Look for up-to-date analysis of hot topics such as data repositories and children in research. Brand new chapters will cover:

- › Roles and Responsibilities of Investigators
- › Secondary Findings in Genomic Research
- › IRB Compliance and Internal Audits
- › Scientific Misconduct in Clinical Research

More information will be available soon.



NEW IN 2018

**Best Practices Handbook for Advising Clients on Fraud and Abuse Issues**

FIRST EDITION

Paul W. Shaw Editor in Chief  
 Kristin M. Bohl, Kristin C. Carter, Renee M. Howard, Amy M. Joseph, Jordan Kearney, Laura Koman, Ingrid S. Martin,  
 Elizabeth G. Myers, Charles B. Oppenheim, William Pezzolo, Tamara Senikidze, Gina L. Simms, Jeremy Sternberg, Authors

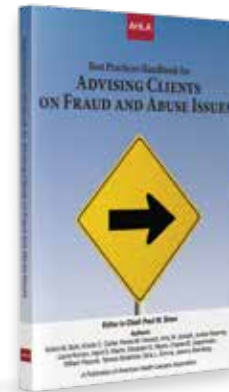
This publication is a highly usable guide developed by health lawyers with extensive and diverse experience who lend a practical approach to the complex representation issues that permeate this area. Every health care attorney must consider and address potential fraud and abuse concerns in almost every transaction contemplated by a health care client.

From proactively managing risk, to disclosure and resolving disputes, you will have thorough guidance that spans the most frequently encountered areas and attendant issues. Timesaving sample forms and agreements are included throughout the work, along with guidance for completing the documentation.

Whether you are a general health care attorney or a fraud and abuse specialist, as you provide counsel in this complex and dynamic area, you will benefit from an understanding of:

- › Ethical concerns when counseling in the gray areas
- › Responding to problematic conduct
- › Privilege protection in fraud and abuse matters, including distinguishing between legal and business functions
- › Providing a “fraud and abuse” opinion of counsel, the scope of the opinion, and internal and external reviews
- › The attorney’s role in conducting internal compliance audits and investigation, including developing an investigation plan
- › Self disclosure and voluntary disclosure, risks and benefits
- › Gathering documents in response to government demands, subpoenas, search warrants, and requests for electronic files
- › Preparing employees for government contact, including communicating interview strategies and rules of professional conduct
- › Resolving disputes with the government, including interacting with federal and state agencies, dealing with whistle blowers, and addressing collateral damage

Available in print and eBook formats  
 225 pages, softbound, Pub. #33788, © 2018  
**\$149 Members** | ISBN 9781522140863 | **\$144 Members** | eBook, eISBN 9781522140887  
**\$199 Non-members** | ISBN 9781522140870 | **\$194 Non-members** | eBook, eISBN 9781522140894



NEW IN 2018

**False Claims Act & the Health Care Industry: Counseling & Litigation**

THIRD EDITION

Robert S. Salcido, Author

*False Claims Act & the Health Care Industry* is a one-stop source for legislative and case law developments covering the gamut of potential false claims litigation, across all jurisdictions. With 1,080 pages of legal analysis, you’ll be apprised of the impact of the latest developments. This publication provides analysis of key arguments, including:

- › Defenses that the defendant’s claim is not “false”
- › Defenses that the defendant did not “know” that the claim or statement is “false”
- › Defenses that the defendant’s knowingly false claims or statements are not “material” to the government’s determination to pay
- › The status of actions where the relator’s action repeats public information

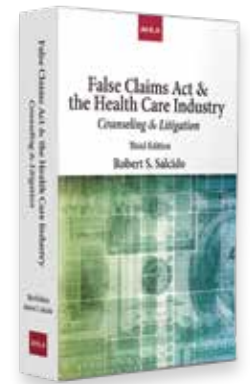


TABLE OF CONTENTS

<p><b>Part 1 False Claims Act History</b></p> <p>Ch. 1:00 Congressional Goals in Passing and Amending the Statute</p> <p>Ch. 1:01 The 1863 Act and Its Immediate Aftermath</p> <p>Ch. 1:02 The 1943 Act</p> <p>Ch. 1:03 Case Law Developments Before the 1986 Amendments</p> <p>Ch. 1:04 The 1986 Act</p> <p>Ch. 1:05 The 2009 False Claims Act Amendments</p> <p>Ch. 1:06 The 2010 Amendments to the False Claims Act</p> <p><b>Part 2 Application of the False Claims Act Substantive Provisions</b></p> <p>Ch. 2:00 Substantive Provisions of the False Claims Act: An Introduction</p> <p>Ch. 2:01 The Meaning of “Person” Under the False Claims Act</p> <p>Ch. 2:02 The Meaning of “Cause” to Present a False or Fraudulent Claim</p> <p>Ch. 2:03 False or Fraudulent under the FCA</p> <p>Ch. 2:04 An FCA “Claim,” “Record,” or “Statement” and Presentment under Subsections 3729(a)(1)(A) and (a)(1)(B)</p> <p>Ch. 2:05 Knowledge under the False Claims Act</p> <p>Ch. 2:06 Materiality</p> <p>Ch. 2:07 Conspiracy</p> <p>Ch. 2:08 Reverse False Claims</p> <p><b>Part 3 Civil Actions for False Claims</b></p> <p>Ch. 3:00 Qui Tam Provisions: An Introduction</p> <p>Ch. 3:01 Responsibilities of Attorney General—§ 3730(a)</p> <p>Ch. 3:02 Actions by Private Parties—§ 3730(b)</p> <p>Ch. 3:03 Rights of the Parties in Qui Tam Actions—§ 3730(c)</p> <p>Ch. 3:04 Award to Qui Tam Plaintiff—§ 3730(d)</p> <p>Ch. 3:05 Section 3730(e) Bars to Qui Tam Actions—§ 3730(e)</p> <p>Ch. 3:06 Expenses and Fees for Which the Government is Responsible</p> <p>Ch. 3:07 Whistleblower Retaliation Provision—§ 3730(h)</p>	<p><b>Part 3 (continued)</b></p> <p>Ch. 3:08 Discovery in Relator-Only Lawsuits</p> <p>Ch. 3:09 Application of Fed. R. Civ. P. 9(b) to the False Claims Act</p> <p><b>Part 4 Damages and Civil Penalties</b></p> <p>Ch. 4:00 The Computation of Damages and Civil Penalties under the FCA: An Introduction</p> <p>Ch. 4:01 Pre-1986 Cases Regarding the Scope of Damages under the FCA</p> <p>Ch. 4:02 The 1986 Legislative Amendments</p> <p>Ch. 4:03 FCA Damages: Principles and Proof</p> <p>Ch. 4:04 Practice Areas Raising Damage Issues</p> <p>Ch. 4:05 Civil Penalties</p> <p>Ch. 4:06 Constitutional Limitations on Civil Penalties</p> <p><b>Part 5 False Claims Act Procedure and Jurisdiction</b></p> <p>Ch. 5:00 Introduction</p> <p>Ch. 5:01 False Claims Procedure</p> <p>Ch. 5:02 FCA Jurisdiction</p> <p><b>Part 6 Civil Investigative Demands</b></p> <p>Ch. 6:00 CIDs: An Introduction</p> <p>Ch. 6:01 CIDs as Administrative Subpoena</p> <p>Ch. 6:02 Compliance with the Terms of Section 3733</p> <p>Ch. 6:03 Relevance and Undue Burden</p> <p>Ch. 6:04 Bad Faith and Abuse of Process</p> <p>Ch. 6:05 Responding to the CID</p> <p><b>Part 7 The Voluntary Disclosure Program</b></p> <p>Ch. 7:00 Submitting a Voluntary Disclosure: An Introduction</p> <p>Ch. 7:01 The Operation of the Inspector General’s Voluntary Disclosure Program</p> <p>Ch. 7:02 The Benefits and Risks Associated with Voluntary Disclosures</p> <p>Ch. 7:03 Settling the Matter</p>
---	--

Available in print and eBook formats  
 1,080 pages, softbound, Pub. #27642, © 2018  
**\$192 Members** | ISBN 9780769884578 | **\$187 Members** | eBook, eISBN 9780769884592  
**\$254 Non-members** | ISBN 9780769884585 | **\$249 Non-members** | eBook, eISBN 9780769884608

## Legal Issues in Healthcare Fraud and Abuse: Navigating the Uncertainties

FOURTH EDITION WITH CUMULATIVE SUPPLEMENT

David E. Matyas, Carrie Valiant, Jason Eric Christ, Anjali N.C. Downs, Authors

This bestselling road map describes the legal theories governments use to identify and eliminate fraud in health care. Highlights include:

- > A thorough review of governmental enforcement entities including the Department of Justice, the Department of Health and Human Services, as well as other federal agencies, state governments, and private payers
- > Discussion of major laws such as the Anti-Kickback Statute, the federal physician self-referral prohibitions (as well as the applicable safe harbors), the False Claims Act, and the administrative sanctions that are available to the enforcers
- > An overview of state counterparts to the federal laws addressing self-referrals, anti-kickback issues, false claims, other statutory authorities, and private initiatives

### TABLE OF CONTENTS

Ch. 1 The Fraud Enforcers—Who Are They and What Do They Do?	Ch. 7 Compliance and Self-Reporting
Ch. 2 Federal Anti-Kickback Laws	Ch. 8 Fraud and Abuse Issues Affecting the Managed Care Industry
Ch. 3 Federal Physician Self-Referral Prohibitions	Ch. 9 Representing Healthcare Organizations in Fraud and Abuse Matters
Ch. 4 False Claims: Civil and Criminal Enforcement	Ch. 10 The Future of Fraud and Abuse
Ch. 5 Administrative Sanctions Available to Federal Enforcers	Index
Ch. 6 State and Private Initiatives to Combat Fraud	



Available in print and eBook formats

495 pages, hardbound with 2015 supplement, Pub. #26985, © 2012

**\$203 Members** | ISBN 9780769854632 | **\$197 Members** | eBook, eISBN 9780327174783

**\$260 Non-members** | ISBN 9780769854649 | **\$254 Non-members** | eBook, eISBN 9780327175131

## Fraud and Abuse Investigations Handbook for the Health Care Industry

FIRST EDITION WITH CD-ROM

Robert A. Griffith, Paul W. Shaw, Authors

Understanding the powers, procedures, and remedies available to the government during a health care fraud and abuse investigation, and acquiring a basic understanding of the issues and practical steps to employ during an audit or investigation, are keys to surviving the investigation and achieving a favorable outcome.

This *Handbook* is designed to provide health care administrators, executives, medical practice directors and managers, as well as attorneys with a broad overview of health care fraud investigations.

The authors' discussion is supplemented with an expansive set of sample government documents, including subpoenas and search warrants, as well as helpful letters and memoranda generated by experienced health care fraud and abuse defense attorneys. Learn what to expect and how to respond with coverage of:

- > Requests to examine books and records
- > Interviews of employees by the OIG or the FBI
- > The power of HIPAA administrative subpoenas
- > Steps that should be taken in responding to the government's request
- > Dealing with on-site demands for records and access
- > Internal audits and investigations
- > Voluntary disclosures



Available in print and eBook formats

300 pages, softbound with CD-ROM, Pub. #28263, © 2014

**\$170 Members** | ISBN 9780769865720 | **\$165 Members** | eBook, eISBN 9780769865652

**\$225 Non-members** | ISBN 9780769865737 | **\$220 Non-members** | eBook, eISBN 9780769865669

## The Stark Law: Comprehensive Analysis + Practical Guide

FIFTH EDITION

Charles B. Oppenheim, Author

More than a summary of the law, this publication addresses the legal effect of final Stark regulations. Written by Charles B. Oppenheim, a leading name in the interpretation and application of the Stark Law, this publication provides an in-depth critical analysis, and contains a wealth of pointers and practical advice.

Coverage includes:

- > The legal effect of the regulations and the regulatory process
- > Discussion of several key themes and trends that emerge in the regulations
- > Key definitions and interpretive changes
- > Impact on physician practice, including issues relating to physician recruitment, specialty hospitals, gain-sharing arrangements, and Stark-compliant physician joint ventures
- > Analysis of group practices and the exceptions applicable to them

Available in print and eBook formats

172 pages, softbound with CD-ROM, Pub. #27010, © 2014

**\$142 Members** | ISBN 9781632806109 | **\$137 Members** | eBook, eISBN 9781632811837

**\$179 Non-members** | ISBN 9781632806116 | **\$174 Non-members** | eBook, eISBN 9781632811844



NEW EDITION COMING SOON

## 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 Sarah Kay Wheeler, Authors

This *Practice Guide* will become your go-to source for understanding the intricacies of the Medicare, Medicaid, and commercial payer audit environments. With this comprehensive 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 process 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.

Available in print and eBook formats

238 pages, softbound, Pub. #28274, © 2016

**\$109 Members** | ISBN 9780769882239 | **\$104 Members** | eBook, eISBN 9780769882505

**\$139 Non-members** | ISBN 9780769882246 | **\$134 Non-members** | eBook, eISBN 9780769882512



**SPECIAL OFFER:**  
Save on this title with the purchase of any other title in the Fraud and Abuse Section. For more information, call 800.533.1637.

NEW IN 2018

**The Law of Digital Health**

FIRST EDITION

*Bernadette M. Broccolo, Lisa Schmitz Mazur, Editors in Chief and Authors*  
*Shelby Buettner, Vanessa K. Burrows, Jiayan Chen, Amanda Enyeart, Ryan S. Higgins, Sarah Hogan, Marshall E. Jackson Jr.,*  
*Ryan B. Marcus, Anisa Mohanty, Amy C. Pimentel, Michael W. Ryan, Dale C. Van Demark, Christine M. Wahr, Scott A. Weinstein, Authors*

Digital health is a highly dynamic ecosystem of technological innovation with profound effects on all facets of health care. The key components of today's digital health are:

- > Electronic health records and other health information technology
- > Mobile personal engagement tools
- > Big data and data analytics
- > Telemedicine

This book explains how, taken together, these developments transform the provider-patient relationship, change the way research is conducted, trigger privacy and security concerns, alter relationships with health plans, and give rise to a new generation of innovation. Digital health participants face an outdated and ambiguous legal and regulatory framework and enforcement by state and federal regulatory agencies, including:

- > State attorneys general
- > State licensure and accreditation agencies
- > Food and Drug Administration
- > Federal Trade Commission
- > Federal Communications Commission
- > Department of Health and Human Services Offices of Civil Rights, Human Research Protection, and Inspector General, among others

This book provides both the fundamental understanding and tactical foresight you need to develop a comprehensive digital health strategy.

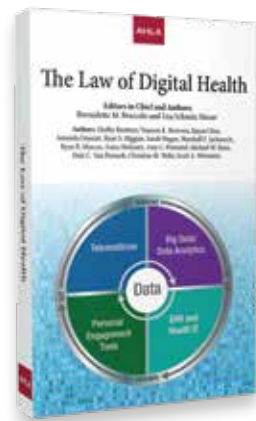


TABLE OF CONTENTS

<p><b>Ch. 1 Introduction</b></p> <p>1.1 Introduction</p> <p><b>Ch. 2 Health Information Technology</b></p> <p>2.1 Introduction to Health IT</p> <p>2.2 Health IT Applications and Uses</p> <p>2.3 Digital Health Value Proposition</p> <p>2.4 Unique Legal and Regulatory Considerations Applicable to Health IT</p> <p>2.5 Planning, Due Diligence, and Contracting Considerations</p> <p>Appx. A Overview of MACRA Quality Payment Program</p> <p>Appx. B Summary of Medicare EHR Incentive Program Stage 3 Meaningful Use Requirements for Eligible Hospitals and Critical Access Hospitals</p> <p>Appx. C Overview of 2015 Edition CEHRT Criteria for Medicare EHR Incentive Program Meaningful Use Program</p> <p>Appx. D Overview of HIPAA Security Assessment Requirements</p> <p><b>Ch. 3 "Big Data" and Data Analytics</b></p> <p>3.1 Value Proposition</p> <p>3.2 Applications and Use Cases</p> <p>3.3 Unique Legal and Regulatory Considerations Applicable to Big Data</p> <p>3.4 Compliance and Liability, and Contracting Considerations and Strategies</p>	<p><b>Ch. 3 (continued)</b></p> <p>3.5 Key General Planning Considerations</p> <p>3.6 Special Considerations in Data Governance</p> <p><b>Ch. 4 Telemedicine</b></p> <p>4.1 Introduction</p> <p>4.2 Applications and Uses</p> <p>4.3 Value Proposition</p> <p>4.4 Unique Legal and Regulatory Considerations Applicable to Telemedicine</p> <p>4.5 Compliance and Liability Considerations</p> <p>4.6 Considerations and Strategies for Health Care Providers Developing and Supporting Sustainable Telemedicine Programs</p> <p><b>Ch. 5 Patient Engagement and Consumer Wellness Tools</b></p> <p>5.1 Applications and Uses</p> <p>5.2 Value Proposition</p> <p>5.3 Unique Legal and Regulatory Considerations Applicable to Personal Health Tools</p> <p>5.4 Compliance and Liability Considerations</p> <p>5.5 Planning, Due Diligence, and Contracting Considerations and Strategies</p>
--	---

Available in print and eBook formats  
 275 pages, softbound, Pub. #32832, © 2018  
**\$174 Members** | ISBN 9781522145875 | **\$169 Members** | eBook, eISBN 9781522145899  
**\$206 Non-members** | ISBN 9781522145882 | **\$201 Non-members** | eBook, eISBN 9781522145905

NEW IN 2018

**Telehealth Law Handbook: A Practical Guide to Virtual Care**

FIRST EDITION

*Jennifer R. Breuer, Editor*  
*Soleil Teubner Boughton, Andrea Frey, Jennifer Hansen, Nathaniel Lacktman, Vivek J. Rao, Emily Wein, Christine Burke Worthen, Yanyan Zhou, Authors*

*Telehealth Law Handbook: A Practical Guide to Virtual Care* will help you navigate the highly dynamic and state-law-dependent practice of telehealth. Telehealth is changing relationships not only between physicians and patients, but also among providers, and between providers and payers. As state and federal legislators and regulators take note of these changed relationships, the law is changing as well. This up-to-date guide contains information on:

- > Telemedicine licensure requirements in all 50 states
- > Types of state licensure, exceptions, and how licensure laws apply in particular practice situations
- > Telehealth regulatory requirements
- > Telehealth practice and communication models
- > Payment and reimbursement considerations, including telehealth payment and reimbursement rules under Medicare and Medicaid programs
- > Telehealth commercial insurance and payment parity statutes
- > Medical staff credentialing
- > Ethics and liability issues
- > Fraud and abuse compliance
- > Corporate practice of medicine prohibitions
- > Privacy and security issues
- > Mobile health technology

This book is useful in developing your understanding of the complex rules surrounding this method of health care delivery.

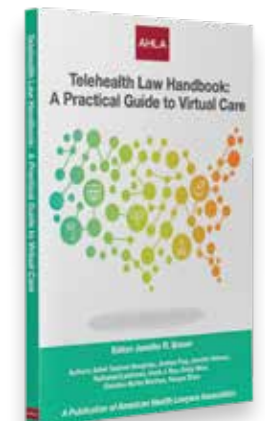


TABLE OF CONTENTS

<p><b>Ch. 1 Licensing</b></p> <p>1.1 Introduction</p> <p>1.2 Current State of Telemedicine Licensure—State-by-State Analysis Required</p> <p>Table 1.1 Applicability of State Medical Licensure Requirements to Interstate Telemedicine</p> <p>Table 1.2 Physician-to-Physician Consultation Exceptions from Licensure Requirements</p> <p><b>Ch. 2 Telehealth Regulatory Requirements</b></p> <p>2.1 Introduction</p> <p>2.2 Telehealth Models</p> <p>2.3 Telehealth Practice Requirements</p> <p>2.4 Vulnerable Patient Populations</p> <p>2.5 Non-Physician Providers and Telehealth</p> <p>2.6 Remote Prescribing</p> <p>2.7 Continuity of Care</p> <p><b>Ch. 3 Payment and Reimbursement</b></p> <p>3.1 Introduction</p> <p>3.2 Medicare Coverage of Telehealth Services</p> <p>3.3 Qualifying Rural Area</p>	<p><b>Ch. 3 (continued)</b></p> <p>3.4 Qualifying Originating Site</p> <p>3.5 Eligible Distant Site Practitioners</p> <p>3.6 Eligible Telecommunications Technology</p> <p>3.7 Eligible CPT/HCPCS Codes</p> <p>3.8 Medicare Billing, Coding, and Payment for Telehealth Services</p> <p>3.9 Medicare and Other Remote Practitioner Services</p> <p>3.10 Medicaid Coverage of Telehealth Services</p> <p>3.11 Commercial Telehealth Insurance Coverage Laws</p> <p>Table 3.1 50-State Survey Telehealth Commercial Insurance Coverage Laws</p> <p><b>Ch. 4 Emerging Legal and Ethical Issues in Telehealth</b></p> <p>4.1 Medical Staff Issues</p> <p>4.2 Ethics and Liability Issues</p> <p>4.3 Fraud and Abuse</p> <p>4.4 Corporate Practice of Medicine</p> <p>4.5 Privacy and Security Issues in Telehealth</p> <p>4.6 Mobile Health Technology</p>
--	--

Available in print and eBook formats  
 175 pages, softbound, Pub. #29963, © 2018  
**\$139 Members** | ISBN 9781632813459 | **\$134 Members** | eBook, eISBN 9781632813749  
**\$169 Non-members** | ISBN 9781632813466 | **\$164 Non-members** | eBook, eISBN 9781632813756

**HIPAA/HITECH Resource Guide**

FIRST EDITION WITH CD-ROM

Patricia D. King, Editor  
 Jeffrey Adest, Lara Jean Ancona, Ann M. Bittinger, Damon G. Carpenter, Alisa L. Chestler, Lisa L. Dahm, William P. Dillon, Gregory Ewing, Valita Marie Fredland, Jill M. Girardeau, Jennifer J. Hennessy, Caroline Kubovy, Morris A. Landau, Wendy C. Maneval, Valerie Breslin Montague, John Murdoch, Cheryl Camin Murray, Stephen Page, Jennifer L. Rathburn, Lisa Pierce Reisz, Stephen D. Rose, Amita A. Sanghvi, Sarah E. Swank, Leslie M. Tector, Authors

With informed editorial oversight and authorship, this title provides guidance for understanding the protection of patients' personal information. The HIPAA Omnibus rule affects individuals, health systems, business associates, and many others. Coverage includes:

- > The original HIPAA regulations
- > HITECH Act privacy provisions and rulemaking
- > Modifications to HIPAA Privacy, Security, and Enforcement rules
- > Valuable practice tools such as sample business associate agreements, sample privacy practice notices, authorizations, policies, and training materials
- > State-by-state survey of health care privacy laws

*HIPAA/HITECH Resource Guide* provides not only the history of the development of the rules and standards, but also the latest practical guidance for ensuring compliance.

Available in print and eBook formats  
 200 pages, softbound with CD-ROM, Pub. #28271, © 2014  
**\$136 Members** | ISBN 9780769876931 | **\$131 Members** | eBook, eISBN 9780769876948  
**\$169 Non-members** | ISBN 9780769871363 | **\$164 Non-members** | eBook, eISBN 9780769871370



**Data Breach Notification Laws: A Fifty State Survey**

SECOND EDITION

Jonathan M. Joseph, Author

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. 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 providing a survey that includes all states, 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

Available in print and eBook formats  
 174 pages, softbound, Pub. #28156, © 2017  
**\$132 Members** | ISBN 9781632838773 | **\$127 Members** | eBook, eISBN 9780327191889  
**\$172 Non-members** | ISBN 9781632838780 | **\$167 Non-members** | eBook, eISBN 9780327191896



**Antitrust and Health Care: A Comprehensive Guide**

SECOND EDITION

Christine L. White, Saralisa C. Brau, David Marx Jr., Authors and Editors  
 Joshua H. Soven, Shoshana Speiser, and Kati Williams, Contributing Authors

The Second Edition of this publication squarely meets the practitioner's need for a clear, concise overview of general antitrust principles, along with analyses of their application to the health care sector. Turn to it for guidance on any of the business activities your clients or organization are likely to be involved with: mergers, acquisitions, and other transactions; or joint ventures, provider networks, and other collaborative arrangements. The *Guide* covers:

- > Substantive antitrust law
- > Important case law developments
- > Formal and informal guidance issued by federal and state enforcement agencies
- > Expanded coverage of the pharmaceutical and medical device industries

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

- > 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

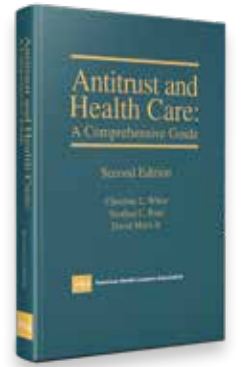


TABLE OF CONTENTS

Ch. 1 Introduction  
 Ch. 2 Antitrust Overview  
 Ch. 3 Mergers, Acquisitions, and Issues of Legality  
 Ch. 4 Premerger Notification and Transaction Planning  
 Ch. 5 Joint Ventures  
 Ch. 6 Provider Networks and Managed Care Contracting  
 Ch. 7 Trade Associations, State Regulatory Bodies, and Group Purchasing Organizations  
 Ch. 8 Medical Staff Privileges, Exclusive Physician Contracts, and Peer Review  
 Ch. 9 Monopolization  
 Ch. 10 The Robinson Patman Act  
 Ch. 11 Exemptions and Immunities  
 Appx. A State Legislation Relating to Provider Cooperation Agreements

Available in print and eBook formats  
 750 pages, hardbound, Pub. #28252, © 2017  
**\$197 Members** | ISBN 9781522135203 | **\$192 Members** | eBook, eISBN 9781522135227  
**\$254 Non-members** | ISBN 9781522135210 | **\$249 Non-members** | eBook, eISBN 9781522135234

**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, 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

New challenges continue to arise 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 documents your clients demand. The *Guide* is designed to help you provide contracting services to both providers and payers alike. Practical discussions and sample clauses are included for myriad contracts and situations you are likely to encounter.



TABLE OF CONTENTS

Ch. 1	Introduction: Basics of Contracting and Negotiating	Ch. 8	Insurance Requirements and Indemnification
Ch. 2	Accountability and Collaboration—The New Paradigm in Payer-Provider Relationships	Ch. 9	Other Material Contract Provisions
Ch. 3	Antitrust Issues in Payer/Provider Contracting	Ch. 10	Dispute Resolution
Ch. 4	Key Contract Definitions	Ch. 11	Protecting Against Insolvency
Ch. 5	Payer Programs and Policies: Utilization Management and Quality Assurance	Ch. 12	Medicare Managed Care Contracting
Ch. 6	Payment Methodologies, Including Risk-Based Payment	Ch. 13	Medicaid Managed Care
Ch. 7	Term and Termination Provisions	Appx. A	Glossary of Health Plan Contracting Terms
		Appx. B	Table of Sample Clauses
		Appx. C	Physician Group Practice Provider Agreement Template with Commentary
		Index	

Available in print and eBook formats  
 464 pages, softbound with CD-ROM, Pub. #27092, © 2015  
**\$192 Members** | ISBN 9781632806130 | **\$187 Members** | eBook, eISBN 9781632805416  
**\$247 Non-members** | ISBN 9781632806147 | **\$242 Non-members** | eBook, eISBN 9781632805423

**Health Plan Disputes and Litigation Practice Guide**

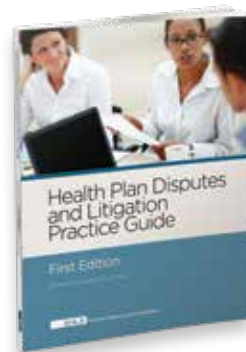
FIRST EDITION

Joseph Scott Schoeffel and Julie A. Simer, Authors

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 and veteran practitioners alike. The authors answer important questions in any health plan dispute, including:

- > Who is the client?
- > Is the dispute a managed care issue?
- > Is the plan covered by the Employee Retirement Income Security Act of 1974 (ERISA)?
- > What are the implications?
- > What are the causes of action against a health plan?
- > What causes of action may be asserted by the health plan?
- > What are the common reasons for denial of coverage?
- > What defenses are available against an ERISA claim?
- > When may the arbitration be required?

Available in print and eBook formats  
 464 pages, softbound with CD-ROM, Pub. #30230, © 2015  
**\$109 Members** | ISBN 9781632817549 | **\$104 Members** | eBook, eISBN 9781632828637  
**\$139 Non-members** | ISBN 9781632817556 | **\$134 Non-members** | eBook, eISBN 9781632828644



**Medicare Law**

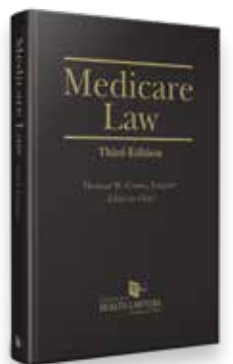
THIRD EDITION WITH CD-ROM

Thomas W. Coons, Editor in Chief

This is the road map to a thorough understanding of Medicare; whether you are just beginning the journey or are continuing to learn about this complex and important aspect of health care law. Best of all, it is organized to facilitate an understanding of the program and provides citations to the underlying portions of the statute, regulations, and manuals. Coverage includes:

- > Payment for hospital service
- > The urban/rural distinction
- > Outlier payments
- > The physician fee schedule
- > Cost reimbursement
- > Prohibited acts under the Anti-Kickback and Stark Laws
- > Administrative and judicial appeals processes

Available in print and eBook formats  
 525 pages, hardbound with CD-ROM, Pub. #26995, © 2012  
**\$186 Members** | ISBN 9780769855257 | **\$181 Members** | eBook, eISBN 9780327174806  
**\$247 Non-members** | ISBN 9780769855240 | **\$242 Non-members** | eBook, eISBN 9780327175155



HEALTH CARE FINANCE AND TRANSACTIONS

**Health Care Finance: A Primer**

THIRD EDITION

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

This is your ideal starting place for a full understanding of health care investment options and their potential implications. Now in its Third Edition, this guide addresses all the basics, from a discussion of the capital needs of various types of health care entities to unique 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 types of health care providers and their need for capital

TABLE OF CONTENTS

Ch. 1	Introduction
Ch. 2	Legal and Economic Issues in Health Care Lending
Ch. 3	Types of Potential Health Care Providers Needing Capital
Ch. 4	Various Financing Concepts and How They Work
Ch. 5	Legal Concepts and Documents Relevant to Most Health Care Transactions
Ch. 6	Four Prototypical Deals and Their Related Documents
Ch. 7	Potential Credit Enhancement and Risk Reduction Sources
Ch. 8	Conclusion
Appx. A	A Short Primer on Debt, Equity, and Legal Terminology
Appx. B	Sample Opinion Long-Term Care Facility (Real Estate Loan)
Appx. C	Sample Asset-Based Opinion of Counsel
Appx. D	Example Representations and Warranties for Life Science Companies
Appx. E	Example Representations and Warranties for Health Care Facilities
Appx. F	Flow of Funds Chart-Revolving Loan
Appx. G	Revocable Standing Medicare/Medicaid Deposit Account Service Agreement
Appx. H	Government Health Care Receivables Deposit Account Agreement
	Index

Available in print and eBook formats  
 126 pages, softbound, Pub. #26190, © 2015  
**\$109 Members** | ISBN 9781632841841 | **\$104 Members** | eBook, eISBN 9781632841865  
**\$139 Non-members** | ISBN 9781632841858 | **\$134 Non-members** | eBook, eISBN 9781632841872



Ask us about our upcoming new titles on Health Care Transactions and Health Care Revenue.

The ACO Handbook: A Guide to Accountable Care Organizations ..... 11

Ambulatory Surgery Centers: Legal and Regulatory Issues ..... 12

Ancillary Providers in Health Care: A Primer ..... 12

Antitrust and Health Care: A Comprehensive Guide ..... 21

Best Practices Handbook for Advising Clients on  
 Fraud and Abuse Issues ..... 14

Corporate Practice of Medicine: A Fifty State Survey ..... 7

Data Breach Notification Laws: A Fifty State Survey ..... 20

The Law of Digital Health ..... 18

Enterprise Risk Management Handbook for Health Care Entities ..... 5

False Claims Act & the Health Care Industry: Counseling & Litigation..... 15

AHLA's Federal Healthcare Laws & Regulations ..... 3

Fraud and Abuse Investigations Handbook for the Health Care Industry ..... 16

The Fundamentals of Behavioral Health Care Law ..... 11

Fundamentals of Health Law ..... 4

The Fundamentals of Life Sciences Law: Drugs, Devices, and Biotech ..... 13

AHLA's Guide to Healthcare Legal Forms, Agreements, and Policies ..... 2

Health Care Compliance Legal Issues Manual ..... 4

Health Care Finance: A Primer ..... 23

Health Care Provider and Supplier Audits Practice Guide ..... 17

Health Plan Disputes and Litigation Practice Guide ..... 22

Health Plans Contracting Handbook: A Guide for Payers and Providers ..... 22

HIPAA/HITECH Resource Guide..... 20

Institutional Review Boards: A Primer ..... 13

Legal Issues in Healthcare Fraud and Abuse:  
 Navigating the Uncertainties ..... 16

The Medical Staff Guidebook: Minimizing Risk  
 and Maximizing Collaboration ..... 8

Medicare Law ..... 23

Peer Review Guidebook ..... 8

Peer Review Hearing Guidebook ..... 9

Pharmaceutical and Medical Device Compliance Manual ..... 13

Post-Acute Care Handbook: Regulatory, Risk, and Compliance Issues ..... 12

Representing Hospitals and Health Systems Handbook ..... 10

Representing Physicians Handbook ..... 7

The Stark Law: Comprehensive Analysis + Practical Guide..... 17

Telehealth Law Handbook: A Practical Guide to Virtual Care ..... 19



AHLA

AHLA

**LEARN. NETWORK. ENGAGE.**

As the premier provider of continuing education for the health law profession, AHLA is uniquely positioned to provide you with the CLE, CPE, and CCB credits you need through our in-person programs and trainings as well as our distance learning events. Whether it's a foundational session or a deep dive into the latest regulatory issue affecting your clients, learn from experts in the field and apply that knowledge immediately.

**Register for an upcoming program or webinar at  
[www.healthlawyers.org/EducationAndEvents](http://www.healthlawyers.org/EducationAndEvents)**



**PRODUCT TERMS**

Prices listed in this catalog and on the AHLA site are before shipping and tax are calculated; shipped to a U.S. address only. Prices current as of 6/1/2018. Prices subject to change without notice. Sales to federal government customers may be subject to specific contract pricing and not discounted additionally. Other restrictions may apply. Void where prohibited.

LexisNexis and the Knowledge Burst logo are registered trademarks of RELX Inc. American Health Lawyers Association is a registered trademark of the American Health Lawyers Association. Other products or services may be trademarks or registered trademarks of their respective companies.  
 © 2018 LexisNexis. OFF04232-0 0618



LexisNexis Matthew Bender  
9443 Springboro Pike  
Miamisburg, OH 45342

PRSRT MKTG  
U.S. POSTAGE  
**PAID**  
LexisNexis  
22901

**ORDER TODAY!**

ONLINE at [store.lexisnexis.com/ahla](https://store.lexisnexis.com/ahla)

CALL **800.533.1637**