



Student Health Law Organization

2nd Annual HEALTH LAW REGULATORY & COMPLIANCE COMPETITION

OFFICIAL RULES

SPONSOR:

**The Law & Health Care Program and
The Student Health Law Organization (SHLO)
The University of Maryland Francis King Carey School of Law
500 W. Baltimore Street
Baltimore, MD 21201
410-706-5369**

PART I. ORGANIZATION OF THE COMPETITION

The Health Law Regulatory and Compliance Competition (“the Competition”) is a novel idea for law students, particularly those interested in health law. The Competition will challenge students to apply federal health regulations and rules, policies, and federal agency documents to a hypothetical fact pattern involving a federal health agency and healthcare stakeholders. The purpose of the Competition is to give students practical regulatory and compliance experience in the health law field. The Competition will immerse law students in the complex regulatory and legal environment that health law attorney’s practice in everyday and it will give them practical experience interpreting and applying federal health regulations and policies to situations that are closely modeled after recent healthcare regulatory issues and cases.

Additionally, students participating in the Competition will have a chance to discuss these issues with practicing health law attorneys from private practice, federal government agencies, and corporate in-house counsel. These discussions will give students the opportunity to hear firsthand how affected healthcare stakeholders are approaching the regulatory and compliance issues presently affecting the U.S. healthcare system.

The Competition is organized by a Steering Committee (“the Committee”), which is comprised of faculty and staff of the Law & Health Care Program and students enrolled at the University of Maryland Francis King Carey School of Law. Additionally, the Committee appointed several practicing health law attorneys to serve on the Committee.

PART 2. THE COMPETITION – AN OVERVIEW

- The fact pattern/scenario that student teams will analyze and present their findings to a panel of practitioners (“panel judges”) will be distributed on the day of Competition, February 16, 2013.
- Student teams will have unfettered access to the internet during the Competition and will be provided with wireless access to the internet.
- Student participants will have 1.5 hours to read the fact pattern, prepare an informal memorandum on a form provided, and prepare for two (2) presentations. This is called the “consultation period.” The informal memoranda will be submitted to the Committee at the end of the consultation period. Teams will be given a copy of their informal memorandum to use during their presentation.
- Teams will be provided with a template form upon which to prepare their informal memorandum. See Appendix 1. The form will be divided into four sections in column form as follows: compliance concerns, relevant law, and two columns for recommendations (one for representing the government, the other for private attorneys).
 - In the compliance concerns column, teams should note the potential compliance problems they note in the fact pattern. No particular format is required or expected to be used by teams on the form although as an example, a team might note something as follows, “The payments to Dr. Jones for the lease of medical equipment may be a Stark violation if the payments for the medical equipment exceed fair market value of the equipment.”

- In the relevant law section, teams will note the relevant law (statute, regulation, guidance) that prohibits the activity noted in the compliance concern section. In terms of exact statutory or regulatory citations, students should be as accurate and precise as possible given the short timeframe.
- In the recommendations section, teams will note down recommendations to resolve each concern. A recommendation could relate to self-disclosure, instituting an investigation, or restructuring an agreement among other things.
- Teams will then be required to give two (2) 20-minute presentations on the day of the Competition to a panel of practicing attorneys (panel judges): 1) one presentation acting as a private law firm counseling the various healthcare stakeholders in the fact pattern; and 2) one presentation acting as the federal government deciding to pursue actions and sanctions against the various healthcare stakeholders. Teams will be informed at the competition the order of their presentations.
- No specific format for the presentation is required or expected.
 - Teams must identify to the panel judges their Team Number only, and the side they are presenting on (e.g., Private or Government).
 - All three (3) team members must participate during each presentation. The extent of each member's participation is at the discretion of the team. Teammates may want to divide issues to present.
- Using the informal memoranda as a guide, students should present the problematic regulatory and compliance issues they noted, the relevant law, and the proposed solutions. Team members should note which concerns are actual violations, which are potential violations, and which concerns are the most grave. As an example of how a team might present an issue to the panel judges, a team might say, "We believe the financial interest that Dr. Marcus has with CAT Scans, LLP is problematic as it may represent a violation of the Federal Anti-Kickback Statute. We suggest that Dr. Marcus either terminate his financial interest or discontinue referring patients to the LLP."
- During the presentation, the panel judges may, and likely will, ask questions to either clarify a point, push the students for deeper analysis, or ask if the students considered other relevant law or recommendations. The manner of questioning will be more like that found in a boardroom than in a moot court setting.
- Teams should not address the panel using judicial honorifics and should begin their presentation as they would if they were making a presentation in a corporate or government setting by, for example, stating that they would like to present their findings and analysis.
- At the termination of the 20 minutes, the panel will end the session and thank the team for their advice.

PART 3. THE RULES

Rule 1. Number and Composition of Teams.

Each team shall be comprised of a maximum of three (3) students, all of whom must be law students currently enrolled in a J.D. program at the time of the Competition. LLM students and other graduate legal students are not allowed to participate. A law school may enroll no more than one team in the competition.

Rule 2. Substitution of Team Members.

All substitutions must be communicated to the Committee by emailing MarylandCareyHealthCompetition@gmail.com.

Rule 3. Informal Memoranda (Appendix 1)

Teams will be given a form and asked to note: 1) the regulatory, legal, and compliance concerns noted in the fact pattern 2) the applicable and relevant laws, regulations, rules, or policies; and 3) their regulatory/compliance/legal recommendation(s) and proposed solutions. See Appendix 1 for the informal memoranda form. The idea is for students to “show their work,” since teams will only have 20 minutes to present their findings and recommendations. There is no length or format requirement, however, sentences are preferred. Students must submit their memoranda by emailing MarylandCareyHealthCompetition@gmail.com after the allotted 1.5 hour of consultation time has been completed. The submission will create a time-stamp to ensure teams did not use more than the allowed time.

Rule 3(a). Research and Resources

This is an **open universe** competition, so any in print or online materials may be used. Teams are permitted to bring any textbooks or materials to assist them during the competition.

Rule 3(b). Internet

Teams will also have access to the internet for research. Teams will be given a guest User ID and Password to access internet on Maryland’s wireless internet. If there are technical difficulties, teams should notify Competition Staff immediately for assistance. No additional time will be given for internet problems, so teams should prepare accordingly. Teams must use their own Lexis or WestLaw passwords and IDs.

Rule 3(c). Outside Assistance Prohibited

Only the three (3) team members may participate in this competition. Any outside assistance from faculty or other students or persons, whether through internet (i.e. gchat,

facebook, or other social or internet media), telephone or other means is prohibited and grounds for disqualification. Cell phones and social media should be turned off. Cell phones should be stored in a backpack, purse or the like at all times during the written and oral components of the competition. Competition staff and volunteers will monitor teams for compliance.

Rule 4. Oral Presentations

Once the informal memoranda have been submitted, teams will be taken to present their findings to a panel of practicing regulatory and compliance lawyers. Teams will make two (2) presentations, one representing the private interests and one representing the Government. Each presentation will be made to two different panels of judges. Teams will have twenty (20) minutes to present. The panel judges are permitted to ask questions at any time.

A timekeeper will hold up time cards when 10, 3, and 1 minute(s) remain during the round, and a card indicating, "STOP" when time has expired. When the timekeeper calls time, the speaker must inform the panel that time has expired and must refrain from making any further statements other than requesting time to finish a pending question. The panel may allow additional time. Teams may instruct judges to look at their informal memoranda for additional details.

Rule 5. Participants in Presentation.

All three (3) team members must participate during each presentation. The extent of each member's participation is at the discretion of the team, but the Committee recommends that each team attempt to equitably distribute speaking roles among the team. Faculty members or coaches from teams may watch the oral presentations of their own team but may not assist the teams in any manner.

Rule 6. Identification Prohibited.

Throughout the entire competition, teams must refrain from identifying the school they represent to any panel member participating in the Competition. Teams will be assigned a number upon registration. This number, and ONLY this number, should be used to identify the team in the oral presentations. The panel shall refrain from inquiring as to the identity of the teams. Violation of this Rule will be grounds for disqualification at the discretion of the Committee.

Rule 7. Scoring

(a) Oral Presentations. Each panel of judges will score each team's oral presentation. The total score from each round will be combined and averaged to determine the top three (3) teams.

(b) Informal Memoranda. There is no specific weight assigned to the informal memoranda. Rather, the judges will use the memoranda during the scoring of the presentations and scoring period for guidance to assist them as they listen to presentations. Judges, nonetheless, are free to use the memoranda for additional clarification when grading or for any other purpose.

Rule 8. Scoring of Presentations.

Team presentations will be scored out of 100 points based on the following rubric:

1. Identification of Compliance Concerns and Violations (75 Points)

- Does the team set forth the regulatory and compliance concerns and violations built into the fact pattern?
- How well does the team articulate each concern?
- Does the team have a good understanding of why each noted concern is a violation or potential violation?
- Is the team able to prioritize the regulatory and compliance concerns and/or articulate which concerns represent clear violations and which concerns are potential violations?
- Is the team able to indicate which law or regulation is implicated for each compliance concern they note?

2. Presentation (25 Points)

- Is the team able to effectively communicate their recommendations or proposed solutions?
- Are the team's explanations clear and direct?
- Do members of the team have appropriate boardroom demeanor and conduct themselves professionally in terms of presentation, articulation, and confidence?
- Does the team reflect good team synergy and do they operate as a cohesive unit rather than as individuals?

The judges scoring sheets will not be made available to Competition participants.

Rule 9. Results.

The top three (3) teams will be announced during the Competition Luncheon. The winning teams will be selected based on the highest averages from the two rounds of presentations. In addition, several judges during the luncheon will provide a general overview of the problem this year and discuss some of the broader health law regulatory and compliance issues covered.

Rule 10. Awards.

The Competition will recognize the top three teams and award prizes.

In General

In addition to the Rules herein set forth, the Committee may make any other rules and procedures it deems advisable. Participants will be advised promptly of any amendments or corrections of these Rules.

Requests for interpretation of these Rules or the problem may be addressed by emailing the Committee at the addresses listed below. Interpretations shall be issued by the member of the University of Maryland Francis King Carey School of Law faculty or staff in charge of the competition and shall be final and binding on all competitors. Any interpretations shall be in writing.

The faculty member in charge of this year's competition is:

Virginia Rowthorn, JD

Managing Director

Law & Health Care Program

University of Maryland Francis King Carey School of Law

Questions can also be emailed to vrowthorn@law.umaryland.edu or MarylandCareyHealthCompetition@gmail.com

2nd Annual Health Law Regulatory & Compliance Competition
Proposed Schedule
Saturday, February 16, 2013

- 8:00 – 8:40 AM** **Welcome (Krongrad)**
Breakfast, Registration, Internet Check,
- 8:40 – 8:50AM** **Walk to Discussion Rooms**
- 9:00 –10:30AM** **Fact Pattern Given and Team Consultation Period**
- 10:30 – 10:40 AM** **Check-In/E-Mail Informal Memoranda**
- 10:50 – 12:55 PM** **Presentations (2 Presentations per team)**
- 1:15 – 3:00PM** **Luncheon, Discussion, & Awards Ceremony (Campus Center)**

(Schedule subject to change)

Appendix 1. Informal Memorandum Form

Regulatory/Compliance Concern	Relevant Law	Private Recommendation	Government Recommendation