

Health Law and Transactions

Healthcare reform brought with it a new level of transactional and regulatory activity, which has a significant impact on the organization and operation of healthcare providers, physician practices and allied healthcare professionals.

Overview

Cognizant of the rapid changes impacting how healthcare providers must deliver services, as well as the daily challenges—and opportunities—of operating a provider entity or professional group, our Health Law and Transactions Practice Group assists clients with the entire range of legal, regulatory and transactional matters they may face in the constantly evolving healthcare environment. Our Health Law and Transactions Group closely monitors state and federal government matters impacting our healthcare clients. At all times, we pride ourselves on finding innovative and cost-effective approaches to serving our clients.

Our team of highly-skilled and experienced attorneys understands the impact of value-based purchasing, population health management and “accountable care,” for example, as well as the pressure on providers to consider restructures, enhanced consolidation, integration and coordination. We also recognize how technological changes in both the clinical care arena and in the ability of providers to communicate with other providers and patients have further increased the expectations placed on healthcare entities and professionals. With this knowledge and understanding in mind, we counsel a wide array of healthcare providers and professionals including, but not limited to the following:

- Hospitals and Health Systems

- Nursing Homes
- Ambulatory Surgery Centers
- Urgent Care Centers
- Dialysis Clinics
- Assisted Living Programs and Residences
- Adult Day Care Programs
- Certified and Licensed Home Health Agencies
- Consumer Directed Personal Assistance Programs
- Behavioral Health Providers
- Healthcare Associations
- Managed Long Term Care Plans and Medicaid Managed Care Programs
- Health Insurers
- Physicians and Physician Groups
- Medical Transportation/Ambulance Companies
- Allied Health Professionals (Chiropractic, OT, PT etc.)

Our Health Law and Transactions team is a full-service health law practice which can provide all of the diverse services a client might need, including the following:

- General Counsel Services to Provider Entities and Professionals
- Provider Entity Formation/Establishment
 - Structure
 - Licensure/Certificate of Need
 - Tax-exempt Status
- Provider/Professional Entity Governance and Operations
 - Board Operations/Bylaws
 - Medical Staff Credentialing, Governance and Bylaws
 - Physician Recruitment and Contracting
 - Rate Issues
 - Professional Licensing and Discipline/Medical Staff Fair Hearings
 - General Operations and Contracting
- Cybersecurity and Data Privacy
 - HIPAA/HITECH
 - Data Use/Analytics
 - Health IT/Technology
 - Incident Response Plan Development, Training and Implementation
 - Data Breach
 - Electronic Medical Records
 - Government Investigations
- Contracting
 - Physician/Healthcare Professional Employment Agreements
 - Management/Co-Management Agreements
 - Managed Care Contracting

- Ancillary Services Agreements
- Vendor Agreements
- Licensing Agreements
- Provider Affiliations
 - Mergers and Asset and Stock Sales/Acquisitions
 - Active and Passive Parent Affiliations
 - Physician-Hospital Joint Ventures
 - Captive PCs
 - Professional Employer Organizations
- Fraud and Abuse Compliance
 - Compliance Plans and Assessment
 - Anti-kickback
 - Stark
 - False Claims Act
 - U.S. Department of Health and Human Services Office of the Inspector General Matters
 - New York State Office of Medicaid Inspector General Audits and Investigations
- Healthcare Reform
 - Accountable Care Organizations
 - Value-based Purchasing
 - Performing Provider Systems
 - Delivery System Reform Incentive Payment Initiatives
- Charitable and Not-for-Profit Matters
 - Tax Exemption Matters
- Physician/Professional Practice Matters
 - Formations
 - Operations
 - Risk Arrangements
- Professional Licensure and Discipline Matters
 - Government Audits and Surveys
 - Office of Professional Medical Conduct
 - Office of the Professions
- Healthcare Real Estate
 - Development and Financing
 - Sales and Acquisitions
 - Leases
 - Bond/IDA Financing and Related Matters

Key Representations

- Provided general counsel services to several community hospitals, providing a full complement of services including handling of reimbursement issues, contracting, physician credentialing, ambulance and nursing home administrator licensing, operating room policies, and general compliance advice.
- Provided counsel to regional medical center on medical staff matters, regulatory compliance matters, and Medicare program compliance.
- Served as general counsel to several major healthcare, professional and statewide trade associations, providing advice on an array of corporate, transactional, regulatory and compliance matters, including issues relating to managed care contracting, formation of affiliated/subsidiary organizations, reimbursement and regulatory issues.
- Served as regulatory and legal counsel to major NYC-based long term care system, operating nursing homes, long-term home health care programs and adult day health care programs.
- Served as lead transaction counsel to community hospital in its active parent affiliation with major hospital system.
- Developed HIPAA policies, procedures, compliance manuals and compliance programs for community hospitals, health insurer and licensed professionals.
- Successfully negotiated resolution to OMIG audit for behavioral health care provider.
- Successfully resolved numerous US Health and Human Services Office of Civil Rights HIPAA breach investigations.
- Served as breach counsel for health care providers, including for incidents involving more than 500 individuals.
- Developed a fraud and abuse compliant hospital-physician joint venture structure and accompanying implementation documentation.
- Negotiated health care provider affiliation between two institutional providers.
- Represented numerous physician and professional practice in all issues relating to the establishment and operation of physician and professional practices, including formation, governance, practice sales and purchases, contracting, credentialing, and HIPAA, fraud and abuse and regulatory compliance matters.
- Prepared nurse practitioner collaborative agreements and physician assistant supervision agreements in numerous states for addiction treatment provider.
- Assisted with the negotiation of commercial lease agreements for several New York hospital systems, physician practices, licensed home care agencies, clinical laboratories, and other health care providers.
- Advised medical spas regarding formation, licensing, scope of practice, and contracting matters, as well as issues relating to prohibitions regarding corporate practice of medicine and fee-splitting.
- Represented ambulance providers with regard to certificate of need applications, expansion of territory or transfer of ownership applications, corporate issues,

and regulatory matters.

- Represented not-for-profit organizations with regard to all aspects of formation, operation, compliance, dissolutions, mergers, affiliations, and transfer of assets, including obtaining approval from Attorney General's Office and various other State agencies.
- Handled not-for-profit corporate restructuring for several trade associations to achieve regulatory compliance and business objectives.

Practice Leads



Michael R. Bertoncini

Principal

Boston 617-305-1270

[Email](#)



Greg Riolo

Office Managing Principal

Albany 518-512-8791

[Email](#)

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Transactions Practice Group
Brochure

Upcoming Events

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*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.