

Symposium on Healthcare Internet and E-Commerce

Legal, Regulatory and Ethical Issues



March 26 – 28, 2000
Grand Hyatt Hotel, Washington, DC

Sponsored by:
Health Care Compliance Association

In Association with
American Health Lawyers Association
British Healthcare Internet Association
The eHealthcare Association
Hi-Ethics
Internet Healthcare Coalition
Medical Internet Forum

Featuring

John T. Bentivoglio, Esq., *Special Counsel for Healthcare Fraud, U.S. Department of Justice*
Mark E. Boulding, Esq., *General Counsel and Vice President, Regulatory Affairs, Medscape, Inc.*
Richard Cleland, Esq., *Senior Staff Attorney, Division of Advertising Practice, Federal Trade Commission*
John P. Fanning, *Senior Policy Analyst, Division of Data Policy, U.S. Department of Health and Human Services*
Donald Hackett, *President and CEO, drKoop.com*
Donald W. Kemper, *President and Chair, Healthwise.org*
George Lundberg, M.D., *Editor in Chief, Medscape*
Steven McGeady, *Vice President, New Business Group, and Director, Intel Health Initiative, Intel Corporation*
Richard Noffsinger, *Worldwide Healthcare Group Manager, Business Solutions Group, Microsoft Corporation*

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Featuring Special Sessions on:

- Basics of the Healthcare Internet
- Healthcare.com Company Start-up Financial, Structure and Business Strategies
- Healthcare Provider Strategic Alternative in Responding to the Internet Revolution

This program is made possible by unrestricted educational grants provided by:

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- Intel
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THE SYMPOSIUM ON HEALTHCARE INTERNET AND

Sponsored by the Health Care Compliance Association in association with American Health Lawyers Association, British Healthcare Internet Association, The eHealthcare Association, Hi-Ethics, Internet Healthcare Coalition, and Medical Internet Forum

The Issue

There is much excitement in the bewildering explosion of new healthcare-related consumer, connectivity and e-commerce web sites. This healthcare revolution in cyberspace is raising a broad array of complex ethical and regulatory issues. If these regulatory and ethical issues are not timely and appropriately addressed, the transformation of healthcare by the internet may be subject to public scrutiny and criticism, and possibly even governmental enforcement initiatives and prosecutions.

The Symposium

The Symposium on Healthcare Internet and E-Commerce Legal, Regulatory and Ethical Issues has been organized to address the major regulatory and ethical issues raised by the extraordinary growth of the healthcare internet. Ethicists and regulators from the United States and around the world will participate in this important conference. The Symposium will take place March 26-28, 2000 at the Grand Hyatt Hotel in Washington, D.C. The Symposium is being sponsored by the Health Care Compliance Association, the 501(c)(6) association of the nation's preeminent chief compliance officers, in association with the American Health Lawyers Association, the British Healthcare Internet Association, the eHealthcare Association, the Internet Healthcare Coalition, Hi-Ethics and the Medical Internet Forum.

Sponsoring Organizations

The Symposium on Healthcare Internet and E-Commerce: Legal, Regulatory and Ethical Issues is being sponsored by:

The Health Care Compliance Association (HCCA), the 501(c)(6) association representing approximately 2000 of the nation's healthcare chief compliance officers. HCCA offers a number of programs, including the HCCA Compliance Academy at the University of Pennsylvania. For more information on HCCA, call 1-888-580-8373 or go to the HCCA website at www.hcca-info.org.

In Association with

The American Health Lawyers Association (AHLA), the 501(c)(6) association representing approximately 9000 of the nation's healthcare attorneys. AHLA offers numerous education, publication and credentialing opportunities for its membership. For more information about AHLA, call 202-833-1100 or go to the AHLA website at www.healthlawyers.org.

The British Healthcare Internet Association (BHIA) is an individual membership association based in Great Britain which promotes the advancement of healthcare

WHO SHOULD ATTEND

- Health Internet Executives and Board Members
- Vendors Doing Business with Health Internet Sites
- Health Plan, Health System and Group Practice Leaders
- Chief Technology Officers
- Vice Presidents of Marketing
- Internet/Technology Consultants
- Health and Technology Attorneys
- Venture Capitalists and Investment Bankers
- Health Services Researchers and Policy Makers

through the application of internet technologies and the Bill of Rights for the Internet.

The eHealthcare Association (TeHA), a 501(c)(6) association representing healthcare internet content, connectivity and commerce organizations. TeHA provides representation and advocacy, networking and information for its members. For more information about TeHA, contact Daniel H. Friend, Ph.D., Executive Director at 804-727-6155.

Health Internet Ethics (Hi-Ethics™) is an alliance of the Nation's major online health information providers formed to develop an ethical code of conduct for consumers. Focusing on content, advertising, privacy issues, and commerce, Hi-Ethics is developing principles designed to ensure that consumers are provided with health information that is reliable, safe and trustworthy. For more information about Hi-Ethics™, contact Donald Kemper, Chairperson at 1-800-706-9646.

The Internet Healthcare Coalition (IHC), the 501(c)(3) association representing a broad variety of individuals and institutions interested in healthcare on the internet. IHC seeks to facilitate quality healthcare resources on the internet through informed consumers, professionals, educators and marketers, and voluntary, self-regulated initiatives. For more information about IHC, visit the IHC website at www.ihc.net.

The Medical Internet Forum (MIF), a 501(c)(6) association representing a number of major healthcare organizations active on the Internet. MIF seeks to utilize internet-based technologies through education, demonstration, training, conferences and support groups to promote wellness and assist in the efficient delivery of quality health care. For more information about MIF, call 415-537-7435 or go to the MIF website at www.miForum.org.

Extensive Written Materials

The Faculty of the Symposium will prepare written materials to accompany their presentations, including copies of presentation overheads and related materials which will be included with the Symposium binder. Additionally, sample compliance publications and related documentation will be shared with registrants.

Continuing Education Credit

ABA - MCLE Credit. Required sponsor documentation has been forwarded to and Credit requested from MCLE states with general requirements for all lawyers. CLE credits are being requested from all MCLE states (hours to be determined). Lawyers seeking credit in Pennsylvania must pay fees of \$1.50 per credit hour directly to the PA CLE Board. The Health Care Compliance Association pays applicable fees in other states where the sponsor is required to do so, and in states where a late fee may become applicable. Please be aware that each state has its own rules and regulations, including its definition of CLE; therefore, certain programs may not receive credit in some states. For information on approved credit hours for your state, please contact Marcie Pallante at the conference office, 800-546-3750 starting two to three weeks prior to the program date.

ACHE Credit. The Health Care Compliance Association has forwarded documentation requesting Category II (non-ACHE) continuing education credits for this program toward advancement or re-certification in the American College of Healthcare Executives. Participants of this program wishing to have the continuing education hours applied to Category II credit should list their attendance when applying for advancement or re-certification in ACHE.



NASBA - CPE CREDIT. Registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State Boards of Accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN 37219-2417. Phone (615)880-4200. (A maximum of 24 credits based on a 50-minute hour will be granted. Program Level: Advanced.)

HOTEL ACCOMMODATIONS

- Special rates of \$198(plus tax) per single per night, and \$223 (plus tax) per double per night, have been arranged for the Symposium on Healthcare Internet and E-Commerce. There are a limited number of rooms available at the special rate. Please make your reservations directly with the Grand Hyatt Hotel and mention the Symposium on Healthcare Internet and E-Commerce to receive the reduced rate. Reservations will be accepted until March 3, 2000. After that cut-off date, reservations will be accepted on a space-available basis only.
- Grand Hyatt Hotel, 1000 H Street NW, Washington, DC 20001
- Reservations: 202-582-1234

AIRLINE TRAVEL

- Get there for less! Call our official travel agency, Conventions in America (CIA) at 1-800-929-4242 and ask for Group #551. You will receive 5%-10% off the lowest applicable fares on American Airlines, or the lowest available fare on any other carrier. Take an additional 5% off American if you purchase at least 60 days prior to departure. Travel between March 21 and April 2, 2000. All customers of CIA also receive free flight insurance of \$100,000.
- Outside U.S. and Canada call 619-232-4298.
- Fax: 619-232-6497; Email: flycia@stellaraccess.com
- Reservation hours: M-F 6:30 AM - 5:00 PM Pacific.
- If you call direct or use your own agency, refer to these codes: American 1-800-433-1790, Starfile #8130uu

METHOD OF PAYMENT FOR TUITION

- Make payment by check (to Symposium on Healthcare Internet), MasterCard, Visa or American Express. A \$20 fee will be charged on any returned checks. Purchase orders must be paid by the conference date or payments will be required by the individual on site.

TELEPHONE OR FAX REGISTRATION

- Phone: 800-546-3750 or 215-545-3894
- Monday-Friday, 9 AM - 5 PM EST.
- Fax: 215-545-8107
- Email: conference.office@hcca-info.org

- Groups: Have registration and credit card information for each person. List all group members on FAX cover sheet.

TAX DEDUCTIBILITY

- Expenses of training include; tuition, travel, lodging and meals, incurred to maintain or improve skills in your profession may be tax deductible. Consult your tax advisor.
- Federal Tax ID: 91-1892021.

CANCELLATIONS/SUBSTITUTIONS

- No refunds will be given for "no-shows" or for cancellations.
- You may send a substitute; please call the Conference Office at 1-800-546-3750.

FOR FURTHER INFORMATION

- Call 1-800-546-3750 or visit our website at www.eHealthLawEthics.com.

THE SYMPOSIUM ON HEALTHCARE INTERNET AND

PROGRAM

SUNDAY, MARCH 26, 2000

1:00 p.m.- 5:00 p.m. **Optional Concurrent Sessions. Space Limited. Choose One Session — Separate Registration**

PRECONFERENCE SYMPOSIA

- 1 The Healthcare Internet: An Interactive Investigation and Perspective On Its Future**
Joyce Flory, Ph.D., *Editor, Internet Healthcare Strategies; Communications for Business and Health, Chicago, IL*
Thaddeus Grimes-Gruczka, *Vice President, Health Practice, Cyber Dialogue, New York, NY*
Matthew Holt, *Vice President, Healthcare, Harris Interactive, San Francisco, CA*
- 2 HIPAA and Beyond: The Regulation of Privacy and Confidentiality in Cyberspace**
Mark H. Biddle, Esq., *Partner, Biddle & Colletti, P.C., Ardmore, PA*
Donna Z. Eden, Esq., *Senior Attorney, Office of General Counsel, Health Care Financing Administration, Washington, DC*
Alan S. Goldberg, Esq., *Partner, Goulston & Storrs, P.C., Boston, MA*
Adele Waller, Esq., *Partner, Bell Boyd & Lloyd, Chicago, IL*
Elaine C. Zacharakis, Esq., *Partner, Gardner Carton & Douglas, Chicago, IL*
- 3 Internet and E-Commerce Strategies for Healthcare Providers**
Michael Calhoun, *Senior Associate, CSC Healthcare, San Francisco, CA*
William Falk, *Principal, CSC Healthcare, Nw York, NY*
Christine Malcolm, *Director, CSC Healthcare, Chicago, IL*

MONDAY, MARCH 27, 2000

- 8:00 a.m. **Welcome and Conference Overview**
Brent Saunders, J.D., M.B.A., *Director, PricewaterhouseCoopers and President, Health Care Compliance Association, Washington, DC (Moderator)*
- 8:15 a.m. **The Ethical Context for the Healthcare Internet**
George Lundberg, M.D., *Editor-in-Chief, Medscape, and former Editor, Journal of the American Medical Association, Chicago, IL*
- 8:45 a.m. **The Legal and Regulatory Context for the Healthcare Internet**
Bruce Merlin Fried, Esq., *Partner, Shaw Pittman, and former Director, Center for Health Plans and Providers, HCFA, Washington, DC*
- 9:15 a.m. **Investigation of Healthcare Fraud on the Internet**
Timothy Healy, *Chief, Internet Fraud Complaint Center, Federal Bureau of Investigation, Washington, DC*
- 9:45 a.m. **Enforcement of the Fraud and Abuse Laws on the Healthcare Internet**
Ted Acosta, Esq. (invited), *Assistant Inspector General for Legal Affairs, Office of Inspector General, Department of Health and Human Services, Washington, DC*
- 10:15 a.m. **Prosecution of Fraud on the Healthcare Internet**
John Bentivoglio, Esq., *Special Counsel for Health Care Fraud and Chief Privacy Officer, Department of Justice, Washington, DC*
- 10:45 a.m. **TRANSITION BREAK**
- 11:15 a.m. **1A General Issues: Developing and Negotiating Web Development and Hosting Agreements**
Adele Waller, Esq., *Partner, Bell Boyd & Lloyd, Chicago, IL*
- 1B Healthcare.com Company Formation and Capitalization: Structuring Start-Up Healthcare.com Companies**
Steven L. Meltzer, Esq., *Partner, Shaw Pittman, Tysons Corner, VA*
- 1C Provider-Based Sites: Strategic Alternatives for Physicians, Organizations and Health Systems in Responding to the Internet Revolution**
Jay Toole, *National Director for Health, Ernst & Young, Atlanta, GA*
- 1D Professional and Pharmaceutical Services: Regulation of the Provision of Professional Services on the Web**
Robyn A. Meinhardt, R.N., J.D., *Partner, Foley & Lardner, Denver, CO*

CONCURRENT SESSIONS I

E-COMMERCE: LEGAL, REGULATORY AND ETHICAL ISSUES

1E Intellectual Property: Strategic Intellectual Property Issues in Healthcare.com StartUps
James E. Eakin, Esq., *Partner, McDermott Will & Emery, Menlo Park, CA*

1F Privacy and Data Security: Legislation and Regulation
John P. Fanning, *Sr. Policy Analyst, Division of Data Policy, Department of Health and Human Services, Washington, DC*

1G Ethics: Ethical Implications of Content on the Healthcare Internet
Joel Kahn, M.D., *Chief Medical Officer and Executive Vice President, InteliHealth.com, and Chair, Content Committee, HI Trust*

12:00 noon

LUNCHEON AND PRESENTATIONS

Wendy Borow-Johnson, *Chair, eHealthcareWorld and The eHealthcare Association, Chicago, IL (Moderator)*

12:30 p.m.

HealthCast 2010: E-Health Adaptability Equals Survival
David Chin, M.D., *PricewaterhouseCoopers, Boston, MA*

1:00 p.m.

Into Thin Air: The NASA/Yale Mount Everest Extreme 99 Expedition: Implications for Telemedicine and the Healthcare Internet
Kenneth Kamler, M.D., *Expedition Climbing Team Member, Yale/NASA Project, New Hyde Park, NY*
Jim Tuchi, *Chief Executive Officer, Millennium Healthcare Solutions, Edison, NJ*

1:45 p.m.

TRANSITION BREAK

2:00 p.m.

2A General Issues: Developing Website Terms of Use Agreements and Disclaimers
Michael Overly, Esq., *Of Counsel, Foley & Lardner, Los Angeles, CA*

CONCURRENT
SESSIONS II

2B Healthcare.com Company Formation and Capitalization: Alternatives in Capitalization: Strategic Corporate Partners, Angels and Venture Capital
Lisa Skeete Tatum, M.B.A., *Cardinal Health Partners, Princeton, NJ*

2C Provider-Based Sites: Regulation of Provider-Based Sites
Michael Blau, Esq., *Partner, McDermott Will & Emery, Boston, MA*

2D Professional and Pharmaceutical Services: Regulation of On-Line Pharmacies
Keith Korenchuk, Esq., *Partner, Davis Wright Tremaine LLC, Charlotte, NC*

2E Intellectual Property: Healthcare Process Patents, Trade Domains and Copyright/Moral Rights
Alan S. Goldberg, Esq., *Partner, Goulston & Storrs, P.C., Boston, MA*

2F Privacy and Data Security: Developing and Implementing a HIPAA Compliance Plan
David Hellerstein, M.D., Ph.D., *Consultant, Health Care Regulatory Group, PricewaterhouseCoopers, Sacramento, CA*
Reece Hirsch, Esq., *Partner, Davis Wright Tremaine, San Francisco, CA*

2G Ethics: Ethical Implications of Advertising on the Healthcare Internet
Donald Hackett, *President and CEO, drkoop.com, and Chair, Advertising Committee, HI Trust, Austin, TX*

3:00 p.m.

TRANSITION BREAK

3:15 p.m.

3A General Issues: The Regulation of Telemedicine and the Internet
Robert J. Waters, Esq., *Partner, Arent Fox Kintner Plotkin & Kahn, Washington, DC*

CONCURRENT
SESSIONS III

3B Healthcare.com Company Formation and Capitalization: Taking a Company Public
Bryant Edwards, Esq., *Partner, Latham & Watkins, Los Angeles, CA*

3C Provider-Based Sites: Reimbursement and Payment Issues
Lloyd A. Bookman, Esq., *Partner, Hooper, Lundy & Bookman, Los Angeles, CA*

THE SYMPOSIUM ON HEALTHCARE INTERNET AND

3D Professional and Pharmaceutical Services: Accreditation of On-Line Pharmacies
Dyke F. Anderson, *President, National Association of Boards of Pharmacy, and Chair, Nebraska Board of Pharmacy, Lincoln, NE*

3E Intellectual Property: Protecting Intellectual Property Rights in e-mail and Web Site Development
Edwin Getz, Esq., *Partner, Gardner Carton & Douglas, Chicago, IL*

3F Ethics: Ethical Implications of Privacy on the Healthcare Internet
Nan Forte, *Healtheon/WebMD, and Chair, Privacy Committee, HI Trust, Atlanta, GA*

4:15 p.m.

TRANSITION BREAK

4:30 p.m.

Lessons from Compliance in the Defense and Traditional Healthcare Industries
Alan Yuspeh, J.D., *Senior Vice President, Ethics, Compliance and Corporate Responsibility, Columbia/HCA Healthcare, Nashville, TN*

5:00 p.m.

Healthcare.com Company CEO Roundtable: What is the Healthcare Internet and How Does it Work?
Jeffrey Arnold (invited), *Chairman and CEO, Healtheon/Web M.D., Atlanta, GA*
Donald Hackett, *President and CEO, drkoop.com, Austin, TX*
Peter Neupert (invited), *President/CEO, Drugstore.com, Bellevue, WA*
Robert J. Zollars, *Chairman, President and CEO, Neoforma.com, Santa Clara, CA*
Charles Bracken, *Vice Chairman of the Board and Senior Corporate Vice President, Superior Consultant, Southfield, MI*

6:00 p.m.

ADJOURNMENT and NETWORKING RECEPTION

TUESDAY, MARCH 28, 2000

8:00 a.m.

Introduction
Douglas Hastings, Esq., *Partner, Epstein, Becker & Greene, and President-Elect, American Health Lawyers Association, Washington, DC (Moderator)*

8:15 a.m.

HIPAA Privacy and Confidentiality Update
Gary Christoph, *Chief Information Officer, Health Care Financing Administration, Washington, DC*

8:45 a.m.

Regulatory Aspects of E-Healthcare Advertising, Marketing and Fraud Enforcement
Richard L. Cleland, Esq., *Senior Attorney, Division of Advertising Practices, Federal Trade Commission, Washington, DC*

9:15 a.m.

Regulation of Advertising, Distribution and Sales of Pharmaceuticals and Medical Devices on the Internet
Melissa Moncavage, *Public Health Advisor, Division of Drug Marketing and Advertising, Food and Drug Administration, Washington, DC*

9:45 a.m.

State Prosecution of Healthcare Fraud on the Internet
Robert Rena, Esq., *Director, Consumer Protection Division, New Mexico Attorney General's Office, Albuquerque, NM*

10:15 a.m.

Regulation of Professional Practice on the Healthcare Internet
George C. Barrett, M.D., *President-Elect, Federation of State Medical Boards, Charlotte, NC*

10:45 a.m.

TRANSITION BREAK

11:00 a.m.

4A General Issues: Tax Issues for Healthcare Internet Enterprises
Kathleen M. Nilles, Esq., *Partner, Gardner, Carton & Douglas, Washington, DC*

**CONCURRENT
SESSIONS IV**

**4B Healthcare.com Company Formation and Capitalization:
Exit Strategies, Including Recapitalization and Acquisition**
William B. Hanlon, *Managing Director, Shattuck Hammond Partners, Atlanta, GA*

4C Provider-Based Sites: Strategies for Preventing Fraud on Your Healthcare Website
James Mulvaney, *Director, KPMG, New York, NY*
Thomas Telloria, *Senior Manager, KPMG, New York, NY*

E-COMMERCE: LEGAL, REGULATORY AND ETHICAL ISSUES

4D Intellectual Property: Libel, Slander, Internet Innuendo, Electronic Publishing, Webcasting and Licensing on the Internet
Kenneth M. Kaufman, Esq., *Partner, Davis Wright Tremaine, Washington, DC*

4E Privacy and Data Security: Development and Implementation of Website User Privacy Notice and Policy
Marc Boulding, Esq., *General Counsel and Vice President, Regulatory Affairs, Medscape, Inc., New York, NY*

4F Ethics: Ethical Implications of Commerce on the Healthcare Internet
Linda Yu, *Vice President and General Manager, Discovery Health, and Chair, Commerce Committee, HI Trust, Bethesda, MD*

12:00 noon

LUNCHEON AND PRESENTATIONS

Helga E. Rippen, M.D., M.P.H., Ph.D., *Director of Medical Informatics, Pfizer Health Solutions, and Chair, Internet Healthcare Coalition, Santa Monica, CA (Moderator)*

12:30 p.m.

The Lighter Side of Cyber Medicine

Dr. Dean Edell (invited), *ABC Television and Syndicated Radio Talk Show Host, and Director, HealthCentral.com, Emeryville, CA*

1:00 p.m.

An International Perspective of Ethics on the Healthcare Internet

Timothy M. Nater, Esq., *Executive Director, Health on the Net Foundation, Geneva, Switzerland*

1:30 p.m.

Report on the Internet Healthcare Coalition's Ethics Summit

Ahmad Risk, M.D., *Practicing Physician, Editor, Health Informatics Europe, Founding Member, British Healthcare Internet Association and Board Member, Internet Healthcare Coalition, Essex, England*

2:00 p.m.

Report on the Activities of the HI Trust

Donald W. Kemper, M.P.H., *President and Chair, Healthwise.org, and Chair, HI Trust, Boise, ID*

2:30 p.m.

BREAK

2:45 p.m.

Socratic Dialogue on the Future of the Healthcare Internet and the Appropriate Legal and Ethical Regime to Guide its Future

John Bentivoglio, Esq., *Special Counsel for Health Care Fraud and Chief Privacy Officer, Department of Justice, Washington, DC*

Peter N. Grant, J.D., Ph.D., *Partner, Davis Wright Tremaine LLC, and Instructor, Harvard and University of California, Berkeley Schools of Public Health, San Francisco, CA, and Seattle, WA*

Donald W. Kemper, M.P.H., *President and Chair, Healthwise.org, and Chair, Hi-Trust, Boise, ID*

Ira C. Magaziner, *President, SJS Inc., and former Senior Advisor to the President of the United States for Policy Development, Boston, MA*

Steven McGeady, *Vice President, New Business Group, and Director, Intel Health Initiative, Intel Corporation*

Timothy M. Nater, Esq., *Executive Director, Health on the Net Foundation, Geneva, Switzerland*

Richard Noffinger, *Worldwide Healthcare Group Manager, Business Solutions Group, Microsoft Corporation, Redmond, WA*

Ahmad Risk, M.D., *Practicing Physician, Editor Health Informatics Europe, Founding Member, British Healthcare Internet Association and Board Member, Internet Healthcare Coalition, Essex, England*

Helga E. Rippen, M.D., M.P.H., Ph.D., *Director of Medical Informatics, Pfizer Health Solutions, and Chair, Internet Healthcare Coalition, Santa Monica, CA*

Lisa Skeete Tatum, M.B.A., *Cardinal Health Partners, Princeton, NJ*

Dorothy Moller Tiger, *Associate Partner, Anderson Consulting, San Francisco, CA*

Professor Arthur Miller, *Harvard Law School, and Co-Director, Berkman Center for Internet and Society, Cambridge, MA (Facilitator)*

4:30 p.m.

ADJOURNMENT

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