



Health Care Attorney Guide

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QUICK-REFERENCE PAGE INDEX

PAGE

Michael H. Allen	4
K. Lance Anderson	4
Erica A. Erman	4
Brian S. Fleetham	5
James C. Foresman	5
Deborah L. Grace	5
Angelina M. Gonzalez	6
Wendy G. Hulton	6
Sara H. Jodka	7
Carolyn J. Johnsen.....	7
Peggy Kozal	8
Ralph Z. Levy, Jr.	8
Leslee M. Lewis.....	8
Christina K. McDonald	9
Cynthia A. Moore.....	9
Craig A. Phillips.....	9
Kimberly J. Ruppel	10
William M. Thacker	10
David I. Thompson	10
Allison C. Tuohy.....	11
Alexandra A. Vallee	11
Kathleen Campbell Walker.....	12
Billee Lightvoet Ward.....	12
Seth B. Waxman	13
Mark E. Wilson.....	13

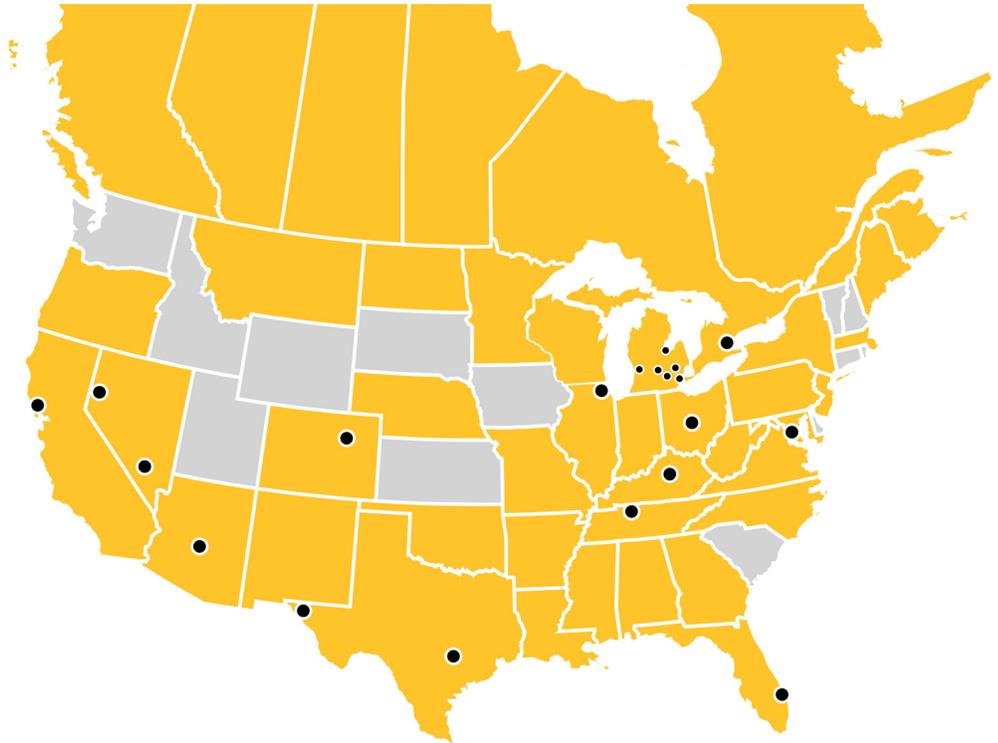
Dickinson Wright's interdisciplinary Health Care practice group provides sophisticated, cost-effective legal services to our health care clients by providing proactive advice and vigorously advocating to achieve their objectives. Working closely with each client, we provide comprehensive services, strategic planning advice, regulatory assistance, and litigation services to meet their specific goals in compliance with all applicable laws.

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■ STATES AND PROVINCES

WHERE DICKINSON WRIGHT HAS
ATTORNEYS ADMITTED TO THE BAR



GEOGRAPHICAL LISTING

ARIZONA

Erica A. Erman
Carolyn J. Johnsen
David I. Thompson

COLORADO

Peggy Kozal

FLORIDA

Angelina M. Gonzalez

MICHIGAN

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Mark E. Wilson

OHIO

Sara H. Jodka

TENNESSEE

Ralph Z. Levy, Jr.

TEXAS

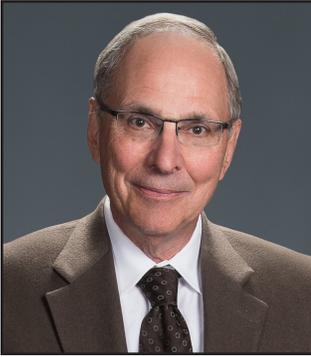
K. Lance Anderson
Kathleen Campbell Walker

WASHINGTON D.C.

Seth B. Waxman

CANADA

Wendy G. Hulton



Michael H. Allen | OF COUNSEL

Saginaw | 989.791.4643 | mallen@dickinsonwright.com

Michael's practice focuses on health care business organizations – which includes physician practices – and personal services – which covers estate planning and trust and probate administration.

Areas of focus: Stark Law and Anti-Kickback; Acquisitions, Dispositions & Restructuring; Creation & Governing Documents; Contract Drafting; Joint Ventures



K. Lance Anderson | MEMBER

Austin | 512.770.4207 | klanderson@dickinsonwright.com

Lance regularly assists health care clients within the innovation and research enterprise, including technology transactions involving research institutions and within the clinical context. He prepares and negotiates agreements for all facets of innovation capture and disposition and counsels clients on matters ranging from federally-funded research to supply and distribution agreements. Lance also advises on health-IT contracts, start-ups, patent prosecution and strategy, trade secrets, employee mobility, and policy work.

Areas of focus: Acquisitions, Dispositions & Restructuring; Creation & Governing Documents; Contract Drafting; Joint Ventures; Intellectual Property Disputes; Licensing & Trade Secrets; Trademarks, Copyrights, & Patents, Information Technology; Clinical Research, Institutional Board Review (IRB); Grants



Erica A. Erman | Associate

Phoenix | 602.889.5342 | eerman@dickinsonwright.com

Erica's work includes handling administrative hearings, counseling clients with issues related to HIPAA compliance, Stark and AKS, state licensing, contract drafting, and health care business transactions. Erica has experience in litigating both state and federal False Claims Act cases, has counseled clients with the Parity Act and psychiatric urgent care, and has written multiple articles on emergent case law regarding parity.

Areas of focus: Behavioral Health; Health Care Litigation; Regulatory



Brian S. Fleetham | MEMBER

Grand Rapids | 616.336.1016 | bfleetham@dickinsonwright.com

Brian practices primarily in health law. He has extensive experience representing physicians, other health care providers, professional entities, and physician organizations with respect to business transactions, contracts, corporate governance, arrangements with hospitals and other facilities, and regulatory matters, such as Stark law, HIPAA, fraud and abuse, and health care compliance.

Areas of focus: Physician & Other Provider Representation; Sales & Purchases of Professional Practices; Professional Entities; Physician Organizations; Payor Participation & Contracting; Physician/Hospital Arrangements; Stark Law & Anti-Kickback Analysis & Compliance; General Health Care Contracting; HIPAA/HITECH; Health Care Compliance; Corporate Governance; Health Care Joint Ventures; Health Care Transactions



James C. Foresman | MEMBER

Saginaw | 989.791.4644 | jforesman@dickinsonwright.com

James provides regulatory transactional and litigation services for hospitals, group practices, and professional health care providers.

Areas of focus: Compliance and Operations; Stark Law and Anti-Kickback; Certificate of Need & Licensing; 501(c)(3) Status; Acquisitions, Dispositions & Restructuring; Creation & Governing Documents; Contract Drafting; Joint Ventures; Bond Financing, Equipment Acquisition & Leasing, Buy & Sell Transaction Funding; Governance & Contract Disputes, Licensing, Trademarks, Copyrights & Patents Information Technology, Risk Management, Peer Review, Medical Staff Privileges, Practice Integration



Deborah L. Grace | MEMBER

Troy | 248.433.7217 | dgrace@dickinsonwright.com

Deborah counsels private companies and equity funds on the benefit plan implications of business acquisitions and dispositions, including due diligence reviews, and she advises on the integration of benefit programs. Her experience includes advising non-US entities on the unique tax rules that require separate legal entities under common control to be treated as one employer for US non-discrimination rules.

Areas of focus: HIPAA/HITECH/EHR Privacy; 501(c)(3) Status; Acquisitions, Dispositions & Restructuring



Angelina M. Gonzalez | Associate

Fort Lauderdale | 954.991.5453 | agonzalez@dickinsonwright.com

Angelina M. Gonzalez focuses her practice on civil and administrative litigation, healthcare matters, and government contracts. Angelina has represented a variety of clients in highly complex civil and administrative litigation matters, including academic health centers, a state administrative agency, a private non-profit university, and other corporate clients.

Areas of focus: Licensure; Certificate of Need; State & Federal Regulatory Compliance; Risk Analysis; Governance; Contract Disputes



Wendy G. Hulton | PARTNER

Toronto | 416.777.4035 | whulton@dickinsonwright.com

Wendy provides regulatory advice in connection with the licensing, packaging and marketing of health products (drugs, medical devices, natural health products), product recalls and product liability litigation. She also advises on the regulation of health professionals and on employment matters related to health care employees. Wendy is frequently asked to assist clients with Canada's federal and provincial privacy legislation.

Areas of focus: Regulatory; Employment & Labor Matters; Privacy; Product Liability



Sara H. Jodka | Member

Columbus | 614.744.2943 | sjodka@dickinsonwright.com

Sara H. Jodka is a privacy attorney, legal advisor and litigator. She regularly works with businesses (including working hand-in-hand with their IT departments) to create privacy programs from start to finish through privacy by design, assists in security certifications and audits, drafts and negotiates tech contracts including “as-a service” contracts, clickwrap, software licensing, subscription services, cloud services, EULAs, BAAs, DPAs, etc., prepares for and responds to data breaches, including post-breach remediation, and provides employee training, among other things. Her clients are typically sophisticated businesses with many legal and regulatory compliance matters, including highly-regulated industries, including healthcare, finance, technology, sports betting, and cannabis. She works hand-in-hand with her client to help them launch new technologies, ensuring compliance with privacy requirements, including HIPAA/HITECH. Some of those technologies include medical devices, telehealth, wellness, COVID-19 tracking, ecommerce, social/protective services, geo-mapping, drone aviation, food delivery, and other apps, as well as communication tools, toys using artificial intelligence, voice recognition, and real-time chat functionality. Her regulatory compliance work spans the GDPR, PIPL, CASL, CCPA, CAN-SPAM, TCPA, and everything in between and continues to expand as more and more state and federal privacy laws are enacted.

Sara is one of only a few licensed attorneys in the United States with multiple privacy certifications for both the US and Europe from the International Association of Privacy Professionals (CIPP-US and CIPP-E) and as a Certified Information Privacy Manager (CIPM).

Areas of focus: HIPAA/ HITECH/EHR’s Privacy; HIPAA/HITECH/EHR’S Security, 501(c)(3) Status (X); Telehealth (√); Contracts (employment, payor agreements, etc.); Employment & Labor Matters; Licensing/ Trade Secrets; Social Media; Information Technology, Acquisitions, Dispositions & Restructuring



Carolyn J. Johnsen | MEMBER

Phoenix | 602.285.5040 | cjohnsen@dickinsonwright.com

CJ’s practice focuses on creating business solutions and seeking alternatives for health care related entities that may be facing financial setbacks or that may be affected by an entity experiencing financial decline. Her experience includes advising hospitals, large and small, for profit and non-profit, physician groups and clinics on restructuring debt, selling and merging practices, and managing risk. She frequently consults with a national health care strategy firm on turnarounds and has been recognized nationally for her reorganization work.

Areas of focus: Restructuring, Turnaround and Crises Management



Peggy Kozal | MEMBER

Denver | 313.723.8406 | pkozal@dickinsonwright.com

With a passion for untangling legal complexities, Peggy navigates regulatory compliance, litigation, data privacy and security matters, and strategic counsel for a diverse range of clients within the health care sector, including long-term care facilities, hospitals, physicians and physician practices. She excels in identifying crucial legal matters and devising compliance strategies that not only reduce risks but also align with her clients' strategic goals. Peggy brings a wealth of experience in advising on legal issues impacting health care operations for providers and other organizations within the health care industry.

Areas of focus: Fraud & Abuse; Enforcement & Investigations; HIPAA/ HITECH/EHR's Privacy and Security; Health Care Litigation; Health Care Transactions; Regulatory



Ralph Z. Levy, Jr. | OF COUNSEL

Nashville | 615.620.1733 | rlevy@dickinsonwright.com

Ralph has extensive experience in transactions and other areas for outpatient providers, physicians, and physician practice groups, which includes ten years as the General Counsel of a national dialysis provider. He also is actively involved in administrative functions of the firm's Health Care Practice.

Areas of focus: Compliance and Operations; Stark Law and Anti-Kickback; Billing and Audits/Fraud and Abuse; 501(c)(3) Status; Acquisitions, Dispositions, & Restructuring; Creation & Governing Documents; Contract Drafting; Joint Ventures; Equipment Acquisition & Leasing; Buy & Sell Transaction Funding; Governance & Contract Disputes; Taxation



Leslee M. Lewis | MEMBER

Grand Rapids | 616.336.1042 | llewis@dickinsonwright.com

Leslee provides general corporate and real estate counsel to national, regional and emergent businesses and nonprofits in daily contracts and affairs, organization, financing, transactions and governance. She also handles mergers and acquisitions for manufacturing, service, non-profit, health care, professional, construction, automotive, real estate, agricultural, energy, restaurant, and distribution clients.

Areas of focus: Stark and Anti-Kickback; 501(c)(3) Status; Acquisitions, Dispositions, & Restructuring; Real Estate; Creation & Governing Documents; Contracts Drafting; Joint Ventures; Equipment Acquisition & Leasing; Buy & Sell Transaction Funding; Risk Management



Christina K. McDonald | MEMBER

Grand Rapids | 616.336.1039 | cmcdonald@dickinsonwright.com

As a seasoned trial advocate, Christy has significant experience achieving favorable results for clients in employment cases and commercial disputes, as well as in litigation involving real estate, construction, and health care disputes.

Areas of focus: Compliance & Operations; Certificate of Need & Licensing; Employment & Labor Matters; Governance & Contract Disputes; Alternative Dispute Resolution; Insurance and Malpractice



Cynthia A. Moore | MEMBER AND DIVISION DIRECTOR, REGULATORY – ADMINISTRATION

Troy | 248.433.7295 | cmoore@dickinsonwright.com

Cynthia counsels a diverse group of employers in the tax and ERISA aspects of welfare benefit plans, including Section 125 plans, COBRA compliance, consumer-directed health plans, retiree medical plans, VEBA's, and wellness plans.

Areas of focus: Governmental Investigations; HIPAA/HITECH/EHR's Privacy; Acquisitions, Dispositions, & Restructuring



Craig A. Phillips | MEMBER

Grand Rapids | 616.336.1030 | cphillips@dickinsonwright.com

Craig specializes in helping clients navigate the complex legal issues that arise when technology is used in the healthcare industry, including assisting clients navigating the requirements of HIPAA, HI-TECH, and other compliance, data privacy, and cyber security issues. Craig has extensive expertise negotiating commercial and technology-related transactions from large hospitals to smaller practices, including critical software applications, EMR, cloud services, software-as-a-service, and other technology and services agreements, as well as social media issues and brand strategy for healthcare entities.

Areas of focus: HIPAA/ HITECH/ EHR's Privacy; HIPAA/HITECH/ EHR'S Security; Acquisitions, Dispositions, Restructurings; Joint Ventures; Contracts (employment, payor agreements, etc.); Information Technology; Trademarks and Copyrights, & Patents; Licensing Transactions; Social Media; Research/Collaboration



Kimberly J. Ruppel | MEMBER

Troy | 248.433.7291 | kruppel@dickinsonwright.com

Kim is a commercial litigator who represents individual providers and health systems involved in government investigations as well as private disputes. She is chair of the firm's Telehealth task force and co-chair of the firm's Healthcare Litigation task force. Her skills include developing efficient and cost-sensitive litigation strategies, counseling healthcare clients on discovery tactics, regulatory compliance, internal investigations, and negotiating early resolutions of disputes. She has presented and published on the topics of Telehealth, Non-compete Agreements and HIPAA Litigation and Compliance.

Areas of focus: Telehealth; Fraud & Abuse Investigations; Licensing Investigations; HIPAA Compliance; Insurance Coverage & Litigation; Contract Disputes



William M. Thacker | MEMBER

Ann Arbor | 734.623.1902 | wthacker@dickinsonwright.com

Bill's practice includes traditional labor matters, employment litigation, and day-to-day counseling of health care-related clients on the various employee and labor relations issues that arise within their organizations.

Areas of focus: Contract Drafting; Employment & Labor Matters, Alternative Dispute Resolution



David I. Thompson | MEMBER

Phoenix | 602.285.5021 | dthompson@dickinsonwright.com

David's practice encompasses corporate, transactional, and business matters, with particular emphasis on providing counsel to management of small- to mid-size companies. He regularly represents buyers and sellers of closely-held businesses in the negotiation, documentation, and closing of purchase and sale transactions. David also represents health care providers, including physician and other professional groups, diagnostic imaging centers, clinical laboratories, and others in both business and regulatory settings.

Areas of focus: Compliance & Operations; Stark Law & Anti-Kickback; Billing & Audits/ Fraud & Abuse; HIPAA/HITECH/EHRs Privacy; Acquisitions, Dispositions, & Restructuring Creation & Governing Documents; Contract Drafting; Joint Ventures



Allison C. Tuohy | Associate

Troy | 248.433.7505 | atuohy@dickinsonwright.com

An attorney in the firm's Troy office, Allison Tuohy practices in all areas of healthcare law, with a particular interest in mergers and acquisitions and behavioral health, and represents a variety of healthcare professionals and organizations. Allison received her Bachelor of Arts degree in Community and Global Public Health from the University of Michigan and her Juris Doctorate from Wayne State University Law School.

Areas of focus: Real Estate; Behavioral Health; Health Care Transactional; Acquisitions, Dispositions & Restructuring; Formation & Governing Documents; Joint Ventures; Governance & Contract Disputes; Contracts (employment, payor agreements, etc.)



Alexandra A. Vallee | MEMBER

Troy | 248.433.7576 | avallee@dickinsonwright.com

Alexandra practices in all areas of health care law and represents a variety of health professionals and organizations. She assists a wide-range of health care providers with complex statutory and regulatory issues, including the establishment of internal quality assurance and compliance plans. Alexandra also has significant experience in supporting health care providers with the Medicare appeals process.

Areas of focus: Compliance & Operations; Stark Law & Anti-Kickback; Certificate of Need & Licensing; Billing & Audits/Fraud & Abuse; HIPAA/HITECH/EHRs Privacy; HIPAA/HITECH/EHRs Security; Contract Drafting; Governance & Contract Disputes Risk Management; Peer Review; Medical Staff Privileges; Accountable Care Organizations; Practice Integration



Kathleen Campbell Walker | MEMBER

El Paso | 915.541.9360 | kwalker@dickinsonwright.com

Kathleen has served as immigration counsel to national, regional, and local healthcare providers for over thirty years. She assists healthcare providers, both corporate and individual, in seeking immigration solutions for staffing as well as business planning goals. Kathleen also serves as the head of the firm's Immigration Practice Group. In addition, she is a former national president and general counsel of the American Immigration Lawyers Association (AILA) and continues to serve on its national Board of Governors. Kathleen is board certified in Immigration and Nationality Law by the Texas Board of Legal Specialization, has testified before Congress multiple times on immigration law and policy, and received the AILA Founder's Award, which is awarded periodically to the person or entity who has had the most substantial impact on the field of immigration law or policy in the preceding period.

Areas of focus: Physician National Interest Waivers; Interested Government Agency Waivers for J-1 Physicians; Schedule A Applications for Nurses & Physical Therapists; Trade Nafta/USMCA professional visas; F-1 visas, H-1B visas, J-1 visas, DS-3035 applications; Non-Profit Affiliation for H-1B Cap Exemption; Consular Applications; Administrative Processing; Admission issues; 212(d) (3) waivers; Investment Based Start-Ups; Extraordinary Ability EB-1, Exceptional Ability EB-2, O-1 petitions, E-1 & E-2 Treaty Trader visas; Compliance & Maintenance of Status; 212(e) Foreign Residence Requirements, OPT STEM; Form I-9 & Worksite Compliance; Licensing Challenges for Foreign Nationals; Immigration Recruitment Strategies; Legislative Changes; Family Based & Investment Based Immigrant Alternatives



Billee Lightvoet Ward | OF COUNSEL

Grand Rapids | 616.336.1008 | bward@dickinsonwright.com

Billee concentrates her practice in health care compliance, corporate law, and commercial transactions. She represents hospitals, physician practices, dental groups, and other practitioners as well as medical device manufacturers, clinical research organizations, and other health care-related entities in corporate, transactional, and regulatory matters. Billee advises new and established businesses on legal and operational issues including entity structure and formation, corporate governance, owner relations, mergers and acquisitions, contractual arrangements, and other business matters.

Areas of focus: Compliance & Operations; Stark Law & Anti-Kickback; HIPAA/HITECH/EHRs Privacy; Acquisitions, Dispositions & Restructuring; Creation & Governing Documents; Joint Ventures; Risk Management; Medical Staff Privileges; Clinical Research & Institutional Review Board (IRB); Sales & Purchases of Professional Practices; Physician/Hospital Contracting; General Health Care Contracting; Health Care Transactions; Telemedicine/Mobile Health; FDA; Academic Medical Centers & Affiliations



Seth B. Waxman | MEMBER

Washington D.C. | 202.466.5956 | swaxman@dickinsonwright.com

A nationally recognized former federal prosecutor, Seth Waxman is known for his effective defense of health care organizations facing allegations of wrongdoing. He has successfully represented numerous healthcare professionals and practices in investigations by federal, state, local, and administrative agencies. His proficiency covers a range of issues, including Medicare, Medicaid, and Tricare fraud, violations of Anti-Kickback and Stark laws, as well as wire fraud, conspiracy, and other criminal and regulatory matters. Seth's adept negotiation skills have led to many beneficial global settlements, assisting healthcare entities in resolving issues with multiple state and federal bodies.

Areas of focus: Litigation; Enforcement & Investigations; Fraud & Abuse; Health Care Antitrust



Mark E. Wilson | MEMBER

Troy | 248.433.7581 | mwilson@dickinsonwright.com

Mark's practice includes transactional, corporate, and regulatory laws for medical practices operating in several states. He currently serves as general counsel for a large health care system in Mid-Michigan. He has facilitated the creation and ongoing operations of large-scale independent single and multispecialty medical "supergroups" – including the creation of a national specialty management alliance and the formation and operation of multispecialty group practices. Mark's experience includes the acquisition, development, structuring, financing, construction, and operation of numerous health care facilities, including medical offices, physician-owned large-scale real estate "megamedaplexes," free-standing dialysis centers, vascular access facilities, urgent care centers, imaging centers, reference laboratories, and endo/ASCs. He has also formed numerous joint ventures or developed risk-based participation right arrangements with ACOs, CINs, ESCOs, IDNs etc., on behalf of physician groups.

Areas of focus: Compliance & Operations; Stark Law & Anti-Kickback; Billing & Audits/ Fraud & Abuse, HIPAA/HITECH/EHRs Privacy; Acquisitions, Dispositions & Restructuring; Real Estate; Creation & Governing Documents; Contract Drafting; Joint Ventures; Equipment Acquisition & Leasing; Buy & Sell Transaction Funding; Accountable Care Organizations