

Eric S. Klein

Member

Bloomfield Hills

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Areas Of Practice

Health Care

Nonprofits & Tax-Exempt
Organizations

Long-Term & Post-Acute Care
Providers

Industries

Dental Service Organizations
Industry Group

Bar Admissions

Michigan, 2007

Education

George Washington University,
J.D.

- with honors

Yale University, B.A., *magna cum laude*

- Phi Beta Kappa

Eric S. Klein is a member in Dykema's Bloomfield Hills office and leads the Firm's Health Care Practice Group. Mr. Klein devotes his practice to representing clients in the health care sector with respect to corporate and regulatory issues, including hospitals, physician groups, ambulatory surgery centers (ASCs), dental service organizations (DSOs), hospice providers and home health agencies. In particular, Mr. Klein counsels such clients on compliance and reimbursement issues as well as health facility and physician practice acquisitions and other changes of ownership, including related licensure and Medicare/Medicaid certification matters. Mr. Klein also advises clients on structuring businesses and transactions to achieve client objectives while addressing anti-kickback, Stark and other legal restrictions.

After college, Mr. Klein worked for Health Net, Inc., a health insurance company, in its contract analysis department, where he created financial models to evaluate hospital, physician group, and ancillary contracts.

Experience

Government Investigations

Represent health care providers, managed care organizations, medical billing companies, and dental service organizations in government fraud investigations. Advise clients regarding internal investigations, compliance programs and governance issues, including issues related to the False Claims Act ("FCA"), federal and state anti-kickback statutes, and physician self-referral prohibitions.

Corporate Transactions

Advise health care providers in structuring businesses and transactions to comply with legal and payor requirements. Represent providers in mergers and acquisitions, joint ventures, affiliations, conversions and consolidations. Advise clients on the corporate practice of medicine and dentistry.

Medicare Enrollment

Advise health care providers on various aspects of Medicare enrollment, including initial enrollment applications, changes of ownership, changes of information, revalidations, and how to handle situations where providers fail to make the required updates to their enrollment information.

Eric S. Klein (Cont.)

Managed Care and Insurance

Review and negotiate managed care and insurance contracts on behalf of providers, managed care organizations, and commercial insurers. Counsel clients regarding formation of clinically integrated networks.

Compliance

Draft and review compliance program manuals and policies and procedures. Advise compliance committees on internal and external audits, investigations and disclosures. Counsel clients regarding voluntary disclosure, overpayments, and appeal of Medicare, Medicaid, and other third party payor reimbursement decisions.

Physician Employment Contracts

Review and negotiate physician employment contracts, including disputes regarding non-competition and non-solicitation covenants.

Nonprofit and Tax-Exempt Organizations

Advise charitable organizations (including educational, health care, research, religious, and social welfare organizations) on issues relating to state nonprofit corporation laws and corporate governance documents; federal tax-exemption under Sections 501(c)(3), 501(c)(4), and other provisions of the Internal Revenue Code; and state and federal regulation of charities and charitable solicitations.

Seminars & Speeches

Key Compliance Issues for 2019
January 24, 2019

Key Compliance Issues for 2018
January 24, 2018

Key Compliance Issues for 2017
March 16, 2017

Fundamentals of Government Payment Programs, ICLE Health Law Institute
March 9, 2017

Key Compliance Issues for 2017
January 20, 2017

Key Compliance Issues for 2016
January 29, 2016

Key Compliance Issues for 2012, 14th Annual Compliance Seminar Co-Sponsored by Dykema and HFMA
March 28, 2012

Key Compliance Issues for 2012
January 19, 2012

Publications

"FCA and Statute of Limitations: A Puzzle for the Supreme Court"
March 2019
Law Journal Newsletters - Business Crime Bulletins

"The Yates Memo and the Push for Individual Accountability," Co-Author
February 2017
Journal of Health & Life Sciences Law, Vol. 10, No. 2

Eric S. Klein (Cont.)

Amendments to the Nonprofit Corporation Act – What Nonprofits Need to Know
September 2015
The Michigan Business Law Journal

Internal Investigations: The Spotlight Is On The Role Of The Attorney-Client Privilege
September 23, 2014
Metropolitan Corporate Counsel

News

Jonathan Feld, Eric Klein and Suzanne Alton Co-Author Article about the Role of Attorney-Client Privilege in Internal Investigations for *Metropolitan Corporate Counsel*
October 3, 2014

Blog Posts

Eleventh Circuit Rejects Expert Challenge to Clinical Judgment Decision in Hospice False Claims Act Litigation

The New Anti-Kickback Statute in Town

Hospice Providers Take Note: OIG Highlights Compliance Vulnerabilities in the Medicare Hospice Benefit

CMS Clarifies Role and Responsibilities of Hospice Medical Directors and Other Hospice Physicians

Memberships & Involvement

- American Health Lawyers Association, Member
- State Bar of Michigan, Health Law Section