

The extensive and varied experience of Miller & Martin's Healthcare Regulatory Group is an invaluable resource for healthcare clients. The experience of our Healthcare Regulatory attorneys provides our clients with the complete set of tools to navigate the complex and dynamic regulatory landscape by identifying, minimizing and addressing potential regulatory compliance issues.

Healthcare providers operate in an increasingly complicated regulatory environment. Miller & Martin can provide guidance across the full range of healthcare regulatory issues. Our healthcare regulatory attorneys have experience with anti-kickback and self-referral compliance; certification, accreditation and licensure issues; medical staff credentialing and peer review matters; Medicare and Medicaid reimbursement issues, including overpayment audits and appeals; gap audits and compliance program review and development; affordable care; legal issues related to clinical trials; HIPAA, HITECH, cyber security, data breach and health information privacy and/or security issues; conducting internal investigations, audit strategies and self-reports; and responding to governmental/regulatory investigations and enforcement actions, including investigations under the False Claims Act.

The Healthcare Regulatory Team also assists healthcare clients in complying with state Certificate of Need (CON) and facility licensure requirements. In particular, the firm can help clients obtain CONs by assisting with CON applications, defending against opposition and providing representation throughout the CON review process and any subsequent appeals. Additionally, the healthcare team is able to provide guidance concerning the regulatory implications of transactions involving the purchase or sale of healthcare facilities in Georgia and Tennessee.

SELECTED EXPERIENCE

- Advised multiple clients of the state and federal healthcare regulatory implications of the sale of healthcare facilities in Georgia and Tennessee.
- Secured the reversal of the Department of Community Health's denial of client's CON Applications for the establishment of free-standing imaging facilities in appeals before the CON Appeal Panel.
- Successfully opposed the CON Applications for the establishment of freestanding imaging facilities by a competing healthcare facility before the Department of Community Health and successfully defended the Department's decision in subsequent administrative appeal.
- Advised mental health provider on regulations concerning telemedicine and physician supervision of nurse practitioners in Georgia and Tennessee.
- Represented Private Act Hospitals in review of vendor, physician, and other hospital contracts for Stark and AKA compliance.
- Representing health system in Georgia with non-Stark and AKA compliance reviews of contracts.
- Represented large Tennessee hospital system as health care regulatory counsel by (a) conducting analyses of proposed arrangements between hospital and physicians to determine compliance with health care regulatory laws; (b) preparing physician contracts (including employment agreements and professional services agreements); (c) reviewing vendor contracts; (d) setting up contract management procedures to ensure review and compliance of renewing/evergreen contracts; and (e) assisting in the purchase by hospital of physician practices.
- Serving as healthcare regulatory counsel for large home health and hospice chain provider in all aspects of Stark and AKA compliance including preparation of physician contract templates (such as medical director contracts and physician leases), review of major vendor contracts, and developing and implementing compliance program (including marketing standards of conduct).
- Representing Tennessee specialty hospital in health care regulatory review of and drafting of contracts as needed.
- Conducting due diligence reviews of healthcare contracts, financial arrangements and compliance programs in anticipation of purchase of health care entity (on behalf of buyer) or of loan to health care entity (on behalf of lender).
- Conducting healthcare regulatory reviews of contracts, arrangements, and financial relationships for healthcare providers in anticipation of voluntary disclosures or in response to government investigations.
- Serving as healthcare regulatory counsel for large local urgent care clinic system, eating disorder treatment facility, substance abuse treatment facility and several large physician groups in all aspects of Stark, Anti-Kickback and/or HIPAA compliance.

- Represented Private Act Hospitals and numerous other providers in MAC/ZPIC/Self-Reporting audits, compliance reviews, policy & procedure reviews, system reviews, compliance monitor audits/reviews and day-to-day hospital billing and FCA compliance.
- Represented Private Act Hospital in internal review and audits of wound care coding.
- Represented Private Act Hospital in internal investigation and self-reporting involving chemotherapy drug billing.
- Represented numerous hospital affiliated physician practices in compliance audits, reviews and ultimately self-reports for a variety of inpatient and outpatient billing issues.
- Represented providers in redeterminations, reconsiderations and ALJ appeals following contractor audits.

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Frank Williams

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423.785.8206 | [Email](#)

Chris Crevasse