

Ambulatory Care Providers

Related Practices
Health Care

Overview

Advances in treatment techniques and cost pressures continue to cause health care to migrate from inpatient settings to various ambulatory providers. Patient convenience and the opportunity for referring physician ownership of some types of providers also create demand for ambulatory services. As the ambulatory sector of health care grows and evolves, providers face a myriad of new opportunities and challenges that require guidance from the business-minded legal professionals at Dykema.

Dykema's multidisciplinary legal team—drawn from lawyers across the Firm's diverse areas of practice—provides comprehensive legal counsel to ambulatory care providers, including ambulatory surgery centers, federally qualified health centers, rural health clinics, urgent care centers, physical therapy providers, DMEPOS suppliers, and clinical labs. We counsel our ambulatory care clients on issues ranging from general business matters to AAAHC accreditation, certificate of need (CON), licensure, Medicare certification, and payer recognition of new provider categories.

Corporate and Finance

As demand for outpatient care increases, so do the opportunities for providers. To help our ambulatory care clients take advantage of these market opportunities, our team provides counsel on a full spectrum of transactional matters—from initial entity formation, mergers, acquisitions and IPOs to venture capital, angel, and other debt and equity financings. We help clients form new operating companies and prepare their operational documents, and help existing companies to expand, enter into joint ventures, or purchase the assets of another entity. Our experience includes conversion of nonprofit providers to for-profit and the reverse.

Health Care Regulatory and Payment Compliance

Our regulatory and government policy lawyers offer guidance on state and national legislative matters that impact ambulatory care providers on such issues as coverage and payment, Medicare and Medicaid, and health care reform. Our lawyers are well-versed in the full range of issues arising from the myriad of health care laws and regulations. For ambulatory care providers we regularly:

- Work with regulatory agencies to help clients obtain CONs and licensure.
- Draft and implement regulatory compliance plans.
- Represent clients before state and federal governmental agencies on licensure, certification, and compliance matters.
- Work with client management and the AAAHC to help clients receive AAAHC accreditation.
- Help clients obtain Medicare certification and comply with Medicare and Medicaid enrollment requirements, including “changes of ownership.”
- Avoid fraud and abuse problems, respond to payer/government investigations, and assist in structuring self-audits and, if necessary, self-disclosures.

Employment and Operational Matters

Our Chambers USA ranked employment and employee benefits lawyers counsel our ambulatory care provider clients in areas ranging from confidentiality and non-competition agreements to compliance with federal and state employment and labor laws, and from executive contracts and compensation to employee stock option plans. We also draft, review and negotiate medical directorship agreements, physician and other medical professional contracts and medical supply agreements, as well as counsel on credentialing and peer review matters.

We also help our ambulatory care clients with general operational legal needs, such as corporate governance, tax, insurance and contract issues.

Real Estate and Facilities

Our health care lawyers team with Dykema's nationally-recognized real estate practice attorneys (Chambers USA, 2012 and Midwest Real Estate News, 2011) to help our ambulatory care clients with their facility projects, providing both legal and strategic guidance to ensure that each phase of a project is timely completed in a cost-effective manner. Clients wishing to expand and grow their facilities benefit from solutions that address their zoning, environmental, building construction and leasing, and equipment purchase/leasing needs. The wide-ranging experience provided by Dykema's professionals in the real estate, environmental, health care and tax groups, allows our clients to rely on Dykema as their sole source of legal services for their important projects.

Experience Matters

We have:

- Formed more than fifteen ambulatory surgery center entities.
- Assisted DMEPOS suppliers comply with the Medicare Competitive Bidding Program.
- Developed and executed strategy for multiple ASC changes of ownership and relocations, including CON, licensure, Medicare certification and accreditation issues.
- Negotiated ASC management contracts.
- Assisted clinical labs in negotiating preferred provider arrangements.