



Thomas N. Hutchinson

Partner

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Tom Hutchinson chairs the firm's Health Care Practice. He regularly works with for-profit and non-profit health care providers across the country, including ambulatory surgery centers, physician practices, hospitals and health systems, and post-acute providers and senior living facilities.

Tom has extensive experience with orthopedic and urology practices. His experience includes clinical integration strategies, physician practice acquisitions, hospital-physician joint ventures, clinical co-management arrangements, professional services arrangements, and Stark Law and Anti-Kickback Statute compliance.

Mr. Hutchinson is active in numerous professional organizations, including as a member and past 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. In addition to chairing the firm's Health Care Practice, Mr. Hutchinson also leads the firm's **Art Law Practice**. He has also served as a past member of the firm's Executive Committee and past Chair of the firm's Talent Acquisition Committee.

Education

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

Bar & Court Admissions

- Indiana (1996)
- Illinois (2014)
- Colorado (2021)

Practices

- Health Care Litigation
- Business Services
- Corporate Governance
- Health Care Finance

- Compliance and Regulatory Affairs
- Hospitals and Health Systems
- Health Care Mergers and Acquisitions
- Stark Act Compliance
- Pharmacy and Pharmaceutical Law
- In-House Counsel Services
- Telehealth and Telemedicine
- Life Sciences
- Digital Health Services

Industries

- Health Care

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 to comply with the Stark Law
- Advised a health systems on a variety of physician alignment strategies
- 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 an ambulatory surgery center in acquisition of an additional licensed location
- Represented an ambulatory surgery center in a joint venture with a national for-profit management company
- Assisted a Continuing Care Retirement Community in establishing new university-affiliated campus

- Assisted with Medicare, Medicaid, and state licensing filings in connection with Change of Ownership (CHOW) of multiple nursing homes and assisted living facilities for UPL-IGT program
- Represented trade association on general governance and member relations matters

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 & Recognitions

- Indiana Super Lawyers, 2012-2022
- Indiana Super Lawyers Rising Stars, 2009-2010

Seminars & 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
- 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

Publications

- Co-Author, "Private Equity Investment in Medical Practices Series: STEP 3 - Pre-Sale Diligence," September 29, 2022
- Co-Author, "Transparency is the Name of the Game," June 13, 2022
- Co-Author, "Private Equity Investment in Medical Practices Series: STEP 2 - Should I Use a Broker?" April 8, 2022
- Co-Author, "Private Equity Investment in Medical Practices Series: Buying or Selling a Medical Practice - STEP 1 - The Nondisclosure Agreement," March 8, 2022
- Co-Author, "Had Enough Compliance Challenges? Don't Forget About the Stark Law's Group Practice Compensation Changes Effective January 1, 2022," January 6, 2022
- Co-Author, "Dollars to Donuts - Sunshine Audit Review," November 12, 2021
- Author, "Is Your ASC Too Cheap?" November 12, 2021
- Co-Author, "What is a "Referral" Under the Anti-Kickback Statute?" August 31, 2021
- Co-Author, "Rural Emergency Hospital Providers - What We Know and What's to Come," August 19, 2021
- Co-Author, "Under New Hospital Cost Transparency Requirements, Is the Cost of Noncompliance Now Too Much?" August 11, 2021
- Co-Author, "Indiana's New Advanced Health Care Directive," August 10, 2021
- Co-Author, "The Continuation of Long Term Care Provider Waivers," August 6, 2021
- Co-Author, "Pros and Cons of Health Care Private Equity," March 12, 2021
- Co-Author, "Is Your Non-Compete Buy-Out Reasonable?" January 27, 2021

- Co-Author, "The CARES Act: Provisions Relevant to Health Care Providers & Access to Health Care Services," March 26, 2020
- 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," May 21, 2019
- Co-Author, "Recent HOPD Address Issues" May 1, 2019
- Co-Author, "Responding to Online Patient Reviews: legal and Practical Considerations for Physicians," January 7, 2019
- Co-Author, "Upcoming INSPECT Compliance Dates," October 28, 2018
- Co-Author, "OIG Advisory Opinion No. 18-08: Fire Departments' Mutual Aid Agreements," September 18, 2018
- Co-Author, "Medicare Attempts Streamlining," August 22, 2018
- Co-Author, "FSSA Extends and Updates Indiana's Hospital Assessment Fee Program," June 27, 2018
- Co-Author, "Recent OIG Opinion Permits Free Samples to Patients," June 19, 2018
- Co-Author, "ISDH Issues Proposed Rule Amending the Newborn Screening Program," May 23, 2018
- Co-Author, "Indiana Medicaid Finalizes Rule Changes Affecting Medicaid Home Health Providers," May 9, 2018
- Co-Author, "Bipartisan Budget Act Includes Important Changes to Fraud and Abuse Penalties," April 30, 2018
- Co-Author, "CMS Reminds Providers to Report Changes in Ownership," March 4, 2018
- Co-Author, "OIG Settles Cases Involving Allegations of EMTALA Violations," February 25, 2018
- Co-Author, "Highlights from the 2018 Physician Fee Schedule Final Rule," November 15, 2017
- Co-Author, "Joint Commission Updates Medication Management Element of Performance," October 4, 2017
- Co-Author, "CMS Site Visit Verification Process Completed by Hired Hand," September 19, 2017
- Co-Author, "As EHR Incentive Program Sunsets, OIG Identifies Overpayments to Eligible Professionals," July 27, 2017
- Co-Author, "EMTALA Turns 30; CMS Enforcement and New Rules Require Hospitals' (and Physicians') Attention," July 27, 2017
- Co-Author, "If A CMS Surveyor Knocks, Will You Be There To Answer?," April 25, 2017
- Co-Author, "Payment Matters: To Collect or Not to Collect?" April 25, 2017
- Co-Author, "Beginning June 1, CMS Requires Providers to Complete SRDP Using Forms," April 25, 2017
- Co-Author, "CMS "Mid-Build" Exception Deadline and Provider-Based Growth Strategies," February 6, 2017
- Co-Author, "Preparing Your Facility for the MOON," February 15, 2017

Certifications

- Legal Lean Sigma® White Belt