

# Nathan C. Mortier Professional Highlights

## HEALTHCARE BUSINESS MATTERS AND TRANSACTIONS

- Provided full-service counsel and guidance throughout the development of multiple new healthcare practices by providing advice on business formation, leases, vendor contracts, independent contractor and employment agreements, payor relationships, HIPAA policies, and enrollment in Medicare and Medicaid
- Advised physician and other professional healthcare practices in structuring new business ventures in compliance with federal and state anti-kickback, self-referral, and other fraud and abuse laws
- Organized and managed through all stages of negotiation, drafting, and closing, the buy-out of shares in a freestanding imaging center joint venture
- Represented purchaser in potential acquisition of private medical practice
- Provided ongoing operational support to behavioral health group practices on issues related to employment arrangements, billing, HIPAA compliance, risk management, and third-party vendor agreements

## REGULATORY COMPLIANCE, INVESTIGATIONS, AND RISK MANAGEMENT

- Advised long-term care facilities (including skilled nursing facilities and assisted living facilities) in maintaining regulatory compliance, including the review and revision of nursing facility admission agreements, drafting and negotiation of medical director and vendor agreements, and operational policies and procedures addressing resident rights, privacy and confidentiality, and other matters
- Assisted multiple chiropractic practices in business restructuring and development of policies and procedures for compliance with reimbursement rules
- Advised multiple healthcare provider organizations in implementing changes to HIPAA privacy and security rules
- Advised Medicaid health services agencies in responding to licensure inspections and the development of appropriate policies and procedures
- Represented large Medicaid provider in successfully defending against unsubstantiated allegations of violations of Medicaid human rights regulations
- Successfully represented medical practice clients in achieving resolution of HIPAA audits performed by the HHS Office for Civil Rights
- Guided providers through government investigations into improper billing and coding and allegations of violations of the False Claims Act and Civil Monetary Penalty laws
- Conducted trainings for Boards of Directors and staff to address common healthcare compliance risks and risk management strategies

## CERTIFICATES OF PUBLIC NEED

- Represented clients on numerous Virginia Certificate of Public Need (“COPN”) matters involving the development of new facilities, expansion of existing facilities, and in opposition to competing applicants through all phases of the adjudication process
- Successfully obtained COPN approval for expansion of existing nursing facility through the relocation of beds from another facility
- Obtained separate COPN approvals on behalf of a freestanding imaging center and a regional hospital for the development of fixed-site PET/CT scanners
- Advised national operator of diagnostic imaging centers in successful application for Certificate of Need approval to expand MRI capacity at an existing imaging center

- Represented hospital in a successful COPN application to add additional operating rooms
- Represented hospital system applicant for Certificate of Need approval to relocate operating rooms from an existing hospital to a new offsite outpatient ambulatory surgery center
- Advised clients in pursuing COPNs for ambulatory surgery centers, inpatient psychiatric services, radiation therapy services, and specialized imaging services

#### LONG-TERM CARE LICENSURE AND CERTIFICATION

- Represented nursing facility client in navigating dispute resolution procedures in response to negative survey findings and the assessment of a high civil monetary penalty. Efforts ultimately resulted in reduction of penalty by over 75%.
- Reviewed facts and organized arguments successful in removing erroneous inspection findings following annual recertification and complaint surveys
- Pursued informal dispute resolution of unfavorable nursing home inspection results through the drafting of a written request, preparation of witnesses, and presentation at an informal dispute resolution meeting, resulting in deletion of erroneous findings
- Successfully assisted a skilled nursing facility in obtaining a time-limited waiver to Life Safety Code (fire safety) requirements from the Centers for Medicare and Medicaid Services. Coordinated with fire safety experts and CMS personnel on a tight timeframe to avoid termination of the provider's Medicare and Medicaid participation
- Assisted large continuing care retirement communities in seeking Medicare certification for nursing facility units
- Successfully represented assisted living facility in coming into compliance with regulations and defending the facility license in a hearing before the Virginia Department of Social Services

#### HEALTHCARE REIMBURSEMENT

- Advised healthcare providers in responding to reimbursement audits by Medicare, Medicaid, TRICARE, and other third-party healthcare payors
- Represented Medicaid providers through all administrative stages of reimbursement audits, including informal and formal appeals
- On behalf of a regional operator of nursing facilities, successfully challenged cost report retractions made by the Department of Medical Assistance Services following an audit. The provider prevailed following a formal hearing and was awarded attorney fees
- Advised a physician and group practice in successfully appealing a denial of Medicaid billing privileges

#### HEALTH REGULATORY BOARD LICENSE DEFENSE AND PEER REVIEW

- Counseled over 150 professionals and licensed entities through all stages of investigations conducted by the Virginia Department of Health Professions on behalf of all 13 health regulatory boards
- Represented several physicians and nurses in the successful reinstatement of licenses following felony convictions or license suspensions in other states
- Successfully settled appeals with the Virginia Board of Nursing to vacate board orders and remand cases to new administrative proceedings
- In multiple cases, issued subpoenas and identified new evidence that resulted in dismissal of allegations against nurses of diversion of narcotic medications
- Counseled and defended clients throughout medical staff peer review proceedings and hearings and in response to adverse National Practitioner Data Bank reports