

FOR THE FIRST TIME:



**Food, Drug and  
Cosmetic Law Section**



*JOINTLY SPONSOR A  
NETWORKING LUNCH-LIVE MCLE PRESENTATION-WEBINAR*

## **FAIR MARKET VALUE: LEGAL, THEORETICAL AND PRACTICAL CONSIDERATIONS**

What is the “fair market value” (FMV) for services provided by a healthcare professional (HCP)? Why should we care? What are the issues and challenges when determining FMV for HCPs? How much is too much?

In the Life Sciences Industry, it is commonplace for companies to engage healthcare professionals (HCPs) as consultants. More often than not, these HCP consultants are also in a position to purchase, prescribe or recommend the use of a company’s product(s), which can pose significant legal risk for the company if the arrangements with the HCPs are not handled properly. In addition, we have entered a new era of transparency and disclosure, where the spend on HCPs must be reported in accordance with several state laws and the new federal sunshine provisions under the Patient Protection and Affordable Health Care Act. These obligations, in addition to the continued government scrutiny of life science companies, require a renewed focus on FMV and the bona fide nature of services when engaging physicians and other HCP consultants.

In this interactive session, panelists will explore the legal issues, practical business concerns and a theoretical approach to addressing the FMV conundrum. They will also discuss the very real issue of the HCP that demands more than the company’s established fee for a service.

Attendance at this meeting offers 1.5 NY MCLE credit hours in the Professional Practice. This program does not qualify for newly admitted attorneys in NY. CLE for other states will also be available.

**Tuesday, May 8, 2012**

Networking Lunch: 12:00 – 1:00 PM

**MCLE Live Program: 1:00 – 2:30 PM**

**MCLE Webinar Program: 1:00 – 2:30 PM**

## **Moderator**

### **David S. Weinstock, Esq.**

Chair, CLE Committee, Food, Drug and Cosmetic Law Section  
Vice-Chair, Life Sciences Practice Group  
Weston, CT

## **Panelists**

### **Michelle D. Axelrod, Esq.**

Porzio, Bromberg & Newman, PC  
Westborough, MA

### **Mark A. DeWynngaert, Ph.D.**

Managing Director, Huron Life Sciences  
New York City

### **John C. Petrolino, Esq.**

Vice President Legal Pharma Compliance Officer  
Savient Pharmaceuticals, Inc.  
New York City

## **Location**

Drinker Biddle & Reath LLP  
1177 Avenue of the Americas – 41<sup>st</sup> Floor  
New York, NY 10036

## **Networking Lunch Host**

Porzio, Bromberg & Newman, PC

- **\$25** Food, Drug and Cosmetic and Health Law Sections (NYSBA) Members  
Life Sciences, HHS and Fraud and Abuse Practice Groups (AHLA) Members
- **\$50** Non-Members

✓ For more information or to register, visit:

[www.nysba.org/FMVMay2012](http://www.nysba.org/FMVMay2012)

or

<http://www.healthlawyers.org/Events/Webinars/2012/Pages/Theoretical.aspx>

Accommodations for Persons with Disabilities attending the Networking Lunch and/or MCLE Live Program: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Patricia Johnson at 518.487.5688 or [pjohnson@nysba.org](mailto:pjohnson@nysba.org).