



Adam Carter Rose

STOCKHOLDER

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Practice Areas

Business Services

Health & Human Services

- Cybersecurity & Patient Privacy Compliance
- Managed Care & Medicare/Medicaid Reimbursement
- Regulatory Compliance
- Vendor Contracting
- Outside General Counsel Services
- Defense of Government Investigations & Proceedings
- Physician Employment & Independent Contractor Relationships
- Certificate of Need
- Mergers, Acquisitions, & Affiliations
- Tax-Exempt Organizations
- Physician & Facility Licensure Matters
- Medical Staff Issues
- Specialized Financing
- Real Estate & Zoning Issues

Nonprofit Organizations

Admissions

State of Connecticut

Education

University of Connecticut
School of Law, J.D. (with honors)

San Diego State University,
B.S. (*magna cum laude*, with distinction)

Overview

Adam has been working with physician practices and for-profit and nonprofit health care and human services organizations on corporate, regulatory, transactional and employment matters for over a decade.

Adam counsels some of Connecticut's most prestigious physician practices with specialties including radiology, pathology, gastroenterology, anesthesiology, orthopedics, surgery, ophthalmology, primary care, OB/GYN, podiatry and dentistry. He uses his experience to create the most sound and beneficial environment for each group. This includes assisting the executive leadership team in creating a smooth and seamless physician employment process that results in physician shareholders who eventually retire with reasonable returns on their practice without undue burden on the group's future generation of physicians. This work involves creating and revising the group's organizational and governance documents, shareholder/member and employed physician employment agreements, HIPAA Policies and Procedures, and Professional Service Agreements and joint venture documents.

Adam also works with physician practices on sensitive reimbursement and regulatory matters, including having successfully defended Stark/Anti-Kickback/False Claims allegations, advised on compliance with voluntary reporting and returning of overpayments, assisted practices in defending payer audits (with more than one practice reducing six figure preliminary audit findings down to zero). He also serves as outside general counsel and special counsel to a wide array of health and human service organizations, including community hospitals, behavioral health providers, federally qualified health centers, community living arrangements, hospice and home health providers and family services agencies.

Adam is chair of the Health & Human Services and Nonprofit Organizations practices.

Representative Experience

- Successfully structured and effectuated a number of mergers, acquisitions and affiliations involving hospitals, physician practices, behavioral health organizations, federally qualified health centers and residential care and skilled nursing facilities.
- Successfully defended a number of clients in False Claims Act, Stark Law, and Anti-Kickback Statute investigations and inquiries.
- Assisted a Connecticut medical marijuana producer in being awarded one out of four licenses to operate from the Department of Consumer Protection.
- Counsels providers with respect to Medicare/Medicaid/commercial payor coverage and reimbursement compliance, payor audits and challenges to

claim denials, including having assisted two separate clients in fully eliminating alleged overpayments in excess of \$100,000 to the Department of Social Services.

- Represents one of the largest pathology practices in Connecticut with respect to corporate, regulatory and transactional matters, including negotiations with hospitals, independent clinical laboratories and physician-owned laboratories.
- Represents one of the largest radiology practices in Connecticut with respect to corporate, regulatory and transactional matters, including hospital contracting, physician employment, stockholder retirements, reimbursement disputes and evaluating market opportunities.
- Represents large behavioral health providers and other nonprofit social service and health care providers with respect to corporate, regulatory and transactional matters (complex professional service arrangements, joint ventures, and managed care contract negotiations and disputes), including assisting in reorganizing a client as a Federally Qualified Health Center-Look-Alike and successfully obtaining federal designation from the Health Resources and Services Administration.
- Represents a number of clients with respect to privacy matters (HIPAA, Part 2, Connecticut statutory privileges, GDPR) including drafting policies and procedures, advice regarding breach assessment and handling subpoenas and other requests for patient information.
- Represents individual physicians with respect to employment (buy-sell arrangements, bylaws/operating agreements, employment agreements, and noncompetition counseling), licensure and billing/coding matters, as well as evaluation and facilitation of stockholder status.
- Represents clients with respect to health care-related white collar defense (OIG, DEA, and DCP Drug Control Investigations).
- Represents clients in all manner of health care related vendor contracting (including sophisticated electronic health record and outside billing arrangements, equipment purchasing, consulting and revenue cycle support contracts, etc.).
- Represents clients with respect to state agency service and grant contracts (DMHAS, DDS, DSS, and DCF).
- Represents clients with respect to physician and facility licensure and Certificate of Need matters.

Professional & Community Involvement

- Connecticut Health Lawyers Association
- Connecticut Health Council
- American Health Lawyers Association
- Connecticut Healthcare Financial Management Association, Member
- Connecticut Bar Association, Health Law Section
- American Bar Association, Health Law Section
- American College of Radiology's Attorney Referral List, State of Connecticut
- Connecticut Bar Association, Committee on Cannabis Law, Member

Honors & Awards

- AV[®]Preeminent[™] Martindale-Hubbell Peer Review Rated
- Listed in New England *Super Lawyers Magazine*[®] as a *Connecticut Rising Star*[®] for Health Care (2012, 2014-2016)

Publications & Speaking Engagements

- "Mergers Acquisitions, and Affiliations in the CT Nonprofit Sector: Common Models and Practical Tips and Considerations," Connecticut Society of CPAs Not-for-Profit Program (June 2017)

- "Responding to Commercial Payor Audits: Practical Tips and Considerations," Healthcare Financial Management Association - Connecticut Chapter 2017 Revenue Cycle Academy (March 2017)
- "Connecticut's Focus on Physicians: Facility Fee Restrictions, Non-Compete Limitations, and Other New Laws Addressing Physicians in the Marketplace," Healthcare Financial Management Association - Connecticut Chapter (August 2016)
- "When Privacy Rules and Subpoenas Intersect: A Primer on Health Care Privacy Laws and Practical Tips for Responding to Subpoenas and Other Legal Processes," The Alliance for Non-Profit Growth and Opportunity (TANGO) HR Forum (May 2016)
- "Connecticut's War on Facility Fees and Other Compensation and Billing Issues Related to Hospital-Physician Integration," Healthcare Financial Management Association - Connecticut Chapter 2016 Revenue Cycle Academy (March 2016)
- "When Privacy Rules and Subpoenas Intersect: A Primer on Health Care Privacy Laws and Practice Tips for Responding to Subpoenas and Other Legal Processes," Healthcare Financial Management Association - Connecticut Chapter 2016 Legal Playbook (February 2016)
- "Discovering a Potential Overpayment: An Overview of the False Claims Act, Stark Law, and Medicare Reimbursement Considerations," Healthcare Financial Management Association - Connecticut Chapter Annual Healthcare Legal Conference (November 2013)
- "The HIPAA Omnibus Rule is Here: What Do I Do?," Connecticut Community Providers Association/Schuster Driscoll HR Forum (September 2013)
- "Medical Marijuana Legal Update," Connecticut Cannabis Business Alliance (June 2013)
- "Current Trends in Medical Practice Acquisitions," Healthcare Financial Management Association - Connecticut Chapter Legal Update (November 2012)
- "Can a Security Breach Take Down Your Non-Profit?," The Alliance for Non-Profit Growth and Opportunity (TANGO) (March 2012)
- "The Board of Directors' Role in Compliance and Quality," Connecticut Community Providers Association 42nd Annual Meeting (December 2011)
- "Managed Care Audit Defense: Surviving the Shakedown," J.H. Cohn, LLP (October 2011)
- "The Law of Hospital Charity Care: Myth Versus Fact," Healthcare Financial Management Association - Connecticut Chapter (March 2011)
- "HIPAA: Privacy, Procedures & Regulations Roundtable," Kostin, Ruffkess & Company/Healthcare Financial Management Association - Connecticut Chapter (July 2010)
- "HITECH is Here: What Do I Do?," Connecticut Community Providers Association Annual Compliance Forum (January 2008)
- "The Stark Law: The Wikipedia Version," Healthcare Financial Management Association - Connecticut Chapter Annual Meeting (June 2008)