HUSCH BLACKWELL

Megan C. Phillips

SENIOR COUNSEL

THE LINK VIRTUAL OFFICE
PHONE: 402.964.5035

OMAHA, NE*
PHONE: 402.964.5000

EMAIL: MEGAN.PHILLIPS@HUSCHBLACKWELL.COM

OVERVIEW

Megan draws on a wealth of knowledge gained over 20+ years in healthcare law to assist clients with regulatory compliance matters.

Megan works closely with healthcare clients across the country to address complicated situations that arise under the Stark Law, Anti-Kickback Statute, False Claims Act, and state laws. While she is primarily focused on large hospitals and health systems, she supports physician practices and wellness companies as well. Her practice is heavily centered on the Stark Law and Anti-Kickback Statute, but she also advises on general compliance questions, Medicare and Medicaid, and physician contracting.

After earning her law degree, Megan began her career in the Medicare/Medicaid space, and she has extensive experience in interpreting Medicare and various state Medicaid coverage and reimbursement provisions. Clients continue to seek her advice on Medicare and Medicaid payment and billing practices. However, since 2007, Megan has concentrated the majority of her time on the Stark Law, making her one of the firm's most knowledgeable attorneys on the statute. After observing years of updates and changes, she knows the law's history and commentary inside and out and is a go-to resource for clients and colleagues alike.

Known for the depth of her Stark Law knowledge, Megan also has a reputation for her ability to distill highly complex regulations into layman's terms, making it easy for non-attorney clients to understand the issues at hand. She loves working in an industry where clients' work has such a clear, real-world impact.

Industry

Healthcare

Services

False Claims Act

Healthcare Operations

Healthcare Providers

Healthcare Regulatory & Compliance Counseling

Medicaid Reimbursement Strategies

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To assist clients with compliance, Megan also proactively structures hospital-physician arrangements involving employment, professional and administrative services, physician recruitment, and space and equipment usage. When reactive situations arise, she assesses potential violations and recommends next steps. When necessary, Megan steers clients through the complicated financial analysis and legal process of self-disclosure to the Centers for Medicare and Medicaid Services and Office of Inspector General.

In addition, Megan assists in hospital regulatory compliance investigations and works alongside clients to develop effective measures to alleviate future violations. She also provides guidance on general contract interpretation issues and disputes.

Experience

COMPLIANCE

- Routinely advised adult and pediatric hospitals on compliance issues under Stark Law and Anti-Kickback Statute, including proactively structuring arrangements to comply with health care statutes and regulations, and providing guidance with respect to potential violations.
- Regularly advised adult and pediatric hospitals on Medicare/Medicaid reimbursement and repayment issues.
- Assisted adult and pediatric hospitals with routine compliance investigations, including development of appropriate resolutions related to billing and contracting issues.

SELF-DISCLOSURE

- Assisted in representation of three-hospital health system facing extensive federal civil liability for physician compensation agreements. Resolved investigation with no criminal charges and no admissions of violating False Claims Act.
- Assisted in negotiation and settlement with Department of Justice (DOJ) on alleged Stark Law violations by multi-hospital health system. Negotiated settlement amount was much lower than what federal government initially requested and included broad release on scope of conduct covered.
- Assisted adult and pediatric hospitals with Stark Law self-disclosures made to Centers for Medicare and Medicaid Services using physician self-referral disclosure protocol.

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Experience

PHYSICIAN CONTRACTING

- Advised multi-hospital health systems on all aspects of physician contracting, including contract development and negotiation, regulatory analysis and operational considerations.
- Worked regularly with valuation experts to assess fair market value compensation under employment, professional services and other hospital-physician affiliation arrangements.

ADVISORY OPINION

- Assisted with obtaining advisory opinion from OIG on Anti-Kickback Statute implications of proposed arrangement, including initial submission of request and subsequent negotiation of opinion with OIG.

CORPORATE

- Served as counsel to a consortium of orthopedic practices—The Orthopedic Institute of Wisconsin—in the roll up and sale of 14 Wisconsin-based groups and two ambulatory surgery centers to Surgery Partners.

Education

- J.D., Washington University in St. Louis School of Law
  - Order of the Coif
  - *Journal of Law and Policy*, Staff Editor
- B.A., University of San Diego
  - *magna cum laude*

Admissions

- Nebraska

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*Contact Megan to set up an in-person consultation by appointment in the Omaha office.

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