



Charles B. Oppenheim

(he/him)

Partner

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CAPABILITIES

Business Transactions

Compliance

Fraud and Abuse, Stark, Anti-Kickback Counseling and Defense

Hospital-Physician Integration

Managed Care

Mergers and Acquisitions

Value-Based Arrangements

Ambulatory Surgery Centers

Counties, Health Districts, and Public Agencies

Hospice

Hospitals and Health Systems

Physicians, Medical Groups, Medical Foundations, and Independent Practice Associations (IPAs)

Provider-Owned Managed Care, ACOs, and Clinically-Integrated Networks (CINs)

EDUCATION

Fordham University School of Law, J.D., Member, Fordham Law Review, 1988
Cornell University, B.A., 1984

BAR ADMISSIONS

California, 1988

“The Stark Law and federal anti-kickback law are minefields that even the most sophisticated and scrupulous organizations can find difficult to navigate. Making matters more challenging, the rules and interpretations are always changing and evolving. My role is to guide my clients through unscathed and equip them with the tools they need to avoid problems moving forward.”

Health care organizations and hospital systems across the United States turn to Charles Oppenheim when issues involving Stark Law, anti-kickback statutes, and fraud and abuse threaten their operations, reputations, and finances. Recognized throughout the industry and by his peers as one of the nation's leading Stark Law experts, Charles has been involved in some of the most complex and consequential cases in this area of the law.

Charles co-authored the *2021 American Health Lawyers Association Monograph on Stark Law*, the seventh edition of a treatise he first wrote in 1998, which publication was cited by the Fourth Circuit Court of Appeals in *United States ex rel. Drakeford v. Tuomey*, No. 13-2219, 2015 U.S. App. LEXIS 11460 (4th Cir. July 2, 2015). The depth and breadth of his knowledge form the foundation of a singular practice that protects his clients' interests when threats arise under one of the most complex legal and regulatory schemes in health care. Colleagues and courts alike rely on Charles' insights about Stark Law and anti-kickback matters contained in his many publications on the subject and in the expert testimony he is often called upon to provide in civil and criminal proceedings.

Taking a practical, holistic approach when counseling clients, Charles focuses not only on addressing the issue at hand but also on putting the programs and structures in place that can help avoid future exposure and compliance concerns. He provides clear analysis of the applicable law and facts, and develops multiple options designed to maximize the likelihood of a favorable outcome. In addition to creating and implementing robust compliance programs, Charles assists with internal investigations, responds to government enforcement actions, and negotiates settlements for health care providers throughout the industry.

Ranked by Chambers USA as a top California health care attorney, Charles has been described as “clearly a regulatory expert, with a very strong working knowledge of the landscape.” A client said, “He is a great expert in Stark Law” and “... very responsive and knowledgeable. He gives very thought-out advice and has a very good feel for what the market practices are.” Another client hailed him as “a premier expert.”

Charles’ practice also includes assisting clients with transactional, operational, and regulatory health care issues, including mergers and acquisitions, affiliations, joint ventures, and the formation of integrated delivery systems, including 1206(l) medical foundations. He has substantial experience in healthcare gainsharing, pay-for-performance, and clinical co-management agreements, and counsels managed care entities and ACOs, representing both health plans and providers in a variety of transactional and regulatory matters.

Representative Matters

- Served as outside transactional and healthcare legal counsel for North America’s largest tattoo removal business with over 40 studios and plans for further expansion in the wake of a \$50 million private equity investment. Established its first tattoo removal and related management services agreement in North Carolina and represented the client in its acquisition of another tattoo removal business and associated management services agreement in Southern California.
- Served as special outside healthcare legal counsel to a technology-driven national physician enablement company in its October 2021 affiliation with one of the Greater San Francisco Bay Area’s leading healthcare specialty groups, caring for patients at over 125 locations with more than 400 providers spanning 42 specialties.
- Represented a major California medical center in a joint venture transaction with a Pennsylvania hospital and rehabilitation center operator to jointly manage 27 outpatient physical therapy clinics in the Los Angeles metropolitan area.
- Served as California healthcare regulatory counsel to a Professional Medical Corporation in connection with a \$545 million multistep transaction designed to more fully integrate the financial results of the client into the financial results attributable to a publicly-traded health management company, consistent with California’s restrictions on the corporate practice of medicine and fee-splitting.
- Served as outside legal counsel representing a leading nonprofit health system in Orange County and Los Angeles County that includes four hospitals, two medical groups, imaging centers, surgical centers, and more, in its joint venture partnership with a leading operator of nearly 200 physical therapy clinics to operate 17 community-based, full-service physical therapy centers in Southern California.
- Helped several different clients (a hospital system, a medical practice, and a long-term care provider) create their own value-based enterprises and structured their innovative value-based arrangements to advance their goals of increasing access to and quality of care while controlling healthcare costs. These are among the first value-based enterprises and value-based arrangements that were established following the 2021 Stark law exceptions and anti-kickback statute safe harbors.

Recognition

- Chambers USA, Top Healthcare Lawyer: California
- Daily Journal’s Top Health Care Lawyers in California, 2023
- Martindale-Hubbell, AV Rated
- Best Lawyers, Health Care Law, 2013-2024
- Super Lawyers, Southern California, 2004-2023
- Who’s Who in American Law,
- Who’s Who in America,
- Guide to the Leading U.S. Healthcare Lawyers,

- The Ambulatory M&A Advisor, Recipient of the Leading Lawyer Award, 2015

Professional Affiliations

- State Bar of California
- Los Angeles County Bar Association
- California Society for Healthcare Attorneys
- American Health Lawyers Association

Community

- Donates time and legal services to a number of Los Angeles charities
- Former Chair of the Finance Committee and member of the Board of Trustees of The Accelerated School, a charter school in South Central Los Angeles

News

- HLB's 2024 Southern California Super Lawyers
- Charles Oppenheim, Stephanie Gross and Aneliese Castro Published in CHLN's, "California Self-Referral Law (PORA): Still Alive and Kicking"
- HLB Sponsors LACBA's 20th Annual Compliance Symposium
- Charles Oppenheim Quoted in MedCity News Article, "What Impact Will California's New 'Transaction Review' Law Have?"
- Twenty-One HLB Attorneys Have Been Named "Best Lawyers in America 2024" and Five HLB Attorneys as "Ones to Watch"

Insights

- What You Need to Know About the Corporate Transparency Act
- HHS-OIG Releases New Compliance Guidance for Healthcare Providers
- California Proposes Regulations for Health Care Entity Pre-Transaction Notices
- Important OIG Advisory Opinion on Hospital-Employed NPs
- California Enacts Legislative Package Expanding Protections and Access to Abortion Services

Events

- HLB Sponsors LACBA's 20th Annual Compliance Symposium
- Webinar: Final Anti-Kickback and Stark Rules: Value-Based Arrangements and Beyond
- Webinar: Navigating Stark During COVID-19
- Webinar: Key Takeaways from the Proposed Stark and Anti-Kickback Rules: What You Need to Know Today
- HCCA 2019 Orange County Regional Conference