

FRAUD AND ABUSE COUNSEL

There is no individual or entity that operates within the health care industry that is not touched by governmental fraud and abuse laws. Hall Render attorneys provide in-depth guidance and counsel to health care providers with respect to issues arising under these laws, including the federal Stark Law, the federal Anti-Kickback Statute and their state law counterparts. These laws potentially implicate numerous relationships among providers, including but not limited to service agreements, office and equipment leases, management agreements, acquisitions, joint ventures and the provision of ancillary services by physician practices.

Hall Render's Fraud and Abuse Counsel attorneys are skilled advisers who are able to quickly and thoroughly: assess the real-world risk posed by fraud and abuse laws on client business strategies; educate our clients on those risks; and partner with our clients to develop strategies for minimizing those risks without jeopardizing their overall strategic vision. The team's broad experience in the business and delivery of health care allows our firm to provide accurate and thorough guidance in a wide range of fraud and abuse focus areas, including:

Fraud and Abuse/Anti-Kickback/Stark, including:

- Advisory Opinion Development and Analysis
- Review of Contractual Joint Venture Criteria
- Interpretation and Application of Exception/Safe Harbor Criteria
- False Claims Act Considerations
- Initiation of Voluntary Disclosures

Hospital/Physician Alignment, including:

- Development and Oversight of Accountable Care Organizations (ACOs)
- Hospital-Physician Alignment and Integration (including Joint Ventures, Employment/Contracting and Recruitment)
- Quality of Care and Cost Management

Provider Financial Arrangements, including:

- Review of Commercial Reasonableness/Fair Market Value Requirements
- Collaboration with Health Care Valuation Consultants

AREAS OF FOCUS

- Advisory Opinion
- Affordable Care Act (ACA)
- AKS
- Contractual Joint Ventures
- Designated Health Services
- Exceptions/Safe Harbors
- FCA
- In-Office Ancillary Services
- Physician Group Practice
- Stark I, II, III
- Voluntary Disclosure

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- Development of Compensation Strategies (including Pay for Performance, Productivity Bonuses, Profit Sharing, Quality Metrics, Value-Based Compensation)

Medical Group Strategy, including:

- Physician Engagement
- Organizational Structure
- Professional Licensure
- Stark Law Issues (including Designated Health Service Compensation, In-Office Ancillary Service Issues, Productivity Bonus/Profit Share Compensation)

Physician-Owned Hospitals, including:

- Affordable Care Act (ACA) Issues
- Expansion Exception Requests
- Implementation of Stark Law Compliance Strategies

Hall Render attorneys are well versed in the nuances of the fraud and abuse laws and stay current on regulatory changes, case law and interpretive advisory opinions. Whether the matter involves a brief explanation on a specific issue, the preparation of compliant contracts or transaction documents or a full legal analysis and opinion, Hall Render attorneys are able to assist clients to conform their financial and business relationships to these laws.