

Ambulatory Surgery Centers

Ambulatory surgery centers (ASCs) are firmly established as a key component of the nation's comprehensive health care delivery system. ASCs expand access to cutting-edge care in convenient community settings. They also provide an opportunity for physicians, management companies, hospitals, and other investors to expand the scope of their services while generating new revenue streams and opportunities for further growth. But the success of these entities hinges to a great degree on structuring ownership, management, transactions, and relationships with physicians and payors in ways that minimize compliance risks and maximize value. Hooper, Lundy & Bookman's cross-disciplinary team has substantial experience protecting and advancing the interests of ASC clients in litigation and all legal, regulatory, and business matters.

Our clients include surgeon-owned, single-specialty, multi-specialty, and hospital/physician ASCs. HLB is particularly well-suited to serving the needs of ASCs and their physicians, owners, and investors, as these facilities implicate compliance and regulatory issues that are centerpieces of the firm's expansive health care capabilities.

The firm is well-known for its acumen with the Stark Law and state self-referral restrictions, anti-kickback, and fraud and abuse matters which are a significant focus of governmental scrutiny in this industry sector. With this knowledge and experience we craft compliant business arrangements, ownership structures and transfers, and provider and payor relationships. When governmental audits, investigations, or actions arise, we leverage a deep bench of attorneys who focus their practices on responding in ways designed to minimize disruption and achieve efficient, favorable resolutions.

The firm's expertise with Medicare, Medicaid, and private payor reimbursement matters, as well as with managed care, value-based arrangements, and alternative payment models, allows us to position our ASC clients for maximum recovery. Our team of audit, litigation, and appeals practitioners consistently obtain positive results in claims denials, cost report disputes, enrollment controversies, redeterminations, and payment suspension and recoupment actions.

We integrate our regulatory, compliance, litigation, and reimbursement capabilities with attorneys who focus their practices on dispute resolution, business, transactional, financing, and operational matters. From antitrust issues to the buying and selling of equity interests to joint ventures to managed care contracting to real estate acquisitions, dispositions, and leasing, HLB delivers counsel that can prove instrumental in helping our clients achieve their business objectives.

We assist ambulatory surgery centers with comprehensive representation that includes:

- Mergers and acquisitions
- ASC development and structuring
- Ownership interest syndications, offerings, and subscriptions
- Joint ventures, strategic alliances, and affiliations with physicians, hospitals, or health systems
- Compliance with Medicare Conditions for Coverage and Conditions of Participation
- Medicare, Medicaid, and private payor reimbursement
- Payor negotiating and contracting
- Managed care disputes, litigation and contracting
- Audits and investigations
- Stark Law and state self-referral, anti-kickback, False Claims Act, and fraud and abuse matters
- ASC Safe Harbors
- Antitrust issues
- Patient privacy, confidentiality, and HIPAA issues
- Administrative and civil litigation

- Real estate and transactional matters
- Medical staff issues
- Certificates of Need and licensing issues
- Financing and financial restructuring
- Management and governance
- Clinical integration
- Government relations and policy matters