

ATTORNEY REFERRAL INFORMATION

The ACR Legal Department provides referrals to attorneys for those radiologists and radiation oncologists who do not have representation, or who have an attorney but would like to consult with a specialist in a particular area of the law, such as medical staff bylaws. We also may provide general information on specific issues, such as contracts, with this referral sheet. Some of the information may be in sample format. Please be advised that any materials we provide are for informational purposes only and not meant to substitute for legal counsel.

While it is not essential that you have local counsel to represent you, your attorney should be familiar with your state law and administrative regulations pertaining to medical practice. Of course, it is important that you and the attorneys discuss fee arrangements, as well as the time they expect to spend on the matter, before retaining any of them to represent you.

Thank you for contacting the ACR Legal Department. If you need further assistance or have questions about the Business Practice Issues section of the web site, please call 1-800-227-5463 and ask for Elizabeth Rathburn or you may email her at erathburn@acr.org or legal@acr.org.

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Tom's practice focuses on healthcare, higher education, employment, the defense of varied business, unfair competition, and commercial claims, and handling selected white collar matters. He has conducted bench and jury trials, and has argued over 100 appeals. A skilled advisor, Tom delivers practical and prompt advice, and collaborates with clients on matters of substance and strategy. Tom's healthcare work includes the representation of hospitals, nursing homes, academic medical centers, and individual providers and provider networks in connection with Medicare and Medicaid reimbursement issues; the creation and implementation of internal compliance programs; various fraud and abuse matters; governmental and third-party payor investigations; False Claims Act and qui tam litigation; payor disputes; staff privilege and credentialing matters; licensure proceedings; and employment-related claims in the healthcare setting.

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Marc, a founding Member of CCB Law, concentrates his practice particularly on the representation of physicians, dentists, and other healthcare professionals. Marc's healthcare work involves counseling healthcare-related practices, management service organizations, ambulatory surgical centers, and the professionals who own such businesses. Marc provides advice and legal services regarding the full range of operational and transactional matters for his clients, including regulatory compliance, business transactions, employment matters, mergers and acquisitions, joint ventures, leases, management service arrangements, and other integrations, operations and dispositions of their healthcare-related businesses and organizations, as well as succession planning. Marc is also involved in the representation of healthcare professionals in connection with professional conduct and credentialing inquiries, audits and actions brought by hospitals, payors (including Medicare/Medicaid), Office of Professional Medical Conduct, Department of Health and the Department of Education.

Barry B. Cepelewicz, M.D., J.D.

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Barry B. Cepelewicz, M.D. is a Partner/Director of Garfunkel Wild, P.C., a firm with over 80 attorneys, all of whom specialize in health care. He is a member of the firm's Business; Compliance and White Collar Defense; Health Care; Health Care Information and Technology; and Litigation and Arbitration Groups. Mr. Cepelewicz holds dual degrees in law and medicine. He is considered an authority in telemedicine, and advises many clients who are involved in the provision of teleradiology services. He represents health-care related entities in transactional, regulatory, and litigation matters, including creating large single and multi-specialty group practices and other joint ventures, and successfully defending providers in State and Federal investigations. Mr. Cepelewicz has served as General Counsel to medical societies, hospitals' medical staffs, health-care businesses and start-up companies. He lectures and publishes extensively, and he is an Editorial Consultant for Medical Economics. Mr. Cepelewicz is licensed in CT, NY, NJ and D.C.

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The firm was founded in 1973 dedicated to the health care industry. Today, the firm has more than 300 lawyers in ten offices with focused practices in health law, labor and employment law, corporate and commercial law, government contracts and litigation. With more than ninety lawyers practicing health law full-time, the firm was recently reported by the National Law Journal, the third largest health law practice in the United States. Practice areas include: antitrust; bankruptcy/restructuring; business transactions, including joint ventures; compliance counseling and defense; federal and state legislative/regulatory; fraud and abuse; managed care; Medicare and third-party reimbursement; peer review; and professional liability and malpractice defense. (note: EPSTEIN BECKER & GREEN, P.C. has firms licensed in CA, CT, DC, GA, IL, MA, NJ, NY, and TX.)

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Eric has represented physician groups and other providers of healthcare services for more than 30 years. He has especially focused on representing radiologists since the late 1980s, when he assisted in the establishment of some of the first privately owned imaging centers in New York State. In connection to general business planning, Eric handles virtually all types of transactions among healthcare providers and advises clients in connection with Medicare and Medicaid reimbursement, Stark Law and anti-kickback issues and state self-referral issues, HIPAA matters, hospital privileges and credentialing, managed care issues, third-party payor audits, and licensure of facilities. He provides prompt, efficient reviews of employment contracts and other agreements for newly practicing radiologists.

John D. Fanburg, J.D.

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Mr. Fanburg's broad experience representing major hospitals, diverse medical specialty groups and statewide physician specialty organizations provides him with in-depth knowledge of all aspects of the law as well as the business of healthcare. His experience in establishing outpatient healthcare offices and facilities and ambulatory surgical centers and he frequently superintends the establishment and sale of physician practices. Mr. Fanburg facilitates the negotiation and structuring of joint ventures and mergers and acquisitions of hospitals and medical groups and the development of Medicare and Medicaid corporate compliance programs for physician practitioners. (note: Mr. Fanburg is also licensed in NY.)

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With nearly 100 years of combined experience in the industry, members of our Healthcare & Life Sciences Team are on the leading edge of industry developments, and we can help you adapt your business strategy to effectively seize opportunities while avoiding risks.. (note: HOLLAND & KNIGHT has firms licensed in CA, DC, FL, GA, MA, MD, NY, OR, RI, TX, VA, and WA.)

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Kate regularly advises physicians, group medical practices and other types of health services clients on transactional matters from a tax, regulatory and corporate governance standpoint and she has experience establishing MSO corporate structures for licensed professionals in a variety of fields, in addition to preparing such entities for investments through private placements. Kate also represents not-for-profit corporations on matters with respect to formation and securing tax-exempt status, as well as on operational issues, compensation matters, and corporate governance. Kate was the recipient of the Long Island Business News' 50 Most Influential Women in Business for 2016. She was selected to the Super Lawyers New York Metro Rising Stars 2014 (Business/Corporate) and 2015 (Tax) lists. In 2013, she received a Long Island Business News "Leadership in Law" Associate award and in 2016, Long Island Business News named her one of its "40 Under 40." Kate serves on the Board of Directors of Girls on the Run Long Island and is a member of the Dean's Advisory Board of Hofstra University's College of Liberal Arts and Sciences. She is also a member of Hofstra University's Women in Leadership Advisory Board. Kate is also on the Young Professionals Committee of the Long Island Association (LIA).

Alex Keoskey

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Alex Keoskey's practice focuses on healthcare litigation and complex regulatory compliance issues for the firm's healthcare and litigation groups. Alex regularly litigates such matters in state and federal court, the N.J. Office of Administrative Law and before hospital hearing committees. He received his B.A. from Rutgers University in Political Science, and his J.D. from Rutgers as well.

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Ms. Palestini has played an integral role in many notable transactions in the healthcare industry. She negotiated the regulatory approvals for the first for-profit hospital system to enter New Jersey as part of a \$30+ million acquisition. She secured waivers from the state attorney general's office in connection with highly scrutinized medical center relocation. She spearheaded the multi-service line affiliation (and later merger) of three healthcare facilities, and she coordinated the due diligence for a commercial lender on a \$100 million credit facility to a home health services provider. She also negotiated the licensing of a celebrity-affiliated foundation product line with a portion of licensed merchandise revenues to support the foundation's mission. Ms. Palestini is licensed in NJ, NY, and PA.

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Bruce Smith is a partner in CCB Law and provides business and regulatory counsel to physicians throughout New York State including practice buy-ins, buy-outs, compensation plans and employment agreements; restrictive covenants; physician-physician and physician-hospital joint ventures; ambulatory surgery centers; self-referral (Stark law) and anti-kickback counsel. Mr. Smith has been designated a New York Super Lawyer in the field of health law and has been awarded an AV Preeminent rating (highest rating) by Martindale Hubbell.

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Mr. Werner is a zealous advocate for his clients, both in and out of the courtroom. He has a varied litigation practice, representing physicians and other healthcare providers and organizations in civil litigation, criminal investigations and prosecutions, and professional licensing actions. In that capacity, Mr. Werner regularly handles matters related to post-payment audits, overpayment disputes and litigation, insurance fraud investigations and prosecutions, benefit disputes, and allegations of professional misconduct. Mr. Werner's post-payment audit practice places special emphasis on the unique and complicated audits conducted by the Centers for Medicare and Medicaid Services and its contractors. Mr. Werner is licensed in New Jersey, New York and Pennsylvania.

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Bruce joined CCB Law as a Member in 2018 when his former firm, Wood & Smith, P.C., combined with CCB Law. Bruce concentrates his practice on the representation of physicians and other health care providers (including surgery centers, dentists, physical therapists, podiatrists, and oral surgeons), group practices, and network organizations such as physician organizations, IPAs and ACOs. He has extensive experience in Medicare fraud and abuse compliance (including Stark Law), physician practice acquisitions, managed care contract negotiations, HMO/IPA legal issues, and antitrust. Bruce also handles sophisticated corporate transactions, mergers and acquisitions, joint ventures, and buy-sell agreements.