# Kevin R. Miserez

Associate

Detroit

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**D 248.359.7325**




## OVERVIEW

Kevin represents a wide range of health care providers and related organizations across the U.S., including physicians and nonphysician practitioners, group practices, hospitals and health systems, clinical laboratories, behavioral therapy providers, pharmacies, ambulatory surgery centers, skilled nursing facilities, hospices, home health agencies, medical equipment suppliers, ambulance suppliers, independent diagnostic testing facilities, pharmaceutical and medical device manufacturers, management service organizations, group purchasing organizations, and private equity and other strategic investors.

Kevin practices in all areas of health care law, and has significant experience advising clients on a variety of complex regulatory and transactional matters involving federal and state fraud and abuse laws (including the federal Anti-Kickback Statute, federal Stark Law, False Claims Act liability, and state kickback/fee-splitting and self-referral laws), corporate practice of medicine, HIPAA and state privacy laws, physician/hospital arrangements, telemedicine, marketing relationships and practices, concierge and private pay medicine, and scope of practice issues. He advises health care providers, suppliers and private equity investors on both the buy and sell sides on regulatory and compliance issues impacting health care mergers, acquisitions, joint ventures, and other strategic transactions.

Kevin also has unique experience in representing providers in connection with their third-party payor relationships. He counsels and represents clients in all aspects of provider enrollment and credentialing, including initial enrollment filings, revalidations, physician opt-outs, changes in ownership and other mandatory disclosures, and appealing adverse enrollment determinations (*e.g.*, revocations, denials, and effective date determinations). He also advises health care providers on a variety of compliance issues concerning Medicare, Medicaid, and other third-party payor billing and reimbursement requirements.

## REPRESENTATIVE MATTERS

### Health Care Transactions

- Advised a private equity fund in the $1+ billion sale of its portfolio company, the leading provider of therapeutic and behavioral services to children including those with special needs and autism, to a private equity acquirer.
- Advised a behavioral health portfolio company of a private equity fund in numerous add-on acquisitions, including its $200 million acquisition of a leading provider of therapeutic and behavioral health services.

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- Advised a multimodality out-patient imaging center and radiology group in its sale to a private equity portfolio company and national emerging platform of diagnostic medical imaging services.
- Advised a Pennsylvania-based closed-door long-term care and specialty pharmacy in its acquisition by a New York-based health care private equity firm.
- Represented a leading value-based care solutions provider serving post-acute pharmacies and PBMs in its strategic growth investment transaction with a private equity partner.

**Health Care Compliance**

- Advises a leading provider of behavioral and therapeutic health services on various regulatory compliance and strategic matters involving corporate practice of medicine, state licensure, Anti-Kickback Statute and fee-splitting compliance, and Medicaid and commercial payor relationships.
- Serves as outside general counsel for an 800+ provider multispecialty medical group that staffs an academic medical center, advising on day-to-day health care regulatory issues and related operational matters.
- Developed health care compliance policies and procedures for an anesthesiology and pain medicine practice.
- Advises a regional nonprofit hospital system on its IRS financial assistance policies, billing and collection policies and community health needs assessment compliance.
- Advised a toxicology laboratory concerning Anti-Kickback Statute and Stark Law compliance for its relationships with various physician practices.
- Advised a multistate physician telemedicine practice on health care regulatory compliance issues impacting its MSO-PC structuring.
- Conducted numerous multistate surveys on state licensure and Medicaid enrollment change of ownership requirements, fraud and abuse prohibitions, corporate practice of medicine, and professional scope of practice.
- Represented a vascular surgery practice in its successful defense against a Medicare enrollment revocation action.

## AWARDS

- *Best Lawyers in America*®: Ones to Watch: Health Care Law (2023-2025)

## TOP AREAS OF FOCUS

- Health Care + Life Sciences
- Health Care Transactions

## ALL AREAS OF FOCUS

- Health Care + Life Sciences
- Health Care Regulatory
- Health Care Transactions

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Fraud and Abuse Practice Group; Physician Organizations Practice Group; and Regulation, Accreditation, and Payment Practice Group, American Health Lawyers Association
- Member, Health Law Section, American Bar Association
- Member, Health Care Law Section’s Council; Chair of the New Lawyers and Law Students Committee, State

Bar of Michigan

- Member, Oakland County Bar Association

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Wayne State University Law School, J.D., 2012
- Michigan State University Broad College of Business, B.A., 2009, business administration

### BAR ADMISSIONS

- Michigan

## SPEAKING ENGAGEMENTS

- Speaker, "Multistate Pharmacy Compliance 101 – Legal Landmines for Multistate Pharmacies," Troutman Pepper Webinar Series, March 19, 2024.

## PUBLICATIONS

- Co-author, "California's AB 3129: Implications for Private Equity Investments in Physician Practices," *Troutman Pepper*, April 16, 2024.
- Co-author, "Multistate Pharmacies: A Prescription for Navigating the Regulatory Maze," *Troutman Pepper*, September 13, 2023.