

General Counsel *Services* for Large Medical Practices

Frier Levitt has been on the forefront of forming and representing single and multi-specialty Super Groups throughout the country for over 20 years. In all likelihood you have probably utilized outside counsel at some stage if either the matter is beyond the scope of knowledge held by the in-house team, or if the volume of the project exceeds that which the in-house team can handle. Frier Levitt is well equipped to provide high-level assistance with its deep bench of nearly 40 health care and life sciences attorneys on staff who are versed in a wide array of transactional and regulatory matters.

Frier Levitt provides in-house counsel with attorney staffing support for discrete, high-volume projects. Services can be provided either on-site or off-site and are available on both a short-term or long-term basis, all managed by senior-level attorneys. Examples of short-term projects include:

- Due diligence in transactional matters
- High volume contract review as part of a compliance audit
- Preparing and updating template contracts
- Review of policies and procedures
- Responding to government audit requests

With each project, Frier Levitt carefully selects attorneys with the requisite knowledge and experience to undertake the task at hand. These individuals are supported by Frier Levitt's other experienced attorneys, including numerous attorneys with clinical backgrounds.

Frier Levitt's attorney staffing services include rate packages designed to appeal to cost-conscious companies for high-volume projects where it would be inefficient to pay big-firm prices. In-house counsel support enables legal teams to be flexible, manage risk, and lower costs, all while filling in the gap between in-house counsel and by traditional outside counsel. Contact us today to discuss your in-house team's needs.



About Frier Levitt

Frier Levitt is a national boutique healthcare law firm. Our nearly 40 attorneys include individuals with industry experience as pharmacists, hospital administrators, clinicians and medical billers. Frier Levitt provides comprehensive legal services to healthcare providers, including physician groups, laboratories, surgery centers, imaging centers, specialty pharmacies, physician-owned pharmacies, Group Purchasing Organizations, Clinically Integrated Networks, Accountable Care Organizations and other healthcare related businesses. Frier Levitt is uniquely positioned to serve as a creative and thoughtful guide to healthcare providers, offering a broad and deep understanding of federal and state healthcare laws and regulations and the industry as a whole. Visit www.frierlevitt.com.

What We Do continued

Negotiating Value Based Care Contracts that are Fair and Equitable for the Provider

- Negotiate terms and conditions for new shared savings, bundled payment, and global capitated risk agreements with payors that contain, among other things, payor data/methodological transparency, robust provider-side auditing rights of payor data, fair and efficient dispute resolution procedures in connection with valuating shared savings/risk
- Negotiate directly with employers and other Plan Sponsors to create/tailor provider-side-favorable value based contracts

Keeping Payors Honest

- Work with data scientists and actuaries to determine payor compliance with value based care contract payment provisions (e.g., evaluating accuracy of payor-assigned patient risk scores in a globally capitated payment model, assessing the accuracy of a shared savings/risk determination)
- Pre-litigation dispute resolution with payors – both private and governmental – to leverage appropriate financial compensation in cases where payors underpay shared savings owed or have assessed too much shared risk against a provider
- Litigate breach of value based care contracts against commercial carriers, Medicare Advantage Organizations, Managed Medicaid Organizations, State Medicaid Plans, and Medicare

Keeping Your Practice Compliant in Light of Value Based Care Specific Regulations and Guidance

- Draft standard operating procedures and provide compliance training to ensure a practice's compliance with regulations prohibiting receipt of payments in exchange for the reduction or limitation of medically necessary services, when shared savings arrangements may incentivize such misconduct
- Evaluation of whether a practice is at "substantial financial risk" pursuant to Provider Incentive Plan regulations requiring stop-loss protection or evaluate preexisting stop-loss protection for legal sufficiency

Defending Providers in White Collar Criminal and/or Civil Investigations or Prosecutions Matters Arising Out of a Value Based Agreement

- Defend providers accused of False Claims Act violations for, e.g., alleged risk adjustment upcoding
- Defend providers accused of violating the Civil Monetary Penalties Law in connection with shared savings arrangement
- Defend providers sued by payors for breach of value based care contracts

Who Do We Represent?

Frier Levitt has represented a diverse range of provider entities or their subcontractors in value based care related matters, including:

- Hospitals
- Self-funded Health Plans
- Independent medical practices
- Hospital-based medical practices
- Private Equity-based medical practices
- Clinically Integrated Networks (CINs)
- Accountable Care Organizations (ACOs)
- Independent Physician Associations (IPAs)
- Patient Centered Medical Homes (PCMHs)
- Provider vendors and consultants, such as healthcare data analytics firms, with provider gainsharing agreements
- Drug manufacturers

Questions?

Jonathan Levitt, Esq., Daniel Frier, Esq., and Jason Silberberg, Esq. currently head Frier Levitt's value based care group. **Contact Us today** to speak with one of our attorneys specializing in value based care.