

SERVICES

Stark, Fraud & Abuse

Business practices that are considered standard in other industries may violate federal and state criminal, civil and administrative laws that regulate the health care industry. Attorneys in the Health Care Industry Group have the experience and knowledge to help clients meet their business objectives while navigating the maze of federal and state laws and regulations unique to the health care industry, including professional and facility licensing, corporate practice of medicine, anti-kickback, physician self-referral (Stark), fee splitting, false claims, Medicare and Medicaid reimbursement rules, fee splitting, professional misconduct, anti-inducement and solicitation laws.

In many industries, referrals are compensated since they are of economic value to the party receiving the referral. Compensation can take many forms and range from simple cash payments to advantageous terms in business relationships between individuals in a position to refer business to one another. In addition, in many industries, self referrals are considered to be commercially usual and customary and to be a proxy for quality and an extension of a service, good or item. However, in the health care industry, this conduct and these relationships can be criminalized, or lead to substantial fines and even exclusion from participation in health care programs.

Butzel attorneys can offer practical solutions and alternatives to help clients achieve their business and legal objectives and can work with clients and regulators when necessary to help clients avoid and solve regulatory issues. We can help provide compliant solutions in a wide variety of regulated health care industry relationships:

1. integrity audit and compliance programs and policies and procedures
2. hospital (provider/supplier) and physician relationships
3. anti-markup rules, per click and percentage compensation arrangements

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4. strategic alliances
5. joint ventures
6. ASCs, cancer centers, heart hospitals and specialty hospitals
7. structuring designated health service ancillary revenue transactions, fixed and mobile imaging and IDTFs
8. employment and independent contractor agreements
9. leases of real estate and equipment
10. supplier and vendor relationships, including discounts, warranties, formularies, group purchasing organizations
11. buying and selling businesses
12. physician recruitment and retention
13. marketing devices, drugs and services to health professionals
14. gainsharing, quality focused relationships and pay for performance programs
15. clinical management service agreements
16. physician organizations, preferred provider networks and tiered provider networks
17. physician compensation methodologies and valuations
18. telemedicine, outsourcing and online medicine 19. EMTALA and on call arrangements