

40th Annual IAHA Health Law Symposium

# Quest for What's Next in Healthcare

*Building on 40 Years  
of Progress*

**Presented In Person  
November 18, 2022**

PLUS On-Demand Sessions  
Available through  
January 31, 2023



Illinois Association of  
Healthcare Attorneys

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# WELCOME LETTER

Dear IAHA Members:

This year's Symposium is a celebration of 40 years of IAHA's service to the health law community and our return to in-person programming with live educational presentations and networking with our colleagues old and new. Please come to learn and reconnect as we explore the **"Quest for What's Next in Healthcare"** at the Renaissance Chicago Downtown Hotel, 1 West Wacker Drive, Chicago.

Our in-person sessions start on Friday, November 18, 2022, at 10:00 a.m. with a special pre-Symposium session—**"Understanding Health Law 101: What Every New Healthcare Lawyer Should Know."** Presented by two seasoned health lawyers, this session will demystify the buzzwords and introduce key health law regulatory and compliance concepts, making the session especially valuable for law students with interest in and lawyers transitioning to a health law focus.

Join your colleagues for the luncheon workshop—**"Yesterday, Today and Tomorrow: The Future of Law Practice."** Predicting that future in an interactive program will be two Professors from the Northwestern University Pritzker School of Law. The program will earn you 1.25 CLE ethics credits and you'll get to lunch with colleagues to boot!

We have an exceptional line-up of live presentations for the afternoon of November 18 with accomplished speakers and in-depth examination of timely health law topics. The sessions will address healthcare transformation post-COVID; culturally competent care; and reproductive law post *Dobbs*. These stimulating sessions should provide ample material for lively interactions during the networking reception that will follow and close the day.

Symposium attendees will also have access to an array of on-demand programs from November 18 through January 31, 2023. Eligible for CLE, these on-demand programs cover such diverse and topical subjects as blockchain; the No Surprises Act; using data for better compliance; improving care through interoperability; False Claims Act updates; and Illinois Biometric Information Privacy Act litigation, to name a few.

Our 40th Annual Health Law Symposium Committee has worked long and hard to craft these sessions, recruit and assist the stellar speaker line-up, and ensure a quality, entertaining, and educational experience. We sincerely thank our Committee members, volunteers all, and our IAHA Staff Support, Kimberly LaBounty and Diana Villagran. Without their dedication and diligence, no Symposium would be possible.

We can all thank our Symposium sponsors. Their support keeps IAHA vibrant and IAHA Symposium registration fees affordable.

Welcome, again. IAHA is glad to be back with you in-person and on-demand for the 40th Annual Health Law Symposium!

Sincerely,

Rick Hindmand  
2022 President

Kathy Roe  
2022 Symposium Chair

Karen Harris  
Executive Director

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Chief Medical Officer, Howard Brown Health

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Marilyn Hanzal Law

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Brenna (Bren) Loufek  
SaMD Regulatory Affairs Manager - Center for  
Digital Health - Data & Analytics, Mayo Clinic



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**SPECIAL PRE-SYMPOSIUM  
SESSION  
PRESENTED IN PERSON  
FRIDAY, NOVEMBER 18, 2022  
RENAISSANCE CHICAGO DOWNTOWN  
1 WEST WACKER DRIVE, CHICAGO**

*Created Specifically for Law Students &  
Mentor/Mentee Pairs*

\*This pre-Symposium session requires separate registration.

[Please click here](#) to register for the pre-Symposium session.

**Understanding Health Law 101: What Every New Healthcare Lawyer Should Know  
10:00am - 11:00am**

**Session Description:** During this session, seasoned healthcare attorneys Andrea Linna and Tanya Dworkin will walk law students and new lawyers through the basics of health law using a healthcare transformation example. Law students and new lawyers will gain an understanding of buzzwords and common topics covered in every day health law work, including preparing students to better understand IAHA Symposium topics and sessions. At a high-level, you will gain an understanding of how regulatory compliance, fraud and abuse, business organizations, and more all come together in one project. CLE credit will be available for this session.

**Session Presenters:**

Tanya Dworkin, Senior In-House Counsel, MercyHealth

Andrea Linna, Partner, McGuireWoods LLP

Moderated by Mary Canavan, Associate, Polsinelli P.C.





# **SPECIAL LUNCHEON WORKSHOP SESSION PRESENTED IN PERSON FRIDAY, NOVEMBER 18, 2022 RENAISSANCE CHICAGO DOWNTOWN 1 WEST WACKER DRIVE, CHICAGO**

*\*Pre-registration required. See registration form to sign up.*

## **Yesterday, Today and Tomorrow: The Future of Law Practice 11:30am - 12:45pm**

**Session Description:** The practice of law has changed dramatically in the last five years, with the pace of change increasing rapidly. Join speakers Dan Linna and Wendy Muchman in this interactive discussion as they explore various aspects of the future of legal practice. What is the law firm of the future? What forces drive change in the legal market? How are data and technology being used? How do lawyers understand and evaluate technology tools and risks? What does the lawyer of the future need to know to be successful? During the discussion, consideration will be given to Illinois professional responsibility rules, along with practical realities of a current legal practice, including: What is the unauthorized practice of law and whether a remote reality has changed that definition? What does it mean to practice remotely or virtually and how can attorneys properly implement controls consistent with ethical parameters and sound business practices? What are the professional responsibility and ethical parameters for attorneys' use of cutting edge technology?

### **Session Presenters:**

Daniel W. Linna, Professor, Northwestern University Pritzker School of Law, and McCormick School of Engineering

Wendy J. Muchman, Professor, Northwestern University Pritzker School of Law



# **PLENARY SESSIONS PRESENTED IN PERSON FRIDAY, NOVEMBER 18, 2022 RENAISSANCE CHICAGO DOWNTOWN 1 WEST WACKER DRIVE, CHICAGO**

## **Welcome, Announcements**

**1:00pm - 1:15pm**

Karen Harris, Executive Director, IAHA

Kathy Roe, 2022 IAHA Annual Health Law Symposium Chair

## **Healthcare Transformation Post-COVID: How Healthcare Providers are Taking Transformation to the Next Level**

**1:15pm - 2:30pm**

**Session Description:** This panel will highlight the strategies, processes and outcomes to date, of several healthcare entities' attempts to boldly transform healthcare delivery. OSF HealthCare will describe its groundbreaking alternative delivery methods, including its "hospital-at-home" program. American Addiction Centers will explain how it is changing the face of addiction treatment in a post-pandemic world. Mayo Clinic will discuss its innovations in data analytics and telehealth that are helping to provide world-class healthcare throughout the pandemic and beyond. This panel will explore how the healthcare entities the panelists represent, as well as the healthcare industry as a whole, are reimagining and improving healthcare for patients.

### **Session Presenters:**

Dr. Thomas Britton, CEO, American Addiction Centers

Jennifer Junis, RN, MSN, Senior Vice President, OSF OnCall Digital Health, OSF HealthCare

Brenna (Bren) Loufek, SaMD Regulatory Affairs Manager - Center for Digital Health - Data & Analytics, Mayo Clinic

Moderated by Priya Bathija, Adjunct Professor, Loyola University Chicago School of Law

## **Break, Announcements**

**2:30pm - 2:45pm**

## **Reproductive Healthcare in Illinois post-Dobbs: Legal Issues Facing Illinois Providers**

**2:45pm - 4:00pm**

**Session Description:** This panel will outline Illinois reproductive healthcare laws and describe legal issues affecting Illinois healthcare providers post-Dobbs. Panelists will discuss such legal issues as treatment of out-

of-state patients, telehealth and digital health concerns, access to abortion care, licensure in multiple states, patient privacy considerations, and potential impact on IVF treatments.

#### **Session Presenters:**

Stacey Callaghan, Partner, McDermott Will & Emery, LLP

Rebecca Feinberg, Lecturer in Law, DePaul University College of Law

Carla Gazes, Senior Associate General Counsel, The University of Chicago Medical Center

Moderated by Claire Reed, Associate University Counsel, University of Illinois

### **Break, Announcements**

**4:00pm - 4:15pm**

### **Why Everyone Deserves Culturally Competent Care, and What Healthcare Attorneys Can Do About It**

**4:15pm - 5:15pm**

**Session Description:** We all go through our lives presenting different personas. Conversely, when we need medical care, it's essential we present our authentic selves. To do so, we need to trust our medical providers, the organizations they work for, and the healthcare infrastructure as a whole. For individuals from routinely marginalized communities, trust can be a difficult, if not an impossible, barrier to overcome. What is needed is patient care provided in a gender affirming and culturally safe manner, inviting the patient to participate in the patient's care as the patient really is, without judgment in a welcoming environment, from providers who are knowledgeable and aware of the social determinants of health that can affect a patient's health and wellbeing. Howard Brown Health is a leader in providing culturally competent care to historically excluded and LGBTQ+ communities. Through conversations with Howard Brown Health's leadership and patient videos, you'll gain an understanding of what culturally humble care means, why it is essential for all individuals to experience, and how we, as healthcare attorneys, can work to foster this affirming and safe environment for the healthcare organizations, patients and communities we serve.

#### **Session Presenters:**

Dr. Maya Green, Chief Medical Officer, Howard Brown Health

David Munar, President and CEO, Howard Brown Health

Channyn Linne Parker, Director of Strategic and Community Partnerships, Howard Brown Health

Moderated by Greg Fosheim, Partner, McDermott Will & Emery LLP

### **Networking Reception**

**5:15pm - 6:30pm**





# ON-DEMAND SESSIONS AVAILABLE FOR ILLINOIS CLE CREDIT THROUGH JANUARY 31, 2023

## **OD-1 Blockchain and the Future of Healthcare**

**60 minutes**

**Session Description:** This session will provide a basic understanding of what blockchain is and how it works. The presentation will then explore how blockchain might change healthcare technology in the near-to-distant future and describe potential technical and regulatory barriers to widespread adoption. The presentation will review several real-world examples of how blockchain is currently being evaluated for healthcare applications, including supply chain, payor/payee communications, and secure electronic health records.

### **Session Presenter:**

Aaron W. Brooks, Owner, Brooks Law and Consulting, LLC

## **OD-2 SURPRISE - Where the No Surprises Act Leaves Illinois Providers in Billing and Collections**

**60 minutes**

**Session Description:** This session will explore the impact of the No Surprises Act from the perspective of Illinois providers and payors. The speakers will review the rationale behind the Act, and discuss implementation issues, common misperceptions, and potential areas of conflict.

### **Session Presenters:**

Kenneth Dusold, Attorney, Law Offices of Stephenson, Acquisto & Colman, Inc.

Christian Martin, Associate, Reed Smith LLP

## **OD-3 Navigating the Current 340B Climate: Manufacturer Restrictions, Data Considerations and Other Hot Topics**

**60 minutes**

**Session Description:** The session will take a deep dive into the manufacturer data integrity initiatives with discussion of relevant considerations, risks, and benefits. The session will also cover 340B compliance updates, recent state PBM anti-discrimination legislation, and other developments intended to protect 340B savings and revenue.

### **Session Presenters:**

Jessica Robbins, Associate General Counsel, The University of Chicago Medical Center

Kyle Vasquez, Shareholder, Polsinelli P.C.

## OD-4 Preparing Our Hospitals for the Next Pandemic

60 minutes

**Session Description:** Hospitals and health systems, no matter how prepared they were, faced an enormous challenge during the COVID-19 pandemic. Counsel played, and continue to play, a key role in managing incident command and advising their enterprise on the ever-changing legal, regulatory and operational landscape. This session will provide a retrospective overview of what general counsel learned over the past 2+ years about such things as: (1) incident command; (2) altering the hospital environment; (3) developing crisis standards of care; (4) advocating with regulatory bodies; (5) assisting with governmental response; (6) communicating with patients, staff and other stakeholders; (7) maintaining operations; and more, with the goal of improving government and healthcare provider response before the next public health emergency arrives.

### Session Presenters:

Carl Bergetz, General Counsel and Chief Legal Officer, Rush University Medical Center

Kimberly Chmura, General Counsel, La Rabida Children's Hospital

## OD-5 Using Data and Dashboards to Better Identify and Mitigate Compliance and Regulatory Risks

60 minutes

**Session Description:** This session's objective is to share practical considerations for using data and dashboards to more quickly identify and mitigate compliance risks. The discussion will be grounded in the "Hallmarks of an Effective Compliance Program" and will include real-world examples of how organizations have successfully (or unsuccessfully!) leveraged data analytics to strengthen compliance programs, improve investigations, reduce risk, and deliver competitive advantage. The presenters will discuss how organizations are better identifying and mitigating risks using compliance data and enriching analytics with external datasets to deliver deeper perspectives.

### Session Presenters:

John Rademacher, Principal, Charles River Associates

Jessica Sprovtsoff, Partner, ArentFox Schiff LLP

## OD-6 The Promise of Wholistic Care Through System Interoperability in the 21st Century

60 minutes

**Session Description:** Patients' healthcare information sits in various systems across the healthcare ecosystem—in clinic systems, in hospital systems, in pharmacy systems, in therapist systems, in clinical trial record systems. The healthcare interoperability rule is designed to support the exchange of information to allow all healthcare providers caring for the patient to see the patient's full healthcare picture. The presenters will have a lively conversation using three patient care scenarios to address: (1) how healthcare information systems can and should share information for the benefit of the patient and all providers.; (2) the nuts and bolts of how healthcare systems interoperate; (3) how the interoperability rule came about and established parameters around information blocking and how the interoperability rule applies to many actors in the healthcare ecosystem; and (4) what every Illinois healthcare lawyer should know to support healthcare clients.

### Session Presenters:

Daniel Fahey, Associate, Epstein Becker & Green, P.C.

Marilyn Hanzal, Privacy, Technology & Healthcare Attorney, Marilyn Hanzal Law

## **OD-7 Privilege & Privacy Issues Regarding Subpoenas for Medical Records of Crime Victims and Recipients of Reproductive Healthcare Services**

**60 minutes**

**Session Description:** This program will draw upon the recent appellate court decision, *People v. Gomez-Ramirez*, 2021 IL App (3d) 200121, in discussing a hospital's responsibility—in light of the physician-patient privilege and the statutory and constitutional privacy rights of crime victims under Illinois law—for responding to subpoenas for crime victims' medical records. The program will also apply those principles, in the aftermath of *Dobbs v. Jackson Women's Health Organization*, to subpoenas for medical records of patients who received reproductive healthcare services.

### **Session Presenters:**

Steven Pflaum, Co-Chair, Litigation Department, Neal, Gerber & Eisenberg LLP  
John W. Whitcomb, Partner, Monahan Law Group

## **OD-8 The Ethical Use of Observation Units: Empowering Physician Autonomy for Patient Placement Decisions**

**30 minutes**

**Session Description:** This presentation will identify best practices for observation unit ("OU") use for Medicare-aged patients in the hospital setting. The first part provides an understanding of what OUs are, the various types of OUs employed in the U.S. healthcare system, and the pros and cons of each. The second part examines the pressure Medicare's reimbursement rules create for hospitals to overutilize OUs. The third part highlights the risks to which hospitals are exposed when overutilizing OUs. The fourth part will provide inclusion/exclusion guidelines recommended by leading experts in OU care. The final part will advocate for transparency and timely notice as mechanisms to safeguard hospital integrity and patient autonomy.

### **Session Presenter:**

Julie Campbell, Faculty Fellow, Mary & Michael Jaharis Health Law Institute, DePaul University College of Law

## **OD-9 The Troll Under Healthcare's Bridge: The False Claims Act 2022 Update**

**60 minutes**

**Session Description:** The False Claims Act (FCA) is the Government's primary weapon against healthcare fraud. The draconian penalties and potential individual liability of the FCA hover behind every decision a healthcare provider can make, from coding for specific services to physician contracts, pharmaceutical agreements, real estate transactions, and more. This session will review recent significant caselaw, statutory and regulatory changes, government enforcement priorities, and trends in recent FCA lawsuits.

### **Session Presenter:**

David B. Honig, Partner, Hall, Render, Killian, Heath & Lyman, P.C.

## **OD-10 Ripped from the Headlines: Understanding the Value of Antitrust Compliance and Planning through Recent Civil and Criminal Developments**

**60 minutes**

**Session Description:** In this practical and entertaining program, we will cover the top healthcare antitrust developments of 2022, including civil enforcement actions, criminal prosecutions, hospital merger challenges (and successes), private litigation, and other areas, with an eye on how hospitals, health systems and other healthcare providers can put themselves in a better position to avoid, prepare for, and navigate these issues through implementation of a robust and comprehensive antitrust compliance program.



**Session Presenters:**

Holden Brooks, Partner, McGuireWoods LLP  
Dr. Monica Noether, Vice President, Charles River Associates

**OD-11A Addiction Treatment in a Post-Pandemic World****30 minutes**

**Session Description:** Representatives from American Addiction Centers explain in greater detail how it is changing the face of addiction treatment in a post-pandemic world. A continuation from the in-person Transformation Plenary panel discussion, they will discuss the legal issues and hurdles that they have addressed and surmounted during their journey to reimagine addiction treatment.

**Session Presenters:**

Dr. Thomas Britton, CEO, American Addiction Centers  
Hal McCard, Chief Legal Officer, American Addiction Centers

**OD-11B OSF Healthcare's Alternative Delivery Methods****30 minutes**

**Session Description:** During this panel, a follow-up to the in-person Transformation Plenary panel discussion, OSF HealthCare will provide more details about its groundbreaking alternative delivery methods, including its "hospital-at-home" program. OSF in-house counsel will participate in the panel describing how CMS' "hospital-at-home" rules encourage this new and innovative treatment modality. This panel's deeper dive will explore how OSF is reimagining and improving healthcare for its patients.

**Session Presenters:**

Jennifer Junis, RN, MSN, Senior Vice President, OSF OnCall Digital Health, OSF HealthCare  
Michael Henderson, Senior Corporate Counsel, OSF HealthCare

**OD-11C Mayo Clinic's Data Analytics and Telehealth Journey****30 minutes**

**Session Description:** The Mayo Clinic will discuss its innovations in data analytics and telehealth that are helping to provide world-class healthcare throughout the pandemic and beyond. This discussion, a follow-up to the in-person Transformation Plenary session, will explore in greater detail how changes in telehealth law have allowed the Mayo Clinic to re-envision and improve healthcare for patients.

**Session Presenter:**

Brenna Loufek, SaMD Regulatory Affairs Manager, Center for Digital Health, Data & Analytics, Mayo Clinic

**OD-12 Get Your Biometric Check-Up: What You Need to Know about Biometric Regulations and Litigation****60 minutes**

**Session Description:** This session will cover the requirements of the Illinois Biometric Information Privacy Act (BIPA) and the recent litigation landscape under that law, particularly as it relates to healthcare companies. The presenters will also cover developments concerning other states' statutes and local ordinances outside of Illinois that govern the collection, use, storage, disclosure and destruction of biometric data.

**Session Presenters:**

Justin Kay, Partner, Faegre Drinker Biddle & Reath LLP  
Molly K. McGinley, Partner, Honigman LLP



# EDUCATIONAL SESSION DETAILS

For its 2022 Annual Health Law Symposium the Illinois Association of Healthcare Attorneys (IAHA) is pleased to offer both an in-person half-day event and 14 on-demand sessions that registrants may watch at their leisure.

## In-Person Sessions

IAHA's in-person half-day event will offer in-depth sessions where speakers and attendees can interact and collaborate with each other in-person. This in-person format will allow attendees to network face-to-face with other health law professionals while they learn during the in-person educational sessions.

The Symposium's in-person sessions will only be presented live on Thursday November 18th. These sessions will not be recorded and Thursday November 18th is the **ONLY TIME** these in-person sessions will be offered.

The day prior to the Symposium, you will receive an email with: (1) link to handout materials for both the in-person and on-demand sessions, and (2) a link to the on-demand session webpage that includes a list of and links to all on-demand sessions, each of which can be viewed individually at your leisure through January 31, 2023.

IAHA considers the health and safety of all in-person programming IAHA hosts to be IAHA's top priority. IAHA follows applicable guidance and requirements issued by the Centers for Disease Control as well as by state and local government.

By attending IAHA's in-person Symposium sessions, you agree to abide by and engage in certain health and safety beneficial conduct while attending those sessions. All attendees are expected to comply with all applicable requirements imposed by federal, state, or local health authorities for the locality in which the in-person sessions are taking place, as well as adhere to and abide by any safety precautions IAHA has implemented to protect against the spread of COVID-19.

You should not attend an IAHA in-person Symposium session if you are experiencing, or within the 10 days prior to the Symposium you have experienced, symptoms associated with the flu or COVID-19. You also should not attend an IAHA in-person Symposium session if you believe that you may have been exposed to a confirmed or suspected case of COVID-19 or have been diagnosed with COVID-19 and are not yet cleared as non-contagious by state or local public health authorities or the health care team responsible for your treatment. In addition, attendees should self-monitor for signs and symptoms of COVID-19 and are asked to contact IAHA at 630.433.4516 if they experience symptoms of COVID-19 within 10 days after attending an in-person Symposium session. Any private personal data that may be received by IAHA in connection with such measures and precautions will be treated as confidentially as possible.

## CLE Credit

This year's Symposium will offer attendees the opportunity to earn a total of 16.75 CLE credits. Of those 16.75 CLE credits, 4.75 CLE credits (including 1.25 professional responsibility CLE credits) can be earned by attending the in-person sessions on November 18, 2022, starting with the special luncheon workshop, and 12 CLE credits can be earned by viewing the on-demand sessions at your leisure through January 31, 2023. IAHA will issue CLE credits/certificates in Illinois **ONLY** for all sessions – both the in-person sessions and the on-demand sessions – by February 28, 2023. CLE credits for states other than Illinois cannot be processed.



# 40<sup>TH</sup> ANNUAL HEALTH LAW SYMPOSIUM REGISTRATION

Online registration also available at [WWW.IAHANET.ORG](http://WWW.IAHANET.ORG)

Is your organization registering five or more attorneys?

Contact the IAHA Office for a Bulk Registration Form.

## PLEASE SELECT ONE

	By 11/05	After 11/05	
<input type="checkbox"/> IAHA / IHA Member - Full Conference Registration	\$350	\$400	per person
<input type="checkbox"/> IAHA/IHA Member - On-Demand Sessions ONLY	\$175	\$225	per person
<input type="checkbox"/> Non-Member - Full Conference Registration	\$450	\$500	per person
<input type="checkbox"/> Non-Member - On-Demand Sessions ONLY	\$275	\$325	per person
<input type="checkbox"/> Student Member - Full Conference Registration	\$50	\$50	per person

## LUNCHEON WORKSHOP ATTENDANCE (please select)

- ☐ I will be attending "The Future of Law" Luncheon Workshop Session (lunch included)
- ☐ I will **NOT** be attending "The Future of Law" Luncheon Workshop Session

Registrant Name (please print clearly): \_\_\_\_\_

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**PAYMENT:** ☐ Check (payable to IAHA, 275 N. York St, Ste 201, Elmhurst, IL 60126) ☐ Visa ☐ MC ☐ AmEx

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Signature: \_\_\_\_\_ Security Code: \_\_\_\_\_

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*How would you like to receive your registration confirmation?*

☐ Email to address above ☐ Email to different address: \_\_\_\_\_

### Cancellation/Substitutions

If you must cancel less than seven business days prior to the Symposium start on Friday November 18, 2022, a \$75 service charge will apply prior to refunding the remainder of your registration fee.. Registrants who do not cancel and do not attend will receive no refund of their registration fee. IAHA reserves the right to cancel or reschedule a session due to unforeseen circumstances. Registrants will be notified of cancellation prior to the Symposium start on Friday November 18, 2022.

### IAHA Financial Hardship Policy

Registrants who cannot afford the Symposium registration fee may apply for a discounted registration fee. [Please visit our website](#) to review the policy.

### Americans with Disabilities Act

IAHA wishes to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently from other individuals because of the absence of auxiliary aids and services. If you need any of the auxiliary aids or services required by the Americans with Disabilities Act to participate in any in-person or on-demand Symposium session, please call 630.433.4516.

**PLEASE email completed form to [info@iahanet.org](mailto:info@iahanet.org) or mail completed form and payment to:**

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