



Ambulatory Surgery Centers

The health services model is constantly changing. Ambulatory surgery centers are handling an increasing variety of same-day surgical procedures as well as offering diagnostic and preventive care. We assist clients in adding ASC capabilities to their health systems and help ensure compliance with the unique regulations that govern their operation.

Management companies, physicians and health systems turn to us for their transactional and regulatory legal needs. We handle all aspects of an ASC transaction – from the due diligence phase through closing and beyond. Our ASC attorneys are well versed on the structural issues from a tax, legal and business perspective. We negotiate and draft all documents surrounding an ASC transaction, including purchase, operating, management and development agreements.

Operating an ASC requires vigilance. Our attorneys advise on compliance with healthcare laws, including federal and state-specific statutes. We cover everything from anti-kickback statutes and the Stark Law to antitrust laws, corporate practice of medicine laws, and medical staff matters. We also advise on HIPAA compliance and change of ownership requirements for Medicare and state and local licenses and permits. We are intimately familiar with three-way joint ventures among physicians, management companies and health systems.

We help clients to:

- Syndicate interests in an ASC, including compliance with federal and state securities laws.
- Navigate through due diligence, including review of real estate leases, equipment leases and physician arrangements to ensure compliance with fraud and abuse and other healthcare laws.
- Negotiate and draft ASC transaction documents and ancillary business arrangements, including anesthesia contracts, medical directorships and billing and collections agreements.
- Process change of ownership applications in connection with an ASC transaction, including Medicare certification and other licenses and permits that are being transferred.

- Negotiate and draft joint venture documents among physicians, management companies and health systems.
- Handle day-to-day business and legal issues that arise, including buy-in and redemptions of physician ownership, noncompetition restrictions and other partnership issues.
- Address compliance issues regarding Medicare conditions of participation and defense of decertification actions,
- Revise Medical Staff bylaws, conduct peer review investigations and prosecute disciplinary hearings.

AREAS OF CONCENTRATION

Alcoholic Beverage & Controlled Substances Licensing & Regulation

Ambulatory Surgery Centers

Bankruptcy

Corporate Finance

Corporate Governance

Entity Formation, Conversion & Restructuring

Financial Services

Mergers & Acquisitions

Public Finance

Taxation