



# NYSBA CLE

**Friday, May 7, 2010**  
*Buffalo*

**Friday, May 14, 2010**  
*New York City*

**Friday, May 21, 2010**  
*Albany*

Program includes Buffet Lunch



See inside for more details.

# 2010 Long Term Care Conference

## Reasons to Attend

- Learn about Federal Health Care Reform Act provisions impacting Long Term Care
- Understand the New York Family Health Care Decisions Act
- Understand the perspectives and initiatives of New York State and CMS regarding quality of care in Long Term Care
- Hear OMIG's position on Long Term Care Compliance Programs
- Get an update on fraud and abuse in Long Term Care

## Register Now!

**Save Money, and Guarantee Your Seat at the Program!!!**

Co-sponsored by the Health Law Section and the Committee on Continuing Legal Education of the New York State Bar Association



# Program Description

Long term care providers are subject to a complex and dynamic array of laws, regulations, professional standards and enforcement practices. The legal and policy issues that long term care providers face can differ dramatically from those faced by other health care providers. The New York State Bar Association's Health Law Section and the Committee on Continuing Legal Education are pleased to present the 2010 Long Term Care Conference.

Federal (Health Care Reform Act) and New York State (Family Health Care Decisions Act) laws have recently been enacted which affect long term care providers. Significant State and Federal quality of care initiatives pertaining to long term care are being implemented. This program will focus on current trends, government initiatives and practical issues faced by this segment of

the industry. The program also includes a panel discussion on the future legal issues regarding quality of care. Experts in the field will discuss current challenges facing the long term care industry.

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# Agenda

(Note: Program includes Buffet Lunch)

**8:30-9:00 a.m.**     **Registration**

**9:00-9:10**            **Welcoming Remarks**  
**Part I. Quality of Care in Long Term Care**

**9:10-10:00**         **Governmental Perspective**  
Speakers:         **Jerry M. Solomon, Esq.** (Buffalo)  
                         **Betty Rodriquez, Esq.** (New York City)  
                         **Lisa Ullman, Esq.** (Albany)  
                         **Mark L. Kissinger** (Albany)

**10:00-10:25**       **Survey Issues Promoting Quality Care -**  
**The CMS Agenda**  
Survey Standards - Five Star Program, Special Focus  
Facilities and Enforcement Issues  
Speaker:           **Roger Lukoff** (All locations)

**10:25-10:35**       **Break**

**10:35-11:25**       **New York State Department of Health**  
**Perspective – Discharge and Transfers,**  
**and Other Quality of Care Issues**  
Speakers:         **Lynn Chevalier** (Buffalo)  
                         **Hon. James F. Horan** (New York City)  
                         **Anna Colello, Esq.** (Albany)  
                         **Christine Stegel** (Albany)

**11:25-12:15 p.m.** **Panel Discussion on Future Legal Issues**  
**Regarding Quality of Care**

**12:15**                **Lunch Buffet**

**12:30-1:20**         **Luncheon Speaker - Compliance in Long**  
**Term Care**  
Speaker:           **Robert Hussar, Esq.** (all locations)

**1:20-1:30**           **Break**

**1:30-2:20**           **Part II. Fraud and Abuse in Long Term**  
**Care Programs**  
A. OMIG Update  
B. Medicaid Compliance and Overpayments  
Speakers:         **Ellen V. Weissman, Esq.** (Buffalo)  
                         **Lourdes Martinez, Esq.** (New York City)  
                         **Brian T. McGovern, Esq.** (Albany)

**2:20-3:10**           **Part III. Long Term Care Update**  
A. Health Care Reform Act  
B. New York State Budget  
C. Recent Developments: 2801-d  
Private Causes of Action  
Speakers:         **Ross P. Lanzafame, Esq.** (Buffalo)  
                         **Jill A. Steinberg, Esq.** (New York City)  
                         **Raul A. Tabora, Jr., Esq.** (Albany)  
                         **Wendy Saunders** (Albany)

**3:10 – 4:25**         **New York Family Health Care Decisions Act**  
Speakers:         **Richard T. Yarmel, Esq.** (Buffalo)  
                         **Lori LaSalle, Esq.** (New York City)  
                         **David A. Ruffo, Esq.** (Albany)

**4:25 p.m.**           **Adjournment**

## 7.0 TOTAL CREDITS

7.0 credit hours of professional practice

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, **including** newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **5.5** credit hours of substantive law. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

**IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED.** Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

# Program Faculty

## Overall Planning Chair

**Richard T. Yarmel, Esq.**  
Abrams, Fensterman,  
Fensterman, Eisman,  
Greenberg, Formato  
& Einiger, LLP  
Rochester

## Local Panel Chairs

**Ellen V. Weissman, Esq.**  
Hodgson Russ LLP  
Buffalo

**Patrick Formato, Esq.**  
Abrams, Fensterman,  
Fensterman, Eisman,  
Greenberg, Formato  
& Einiger, LLP  
New York City

**Raul A. Tabora, Jr., Esq.**  
Ruffo Tabora Mainello  
& McKay PC  
Albany

## Speakers

**Buffalo:** Lynn Chevalier, DHSc, MPH (CPH), MS, CPC, Quality Assurance Manager, SUNY Research Foundation-CDHS, NYS Department of Health Office of Long Term Care \* **Robert Hussar, Esq.**, First Deputy Medicaid Inspector General, OMIG \* **Ross P. Lanzafame, Esq.**, Harter Secrest & Emery LLP \* **Roger Lukoff**, Associate Regional Administrator, Division of Survey and Certification Operations, CMS \* **Jerry M. Solomon, Esq.**, Rochester Regional Director, New York State Attorney General, Medicaid Fraud Control Unit \* **Ellen V. Weissman, Esq.**, Hodgson Russ LLP \* **Richard Yarmel, Esq.**, Abrams, Fensterman, Fensterman, Eisman, Greenberg, Formato & Einiger, LLP

**New York City:** Robert Hussar, First Deputy Medicaid Inspector General, OMIG \* **Hon. James F. Horan**, ALJ, New York State Health Department \* **Lori LaSalle, Esq.**, Abrams, Fensterman, Fensterman, Eisman, Greenberg, Formato & Einiger, LLP \* **Roger Lukoff**, Associate Regional Administrator, Division of Survey and Certification Operations, CMS \* **Betty Rodriguez, Esq.**, Assistant Attorney General, Medicaid Fraud Control Unit \* **Lourdes Martinez, Esq.**, Garfunkel, Wild & Travis, PC \* **Jill A. Steinberg, Esq.**, Arent Fox LLP

**Albany:** Anna Colello, Esq., Director, Regulatory Compliance/OHSM, New York State Department of Health \* **Robert Hussar**, First Deputy Medicaid Inspector General, OMIG \* **Mark L. Kissinger**, Deputy Commissioner, Office of Long Term Care \* **Roger Lukoff**, Associate Regional Administrator, Division of Survey and Certification Operations, CMS \* **Brian T. McGovern, Esq.**, Cadwalader, Wickersham & Taft LLP \* **David A. Ruffo, Esq.**, Ruffo Tabora Mainello & McKay PC \* **Wendy Saunders**, Deputy Secretary for Health, Medicaid and Oversight \* **Christine Stegel**, Performance Improvement Coordinator, IPRO \* **Raul A. Tabora, Jr., Esq.**, Ruffo Tabora Mainello & McKay PC \* **Lisa Ullman, Esq.**, Assistant Counsel to the Governor for health care issues

# Information and Policies

**Pre-registration Strongly Advised:** You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis. If you plan to pre-register within 10 days of the program or to register at the door, please call the CLE Registrar's Office at (800) 582-2452 to verify that the program is not sold out or that the date or location has not been changed. Pre-registrants are guaranteed a seat and set of course materials, and will automatically be notified if there are any such changes in the date or location of the program.

**Cancellations are easy – full refunds are given:** Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the CLE Registrar's Office at One Elk Street, Albany, New York 12207; or fax (518) 487-5618; or call (800) 582-2452. If you do not cancel and do not attend the program, a complete set of materials will be forwarded to you in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.


**MCLE Credit:** This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions. Please see inside of this brochure for details.

**Tuition Assistance:** NYSBA members may apply for tuition assistance to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than five working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive tuition assistance, depending on the circumstances. For more details, please contact our CLE Registrar's Office at (800) 582-2452.

**Non Members -** Join the NYSBA and enjoy great discounts on CLE seminars, products, and other valuable NYSBA services. NYSBA members can save 30 percent or more over non-members on CLE seminars alone. Join now and take advantage of NYSBA membership discounts throughout the year.

If you wish to join, please contact NYSBA Membership Services at (518) 487-5577 and an application will be sent to you.

**Tape Recording of NYSBA Seminars is not permitted.**

 **Accommodations for Persons with Disabilities:** NYSBA will make reasonable modifications/accommodations to allow participation in its services, programs, or activities by persons with disabilities. NYSBA will provide auxiliary aids and services upon request. NYSBA will remove architectural barriers and communication barriers that are structural in nature where readily achievable. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at 518-487-5585.

## REGISTRATION FORM

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Member ID \_\_\_\_\_  
Business Phone ( \_\_\_\_\_ ) \_\_\_\_\_  
Email \_\_\_\_\_

### Please enroll me in the "2010 Long Term Care Conference"

Buffalo, Friday, May 7, 2010 (0A242)     New York City, Friday, May 14, 2010 (0A244)     Albany, Friday, May 21, 2010 (0A241)

### PROGRAM FEES

Early registrations, received or postmarked 10 days prior to the date of the registered session:  
NYSBA members—\$210    non-members—\$295

Late registrations, received or postmarked thereafter, and on-site registrations:  
NYSBA members—\$225    non-members—\$310

Check or money order enclosed in the amount of \$ \_\_\_\_\_  
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For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at 1.800.582.2452.

### 4 EASY WAYS TO REGISTER

-  **Online** at [www.nysba.org/cle](http://www.nysba.org/cle)
-  **Call** us at **1.800.582.2452** (U.S. and Canada) or **518.463.3724** in the Albany & surrounding area
-  **Mail** to: Registrar's Office  
New York State Bar Association  
One Elk Street, Albany, NY 12207
-  **Fax** the order form to **518.487.5618**

# Program Locations

**Important Note:** If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Friday  
May 7, 2010  
**Buffalo**


**Holiday Inn Amherst**  
1881 Niagara Falls Boulevard  
Amherst, NY 14228  
(716) 691-8181

Friday  
May 21, 2010  
**Albany**

**Albany Marriott**  
189 Wolf Road  
Albany, NY 12205  
(518) 458-8444

Friday  
May 14, 2010  
**New York City**

**The New Yorker Hotel**  
481 Eighth Avenue @ 34th Street  
New York, NY 10001  
(212) 244-0719

 See our Spring 2010 schedule online at [www.nysba.org/cle](http://www.nysba.org/cle)

**REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!**

**NYSBA** CLE *presents*

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See inside for more details.



**REGISTRANT: PLEASE PROVIDE MAILING INSTRUCTIONS**

Send program admission ticket to address shown on label at right

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