



## **Thomas N. Hutchinson**

### **Partner**

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Thomas N. Hutchinson Chairs the firm's Health Care Practice Group and serves as the firm's hiring partner as Chair of the Talent Acquisition Committee.

Tom regularly works with for-profit and non-profit clients across the country, including health care startups, ambulatory surgery centers, physician practice groups (particularly orthopedics, urology, and concierge practices), hospitals and health systems, and post-acute providers and senior living facilities. His experience includes assisting clients with clinical integration strategies, helping health systems acquire physician practices, and developing new health care delivery models. He also has extensive experience with hospital-physician joint ventures, clinical co-management arrangements, professional services arrangements, and Stark Act and Anti-Kickback Statute compliance.

Tom is active in numerous professional organizations, including as a member and Vice President of the American Bar Association's Physicians Interest Group, as a member of the American Health Lawyers Association, and as a member and past Chair of the Health Law Sections of both the Indiana State Bar Association and the Indianapolis Bar Association.

### **PRACTICE AND INDUSTRY TEAMS**

- Health Care Finance
- Health Care Litigation
- On-Site Employee Health Clinics
- Physicians and Physician Groups
- Compliance and Regulatory Affairs
- Health Care
- Hospitals and Health Systems
- Mergers and Acquisitions - Health Care
- Stark Act Compliance

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- Pharmacy and Pharmaceutical Law
- Business, Acquisitions & Securities
- Corporate Governance
- In-House Counsel Services
- Life Sciences
- Telehealth and Telemedicine
- Fraternities and Sororities

## REPRESENTATIVE EXPERIENCE

### Physician Representation

- Served as outside general counsel to a large orthopedic practice and orthopedic specialty hospital
- Structured co-managed service line arrangement between a physician group and a hospital system
- Negotiated an exclusive on-call and medical director agreement with multi-campus hospital system
- Represented physicians in the sale of physician-owned imaging center to a local hospital
- Represented sellers in connection with private equity backed management company acquisitions, including use of "friendly PC" model
- Represented physician group in the development of medical office complex
- Represented numerous physician practices in sales to hospital systems

### Hospital Representation

- Assisted hospital in acquisition of multiple physician practices and related ancillary facilities
- Assisted in conversion of hospital wing to freestanding licensed orthopaedic hospital and syndicated it to physicians
- Restructured "under arrangements" relationship between a hospital system and a surgery center, sleep lab, endoscopy center, and other physician-owned joint ventures
- Advised a health systems on a variety of physician alignment models
- Represented one of the nation's largest health systems on the syndication of an orthopedic hospital joint venture
- Assisted hospitals and healthcare systems in maintaining their tax-exempt status and fighting state and local efforts to eliminate their tax exemptions

### Other Representation

- Advised a startup on corporate and regulatory issues for development of an on-site employee health center
- Represented a surgery center in acquisition of additional licensed location
- Represented a surgery center in a joint venture with a national for-profit ambulatory surgery

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center management company

- Assisted Continuing Care Retirement Community in establishing new university-affiliated campus
- Negotiated transactions and assisted with Medicare, Medicaid, and state licensing filings in connection with change of ownership of multiple nursing homes and assisted living facilities for UPL-IGT program
- Represented trade association on general governance and member relations matters

### EDUCATION

- Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana (J.D., 1996)
- DePauw University, Greencastle, Indiana (B.A., 1993)

### BAR & COURT ADMISSIONS

- Indiana, 1996
- Illinois, 2014

### PROFESSIONAL ASSOCIATIONS

- Indiana State Bar Association – Past Chair of Health Law Section
- Indianapolis Bar Association – Past Chair of Health Law Section
- Indianapolis-Marion County Public Library Foundation – Past Board Chair
- American Bar Association – Member and as a Vice President of Physicians Interest Group
- American Health Lawyers Association – Member

### AWARDS AND RECOGNITIONS

- Indiana Super Lawyers, 2012-2020
- Indiana Super Lawyers Rising Stars, 2009-2010

### SPECIALIZED SPEAKING TOPICS

- Physician Joint Ventures
- Surgery Center Development
- Orthopedic Issues
- Healthcare PE Strategies

Click [here](#) to view specialized speaking topics for other professionals in our Health Care Practice

### SEMINARS AND PRESENTATIONS

- Private Equity Investments in Health Care: Recent Trends, Regulatory Considerations, and Implications for the Market presented at the Physicians Legal Issues Conference, June 7-9, 2018

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- Hot Topics in Hospital Employment, Practice Acquisitions, and Alignment Strategies presented at the Future of Practice Management Symposium, May 21, 2016
- Indiana Rural Health Association Briefing, July 2015
- Medicare Physician Fee Schedule - Notice of Proposed Rulemaking 2015, Indiana Radiology Business Management Association, Inc., August 2014
- Health Care Reform Overview, ICLEF Health Care Reform Seminar, May 2014
- The Sunshine Act, October 2013
- Employment Contracts: Tips and Pitfalls, September 2013
- Health Care Reform: The ACA, New HIPAA Rules, and More, ICLEF on Demand, May 2013
- Health Care Reform Overview, ICLEF Health Care Reform Seminar, March 2013
- 2011 Fraud and Abuse Update, HFMA Webinar, November 2011
- Physician Practice Issues, Indianapolis Bar Association, October 2011
- What Hospitals Need To Know Before Purchasing a Physician's Practice, Indiana HFMA, February 2011
- Health Care Reform: Now That We Have It, What Do We Have?, Indiana Hospital Association, October 2010
- Emerging Issues in Physician-Hospital Collaboration Strategies, Indiana State Bar Association Annual Meeting, October 2010
- Specialty Physician-Hospital Affiliation: National Trends and Options, Indiana/Illinois Orthopaedics Roundtable, August 2010

#### PUBLICATIONS

- Co-Author, "Responding to Online Patient Reviews," Indiana Optometry News (June 2019)
- [Co-Author, "Practical Legal Tips for Physician Employment Agreements," Indianapolis Medical Society Bulletin, Volume CXXVI, Issue 6 \(June, 2019\)](#)
- [Co-Author, "CMS Unveils New Value-Based Payment Options for Primary Care Practices", Krieg DeVault Health Care Newsletter \(May 2019\)](#)
- [Co-Author, "Recent HOPD Address Issues", Krieg DeVault Health Care Newsletter \(May 2019\)](#)
- [Co-Author, "Responding to Online Patient Reviews: legal and Practical Considerations for Physicians", Krieg DeVault Health Care Newsletter \(January 2019\)](#)
- [Co-Author, "Upcoming INSPECT Compliance Dates", Krieg DeVault Health Care Newsletter \(October 2018\)](#)
- [Co-Author, "OIG Advisory Opinion No. 18-08: Fire Departments' Mutual Aid Agreements, Krieg DeVault Health Care Newsletter \(September 2018\)](#)
- [Co-Author, "Medicare Attempts Streamlining", Krieg DeVault Health Care Newsletter \(August 2018\)](#)
- [Co-Author, "FSSA Extends and Updates Indiana's Hospital Assessment Fee Program", Krieg DeVault Health Care Newsletter \(June 2018\)](#)
- [Co-Author, "Recent OIG Opinion Permits Free Samples to Patients", Krieg DeVault Health Care Newsletter \(June 2018\)](#)

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- [Co-Author, "ISDH Issues Proposed Rule Amending the Newborn Screening Program", Krieg DeVault Health Care Newsletter \(May 2018\)](#)
- [Co-Author, "Indiana Medicaid Finalizes Rule Changes Affecting Medicaid Home Health Providers", Krieg DeVault Health Care Newsletter \(May 2018\)](#)
- [Co-Author, "Bipartisan Budget Act Includes Important Changes to Fraud and Abuse Penalties", Krieg DeVault Health Care Newsletter \(May 2018\)](#)
- [Co-Author, "CMS Reminds Providers to Report Changes in Ownership", Krieg DeVault Health Care Newsletter \(March 2018\)](#)
- [Co-Author, "OIG Settles Cases Involving Allegations of EMTALA Violations", Krieg DeVault Health Care Newsletter \(February 2018\)](#)
- [Co-Author, "Professional Licensing Changes Benefit Indiana Professional Corporation", Krieg DeVault Health Care Newsletter \(January 2018\)](#)
- [Co-Author, "Highlights from the 2018 Physician Fee Schedule Final Rule", Krieg DeVault Health Care Newsletter \(November 2017\)](#)
- [Co-Author, "Important Non-340B Changes Finalized in 2018 CMS OPPS Final Rule", Krieg DeVault Health Care Newsletter \(November 2017\)](#)
- [Co-Author, "Joint Commission Updates Medication Management Element of Performance", Krieg DeVault Health Care Newsletter \(October 2017\)](#)
- [Co-Author, "CMS Site Visit Verification Process Completed by Hired Hand", Krieg DeVault Health Care Newsletter \(September 2017\)](#)
- [Co-Author, "As EHR Incentive Program Sunsets, OIG Identifies Overpayments to Eligible Professionals", Krieg DeVault Health Care Newsletter \(July 2017\)](#)
- [Co-Author, "EMTALA Turns 30; CMS Enforcement and New Rules Require Hospitals' \(and Physicians'\) Attention", Krieg DeVault Health Care Newsletter \(July 2017\)](#)
- [Co-Author, "If A CMS Surveyor Knocks, Will You Be There To Answer?", Krieg DeVault Health Care Newsletter \(April 2017\)](#)
- [Co-Author, "Payment Matters: To Collect or Not to Collect?", Krieg DeVault Health Care Newsletter \(April 2017\)](#)
- [Co-Author, "Beginning June 1, CMS Requires Providers to Complete SRDP Using Forms", Krieg DeVault Health Care Newsletter \(April 2017\)](#)
- [Co-Author, "President's Proposed Budget Makes Deep Cuts, But Seeks Increases To Medicare Fraud Fight", Krieg DeVault Health Care Newsletter \(April 2017\)](#)
- [Co-Author, "CMS "Mid-Build" Exception Deadline and Provider-Based Growth Strategies", Krieg DeVault Health Care Newsletter \(February 2017\)](#)
- [Co-Author, "Preparing Your Facility for the MOON", Krieg DeVault Health Care Newsletter \(February 2017\)](#)

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