



# Kathryn E. Hickner

**Managing Partner, Cleveland**



Kate is a healthcare attorney who focuses on transactional matters and compliance with federal and state healthcare regulations. Her years of experience advising clients on a wide range of healthcare matters affords her the depth of knowledge necessary to help her clients stay ahead of the curve in a rapidly changing, highly complex industry. Kate is licensed in Ohio, Michigan and New York.

## Contact Information

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linkedin

## Education

**Wayne State University Law School**, J.D., magna cum laude, Order of the Coif

**University of Michigan**, B.A. with Distinction, History of Art with Honors

## Overview

Kate helps her clients achieve their business objectives in a manner that complies with state and federal healthcare regulations, including federal Stark and state self-referral laws, federal and state anti-kickback laws and HIPAA and state privacy laws.

Kate's practice has an increasingly strong focus on digital health, state corporate practice of medicine (CPOM) requirements, cash-based and concierge practices, private equity transactions and cybersecurity breaches.

She is passionate about expanding access to quality healthcare while improving efficiency. That passion translates into Kate's work serving clients in nearly all areas of healthcare law.

Kate's clients include digital health companies, physician groups, health care start-ups, ambulatory surgical centers, private equity funds, laboratories, hospitals, large health systems, retail and compounding pharmacies, accountable care organizations (ACOs), home health agencies, hospices, nursing homes, medical device companies and businesses that provide practice management and related services to healthcare providers.

She regularly publishes articles and gives presentations across the country providing insight and analysis of laws that impact the healthcare industry.

Kate is an active mother of three. She regularly enjoys the beaches of Lake Michigan and the trails of the Cleveland Metroparks with friends and family. She is also passionate about gardening and the visual arts.

## Representative Matters

- Organized and closed \$100M private equity fund focused on equity control acquisitions
- Represented health system located in 21 states in negotiation of significant population health joint venture with for-profit multi-state primary care network
- Served as lead transaction counsel for buyer of 11 nursing homes in various states in a \$70 Million asset purchase transaction
- Served as lead transaction counsel in \$25 Million asset purchase transaction for seller of privately held physician staffing company offering services through the Midwest and Florida
- Represented sellers and buyers in dozens of other significant health care transactional matters
- Drafted legal opinions, policies and procedures to ensure compliance with Medicare enrollment requirements, and federal and state health care fraud and abuse laws, including federal Stark and state self-referral laws; federal and state anti-kickback laws; HIPAA and state privacy laws; federal tax-exempt laws; and industry best practices
- Served as lead attorney in private securities offerings by ambulatory surgery centers, physician-owned hospitals and hospital co-management companies
- Served as a firm, local and national resource regarding federal health care reform and physician-hospital alignment
- Drafted and negotiated numerous procurement contracts for a large health system
- Acted as primary attorney contact for real estate leasing departments of hospitals
- Organized and served as regulatory counsel for Medicare ACOs

## Courts & Bar Associations

- New York State Courts
- Ohio State Courts
- Michigan State Courts
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York
- Cleveland Metropolitan Bar Association Health Law Section, Member of the Executive Committee (2017-Present)
  - Chair (2019)
  - Vice-Chair (2018)

## Professional Honors & Awards

- Ohio Super Lawyers (2024)
- Crain's Cleveland 2022 Notables In Law
- Named *The Best Lawyers in America*® for Health Care Law (2019-2024)

## Professional & Civic Affiliations

- American Health Law Association
  - Cohort Captain (2023-2024)
  - Chair of the Physician Organizations Practice Group (2019-2022)
  - Vice-Chair of the Strategic Planning and Special Projects, Physician Organizations Practice Group (2018)
  - Vice-Chair of the Publications, Physician Organizations Practice Group (2016-2018)
  - Vice-Chair of the Physician In-House Counsel Affinity Group (2015-2016)
- McGregor Foundation, Member of the Board (2017-2023)
- Care Alliance Health Center, Chair of the Board (2018-2021)
- Case Western Reserve University Inamori International Center for Ethics and Excellence, Member of the Advisory Board (2018-Present)

- Society of Ohio Healthcare Attorneys, Member (2018-Present)
- Association for Corporate Growth (ACG)

## Presentations & Publications

### Presentations

- "Telemedicine, RPM, RTM," Healthcare Capital Markets and Innovation Summit, June 2022
- "Healthcare Industry Webinar Series," Spring 2022
  - [HIPAA and Cybersecurity: 10 Steps You Should Take Now To Protect Your Organization](#)
  - [Hot Topics in Employment Agreements](#)
  - [Buying or Selling a Physician Practice: Avoiding Common Pitfalls](#)
- "Telemedicine: Legal and Practical Considerations for Physician Practices", American Health Law Webinar, September 2020
- "The Rising Telehealth Landscape from the Pandemic: 'Legal and Medical Stakeholder Perspectives'", ProMedica Webinar, September 2020
- "Financial Relief Compliance and Other Guidance for Healthcare Businesses," May 2020
- "A Legal & Operational Update for Healthcare Providers," Cleveland Metropolitan Bar Association, April 2020
- "Healthcare Data Privacy and Security: Hot Topics and Practical Tips," American Academy of Home Care Medicine (AAHCM) Webinar, November 2019
- "Healthcare Transactions: A Legal and Valuation Perspective," Ohio State Bar Association 2019 Health Care Law Institute, October 2019
- "Hospital Procurement Contracting: Legal Considerations and Lessons Learned," Ohio Hospital Association Annual Meeting & Education Summit, June 2019
- "Medical Marijuana: Patient and Practice Management Issues," Ohio State Medical Association Education Symposium, Panelist, April 2019
- "#MeToo and You: Considerations for Healthcare Providers and Their Attorneys," Cleveland Metropolitan Bar Association Medical/Legal Summit, March 2019

### Publications

- "Friendly Physician Models: The Basics Through Five Frequently Asked Questions," *Communique*, October 2023
- "Provider Relief Fund Compliance: A Checklist for Healthcare Providers," *Northern Ohio Physician*, Author, July 2020
- "COVID-19: Historic Breakthrough in Telemedicine," *Communique*, Author, July 2020
- "State Response to Opioid Crisis and Opioid Prescribing Requirements: A 50 State Survey, American Health Lawyers Association," Coordinator, Primary Editor and Contributing Author, February 2020
- "Funding a Private Investment Opportunity: Practical Tips for Physicians," *Communique*, Co-author, 2020
- "What If Everyone Is Doing It But You Don't Want To: Resisting Acquisition By a Larger Anesthesia Group," *Communique*, Author, Fall 2019
- "Medical Marijuana: Legal and Practical Considerations for Hospitals," *Journal of Health & Life Sciences Law*, Co-author, June 2019
- "Overview of the New Board Rules for Chronic Pain Opioid Prescriptions," *The Academy of Medicine of Cleveland & Northern Ohio*, Author, March/April 2019
- "Hospital Co-Management Arrangements: Basics for Anesthesiologists," *Anesthesia Business Consultants*, Author, October 2018
- "The Time is Now for All Ohio Physicians and Health Care Providers to Understand the State's Medical Marijuana Law," *Crain's*, Author, July 2018

## Practice Areas

Healthcare & Hospital Law

Accountable Care Organizations (ACOs)

Corporate Structure, Governance, and Health Care Transactions

Fraud and Abuse Compliance; Stark Law, the Anti-Kickback Statute

Healthcare Reform Compliance and Strategies

Privacy and HIPAA Compliance; Data Breaches

Mergers & Acquisitions

BMD Ventures

Cybersecurity / Data Protection / Privacy

Contact Kathryn Today!