



## → Tammy Ward Woffenden

**Partner**

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Tammy Ward Woffenden is a partner in the Corporate Practice Group in the firm's Houston office.

**Areas of Practice**

Tammy has extensive experience working with a variety of healthcare providers, including hospitals, home health and hospice agencies, physician group practices, assisted living facilities, intermediate care facilities (ICFs), providers of home and community-based services (HCBS), care management, behavioral health and more.

**Healthcare Transactions:** Tammy advises on healthcare regulatory aspects of buyer- and seller- side acquisitions of healthcare providers and other healthcare businesses, including due diligence and compliance risk assessment, deal structuring (including compliance with fraud and abuse and corporate practice of medicine laws), negotiating healthcare-related terms of definitive agreements, regulatory filings and approvals for licensing and government payor programs, post-closing transition support, add-on acquisitions and ongoing healthcare law compliance and regulatory needs. Her experience includes work with private equity funds and managed care organization (MCO) acquisitions and divestitures of healthcare providers.

**Fraud and Abuse:** Tammy advises clients on state and federal fraud and abuse laws, including the Anti-Kickback Act and Stark. From this perspective, she assists clients with developing compliance and training programs, investigating reported incidents and analyzing contractual arrangements, transactions and joint ventures.

**Contracting:** Tammy routinely drafts and negotiates contractual arrangements, including affiliation agreements, value-based arrangements, professional service agreements, management and administrative services agreements and business associate agreements.

**HIPAA Compliance:** Tammy advises covered entities (both providers and health plans), business associates and subcontractors on matters relating to the Health Information Portability and Accountability Act (HIPAA), including developing and assisting with implementation of HIPAA policies and procedures, training, incident and breach analysis, risk assessments and drafting and negotiating arrangements concerning the use and protection of health information.

**Medicare and Medicaid Enrollment & Compliance:** Tammy advises clients on matters regarding Medicare and state Medicaid enrollment (including change of ownership), reimbursement, compliance with conditions of participation and provider obligations and audit investigations.

**Licensure and Certification:** Tammy counsels clients regarding initial and licensure renewals, change of ownership and other updates affecting licensure status, responding to agency actions and general compliance with facility and professional licensing requirements.

**State Healthcare Laws:** Tammy assists clients with a variety of state regulatory and administrative matters, including state corporate practice of medicine restrictions, fee-splitting, telemedicine and licensure scope of practice / delegation / supervision.

She regularly works with federal and state oversight agencies to coordinate technical, legal and creative solutions for provider issues relating to regulatory, administrative and transactional matters. Her experience includes working with the U.S. Department of Health and Human Services and Texas Health and Human Services Commission.

## Honors

Health Care Law, *The Best Lawyers in America*, 2024-2025

Health Care, *Chambers USA*, 2021-2025

## Experience

### I/DD

- Represented leading provider of home and community-based specialty healthcare in acquisitions of ICF and HCBS providers across Texas and Louisiana.
- Texas counsel for private equity fund in sale of large regional I/DD provider.
- Represented private equity funds on portfolio company add-on acquisitions of I/DD businesses across Texas, Nebraska, Oklahoma and Idaho.
- Routinely manage Texas ICF and HCBS regulatory filings with Texas Health and Human Services Commission.
- Serve as healthcare counsel for I/DD providers, supporting a variety of regulatory compliance and contracting needs.

### Home Health and Hospice

- Handled 40+ home health agency and hospice sales and acquisitions on a national and regional basis, including comprehensive healthcare due diligence and regulatory filings (CHOW/CHOI, Medicare, Medicaid and Medicaid waiver contracts).
- Served as healthcare regulatory counsel to MCO's sale of interest in home health, hospice, home-based primary care and medical equipment provider.
- Successfully negotiated reversal of home health agency's Medicare PTAN termination that resulted from an alleged 36-month rule violation.
- Advised health plan on minority investments in home-based care models, including assessment of CPOM, licensing and fraud and abuse.

## Private Duty Nursing

- Represented seller of Texas-based pediatric and personal care services provider, including negotiation of Texas waiver contract transfers, to private equity buyer.
- Advised private equity-owned home care provider in acquisition of large line of personal care / private duty nursing services.

## Skilled Nursing Facilities

- Provided healthcare counsel to stalking horse buyer of substantially all assets of luxury senior living community in Texas, including advising on healthcare regulatory matters, operations transfer and regulatory filings.

## Assisted Living

- Nearly 20 years of regulatory experience in acquisitions and operations of independent living, assisted living, memory care and continuing care retirement communities.
- Serve as healthcare regulatory and licensing counsel to multi-state operators and managers of independent living, assisted living and memory care facilities, including regulatory counsel for transactions in Texas, Arkansas, Oklahoma, Tennessee and New Mexico.

## Value-Based Care Models

- Represented client in service line expansion and add-on transactions for risk-bearing provider specializing in home-based care for patients with multiple complex, chronic conditions.
- Represented regional MCO as healthcare regulatory counsel in various minority investments in emerging or growth health services, care coordination and value-based businesses.
- Extensive experience with developing value-based contracting and payment models for providers and payors, including regulatory analysis of fraud and abuse, legal assessment of unique care models and drafting contractual arrangements.

## Physical Group Practices / MSOs

- Represented private equity fund as healthcare counsel for multiple acquisitions of medical spas in Florida and Texas.
- Represented large OB/GYN practice on regulatory aspects in roll0up transactions involving the sale of medical assets and investment in related management services organization.
- Advised on numerous single and multi-specialty physician practice acquisitions, joint ventures and other commercial arrangements on behalf of nationwide physician network affiliated with large, privately-held community hospital system.

## DMEPOS

- Represent national DMEPOS supplier with prosthetics and orthotics clinics in add-on acquisitions, joint ventures and compliance and operational needs.
- Successfully negotiated Medicare enrollment solutions with the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services to obtain a transition of Medicare billing privileges following internal mergers of DMEPOS subsidiaries across the country.

## Pharmacies

- Handled all aspects of pharmacy CHOW/CHOI regulatory filings tied to acquisition of national mail order pharmacy business.
- Handled all aspects of regulatory filings in sale of business providing outsourcing solutions to medical device industry, including multi-state CHOW/CHOI filings of pharmacy, home DME and Third Party Logistics licenses.

## Articles

- Co-Author, "HIPAA Compliance: Privacy, Security & Breach Obligations", Chapter 5 of Physician Law: Evolving Trends & Hot Topics, American Bar Association (Health Law Section), ABA Book Publishing, 2019-2025 (updated annually)
- Co-author, "At JP Morgan Conference, Health Care Investors Gear Up for Transformative Legal Developments," Reuters Legal News and Westlaw Today, January 6, 2025
- Author, "Healthcare CHOWs in Bankruptcy Sales," American Bankruptcy Institute, February 13, 2023
- Co-author, "2022 HIPAA Enforcement Update – OCR Continues Focus on Rights of Access," February 3, 2023
- Author, "Patients' Right of Access Remains an Important Issue for HIPAA Compliance," Summer 2021
- Co-author, "2021 HIPAA Enforcement Update – OCR Focus on Rights of Access Continues," May 13, 2021
- Co-author, "Federal Court of Appeals Strikes Down OCR HIPAA Penalty: Have the Rules of Engagement Changed?" March 4, 2021
- Co-author, "CARES Act Provider Relief Fund Releases \$30 Billion in Payments: What's the Catch?" April 16, 2020
- Co-author, "New CMS Waivers Intended to Help U.S. Healthcare System Address COVID-19 Pandemic," March 31, 2020
- Co-author, "Healthcare Highlights in the Federal CARES Act," March 30, 2020
- Co-author, "Medicare Providers and Suppliers to receive Emergency Funding through Expanded CMS Accelerated and Advance Payment Program," March 30, 2020
- Co-author, "Texas Medical Board's Response to COVID-19," March 27, 2020
- Co-author, "What Is . . . CHOW", American Bar Association (Health Law Section), ABA Book Publishing, 2019

## Speaking Engagements

- Speaker, "Healthcare Law Fundamentals," ABA Emerging Issues in Healthcare Law Conference, April 3-6, 2024
- Speaker, "Health Care Deal Trends and Capital Market Outlook," March 21, 2024
- Speaker, "Select 2023 Medicare, Medicaid and Exchange Regulatory Updates," February 15, 2024
- Speaker, "Practical Approaches to Resolve Legal and Operational Radiology Practice Issues," Radiology Business Management Association: PaRADigm Annual Meeting, April 2-5, 2023
- Speaker, "Health Law Fundamentals Workshop," ABA 24 Annual Health Law Section EMI Conference, March 8-11, 2023

## Memberships

- Member, American Bar Association
  - Council member-at-large, Health Law Section (2021-2023)
  - Co-chair, Programs Executive Committee (2020-2021)
  - Co-chair, Physician Legal Issues Conference (2017-2018, 2018-2019)
  - Vice chair, Programs Executive Committee (2017-2018, 2018-2019)
  - Vice chair, Physicians Legal Issues Conference (2015-2017)
- Member, American Health Lawyers Association
- Member, International Association of Privacy Professionals
- Member, Austin Young Lawyers Association
- Member, Austin Bar Association
  - Council, Health Law Section (2011-2013)
- Board of directors, The Arc of the Capital Area (2015-2017)

## Practices

Corporate

Healthcare

Private Equity

## Industries

Healthcare

Life Sciences

Private Equity

## Education

J.D., The University of Texas School of Law, 2006, *with honors*

B.A., English, The University of Texas at Austin, 1998, *with high honors*

## Admissions

Texas