

## KIM HARVEY LOONEY

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Healthcare providers call on Kim Looney to advise them on day-to-day operational issues such as recruitment and employment, and regulatory issues such as maintaining ongoing compliance with Stark and federal anti-kickback regulations.

Key representative clients include:

- Hospitals and physician organizations
- Outpatient service providers
- Long term care providers
- Home health and hospice organizations
- Investor-owned and non-profit providers
- Psychiatric services providers

As a leader in healthcare regulatory compliance, Kim provides guidance to clients on the complex Stark and federal anti-kickback regulatory environment. Her transactional experience includes the analysis of fraud and abuse and other regulatory issues in structuring joint ventures and in mergers and acquisitions. As important as her comprehensive understanding of the regulatory environment, Kim offers clients innovative solutions in relatable terms.

Clients turn to Kim for her creative problem-solving skills in matters such as:

- Regulatory issues such as physician self-referral (Stark) and federal anti-kickback matters
- Compliance issues related to Medicare and Medicaid fraud and abuse
- Operational issues such as licensing, Medicare certification and reimbursement, medical staff and state matters
- Development of integrated delivery systems such as IPAs, PHOs, and ACOs
- Certificate of need (CON) applications and hearings
- Contract issues for managed care agreements, professional service agreements, and recruiting and employment agreements
- Compliance issues and compliance plans
- Reimbursement audits

Recognized for her leadership, Kim serves on the board of directors of the American Health Lawyers Association. She was recognized in 2013 by the *Nashville Business Journal* as a "Healthcare Hero." She has also been named to *Nashville Medical News'* annual "InCharge Healthcare" list, a compendium of key decision-makers across Nashville's healthcare community. *Best Lawyers* recognizes Kim as a

leading attorney in the category of Healthcare Law. Kim is AV-rated by Martindale-Hubbell. Kim frequently speaks at state and national teleconferences and seminars on healthcare topics. Kim was also recently listed as a "2017 Mid-South Super Lawyer."

## Education

- J.D., Vanderbilt University Law School, 1989
- B.S., University of Tennessee, 1980

## Bar Admissions

- Tennessee

## Experience

- Advised on the regulatory aspects of the acquisition of a large institutional pharmacy by a leading private equity firm
- Represented physician group in a joint venture with a not-for-profit hospital
- Represented radiology group in merger of three radiology groups
- Represented not-for-profit hospital in development of ACO/PHO
- Advised on development of integrated delivery model for various groups of specialty physicians
- Represented physician groups in ZPIC and other Medicare audits
- Represented healthcare provider in CON proceedings resulting in approval of the first 3-Tesla MRI Scanner in Tennessee

## Professional

- Member, Board of Directors, American Health Lawyers Association
- Member, Nashville, Tennessee and American Bar Associations
- Past Chair, Health Law Section of the Tennessee Bar Association
- Vice Chair, Physician Organizations Practice Group of the American Health Lawyers Association
- Fellow, Nashville Bar Foundation
- Member, Inaugural Class of Leadership Law, Tennessee Bar Association
- Past Chair, Health Law Section of the Nashville Bar Association
- Member, Lawyers' Association for Women
- Attorney for Justice, as recognized by the Tennessee Supreme Court

## Prior Affiliations

- Co-Chair, healthcare practice at Adams & Reese/Stokes Bartholomew, Nashville, Tennessee
- Healthcare Consultant, Research and Planning Consultants, Austin, Texas
- Professional Relations Representative, Electronic Data Systems, Dallas, Texas

## Community

- Member, Board of Directors, Nashville General Hospital Foundation
- Co-Chair, Heart Gala for the American Heart Association
- Member, Heart Gala Board of Directors
- Member, Board of Directors, Franklin Road Academy
- Co-Chair, Pizzazz (fundraiser for Franklin Road Academy)
- Co-Chair, Bal d'Hiver, the oldest charity ball in Nashville for the benefit of Family and Children's Service, CASA and the Kappa Alpha Theta Foundation
- Secretary, Board of Directors for Kappa Alpha Theta Foundation
- Co-Chair, Opera Ball for the benefit of Nashville Opera
- Co-Chair La Bella Notte for the benefit of Nashville Opera
- Co-Chair, Paddock Club for Steeplechase, benefitting Monroe Carroll, Jr. Children's Hospital at Vanderbilt\
- Co-Chair, Crown Affair, for the benefit of Fifty Forward
- Co-Chair, Golden Hour, for the benefit of Lifelight and Trauma Survivors Network for Vanderbilt Medical Center

## Up Close

Kim and her husband have two children.

## Articles

- Contributing Author, AHLA Representing Physicians Handbook, Third Edition
- Contributing Author, AHLA Corporate Practice of Medicine: A Fifty State Survey
- "Strategic Partnerships Between Investor-Owned Companies and Nonprofit Hospitals or Health Systems: Top Ten Key Considerations," By W. Kenneth Marlow, Lanta Wang, Donald B. Stuart, Brandon M. Schirg and Kim Harvey Looney, AHLA Business Law & Governance
- "Wellmont-Mountain States Granted Certificate of Public Advantage" by Kim Looney on Waller Healthcare Blog
- Attorneys Mark Peters and Kim Looney Author Chapters in AHLA'S Representing Physicians Handbook
- Attorneys Don Stuart and Kim Looney Author Chapters in "The ACO Handbook: A Guide to Accountable Care Organizations, Second Edition"
- "The Important Role of CRNAs in a Complex Staffing, Regulatory, and Reimbursement Environment," co-authored by Kim Harvey Looney, AHLA Hospitals & Health Systems Rx
- "Medical Devices and Malware: The Latest Hospital-Acquired 'Infection'," by Robb S. Harvey, Kim Harvey Looney and E. Andrew Norwood, Healthcare Informatics
- AHLA ALERT, "Hospital Outpatient Prospective Payment System Final Rule Addresses Physician Supervision, Expansion of Physician-Owned Hospitals, Patient Notification Requirements"
- "Court Of Appeals Decision Clarifies Provisions Of The Hospital Lien Act Of Tennessee," Paul Davidson and Kim Harvey Looney, Health Lawyers Weekly

## Bulletins

- "State of Tennessee Grants Certificate of Public Advantage to Two Hospital Systems," by Kim Harvey Looney and Justin Hicherson, AHLA Bulletin
- Jury Finds Tuomey Healthcare System Guilty of Stark and False Claims Act Violations Pursuant to Physician Employment Agreements
- Sixth Circuit Reverses \$11.1 Million FCA Judgment Against MedQuest
- CMS Proposes Regulation Implementing the ACA's 60-Day Overpayment Report and Return Provision
- CMS Adopts Final Rule Clarifying Home Health Agency 36 Month Rule
- A Closer Look at the Final ACO Rule
- ACO Final Rules Released
- Haro v. Sebelius: "Reeling in CMS's MSP Reimbursement Collection Practices"
- Survey Shows Healthcare Providers Preparing for ACO Era as Government Announces New Incentives for Participation in Accountable Care Organizations
- Additional Information about Accountable Care Organizations
- Federal Government Addresses Accountable Care Organizations and Requests Comments
- Court of Appeals Decision Clarifies Provisions of the Hospital Lien Act of Tennessee
- Congress Postpones Medicare Physician Reimbursement Rate Cuts
- CMS Publishes Healthcare Reform Fraud and Abuse Provisions
- Physician-Owned Enterprise Enters into \$7.3 Million Civil Monetary Penalty Settlement with OIG
- CMS Mandates Accreditation for Imaging Providers; Accrediting Organizations Named

## Media Mentions

- "Insurers get into care, but is it good for your health?," Kim Harvey Looney Quoted in The Washington Post
- "Examining the Place of a FEC in the Healthcare Market" Kim Looney quoted in The Ambulatory M&A Advisor
- Kim Harvey Looney talks Medicaid expansion in Modern Healthcare "Obama in Tennessee: 'Y'all should be able to find a solution' to Medicaid expansion"
- "They're making money on fee-for-service," Kim Looney talks ACOs in Modern Healthcare
- "RAC Nightmare Continues for Providers," Kim Looney quoted, HealthLeaders Media
- "Avoid NPP-doctor supervision violations for diagnostic tests," Kim Harvey Looney quoted in Medical Practice Compliance Alert
- "Empowered by ACA, old fraud law puts new scrutiny on doctors," Kim Harvey Looney quoted in American Medical News
- "ACOs, Bundled Payments, Quality & Access," Kim Harvey Looney quoted in Nashville Medical News

## Events

- "ACO Formation and Implementation," Kim Harvey Looney, Panelist at AHLA Physician Organizations Practice Group and Accountable Care Organization Task Force Webinar

- "Hospital Physician Integration in a New Health Care World," Kim Harvey Looney, Co-Presenter, Tennessee Bar Association 27th Annual Health Law Forum
- "Health Care Lawyers Beware: Legal Ethics and Managing the Risks of Corporate Representation," Kim Harvey Looney, Co-Presenter, AHLA Fraud and Compliance Forum
- "Telemedicine, Telehealth, and Mobile Health: The Future is Today," Kim Harvey Looney, Co-Presenter, AHLA Annual Meeting
- "Forming Urgent Care Centers: Addressing Complex Legal Challenges," Kim Harvey Looney, Co-Presenter, Strafford Webinar
- "Urgent Care Centers and Free-Standing Emergency Rooms: A Necessary Alternative Under the ACA," Kim Harvey Looney, Co-Presenter, AHLA Webinar
- "Hospital Physician Integration in a New Health Care World: Advice from the Trenches," Kim Harvey Looney, Co-Presenter, AHLA Hospitals and Physician Organizations Law Institute
- "Hospital/Physician Integration in a New Health Care World," Kim Harvey Looney, Co-Presenter, Tennessee Bar Association Health Law Section 26th Annual Health Law Forum
- "Urgent Care Centers and Free-Standing Emergency Rooms," Kim Harvey Looney, Co-Presenter, Nashville Council of Health Care Attorneys
- "The New Frontier: Physician Integration from the Trenches," Kim Harvey Looney, Co-presenter at AHLA Annual Meeting
- 12-Step Program to Better Compliance: A Practical Approach
- "Urgent Care Centers and Free Standing Emergency Rooms: A Necessary Alternative under the ACA," Kim Harvey Looney, Co-Presenter, AHLA Physicians & Hospitals Law Institute
- Healthcare Briefing Series
- "Integration in Medical Staff," Kim Harvey Looney, Panelist at AHLA Physician Organizations Bootcamp Webinar and Roundtable Discussion Series: The Anatomy of Physician Integration, Part VI
- "Health Care Reform: Traps for the Unwary," Kim Looney and Shannon Goff Kukulka, Presenters at the Tennessee Society of Certified Public Accountants 2013 Controller's Conference
- "Urgent Care Centers: Key Legal Considerations," Kim Harvey Looney and Matt Burnstein, Panelists at Strafford webinar/teleconference
- 2012 Healthcare Briefing Series, Part 8, "Tales from the Dark Side: The Plaintiff's Bar and How Healthcare Providers Can Avoid Litigation"
- "Representing Physicians: Potential Perils & Pitfalls – Life Cycle of a Physician-Practice," Kim Harvey Looney, Panelist at American Health Lawyers Association Fundamentals of Health Law
- "Hospital-Physician Integration Models," Kim Harvey Looney, Panelist at Tennessee Bar Association 24th Annual Health Law Forum
- "ACOs Are Here to Stay-What To Do Now?," Kim Harvey Looney, Panelist at LeadingAge Tennessee 2012 Annual Conference
- "Current Issues in Establishing and Defending FMV Compensation," Patricia O. Powers and Kim Harvey Looney, Presenters
- "Compliance and Transactions," Kim Harvey Looney, Panelist at American Health Lawyers Association Healthcare Fraud and Abuse Bootcamp Webinar Series, Part V
- 2012 Healthcare Briefing Series, Part 2 - "Paradigm Shift: Bundled Payments and the Future of Reimbursement"

- "ACOs Are Here to Stay-What To Do Now?," Kim Harvey Looney, Panelist at American Health Lawyers Association Long Term Care and the Law Program
- "Careful Drafting: How Stark Has Changed The Risk Calculus." Kim Harvey Looney, Panelist at AHLA Physicians and Physician Organizations Law Institute/ Hospitals And Health Systems Law Institute
- "A Closer Look at Medicare ACOs," Kim Harvey Looney, Panelist at Modern Healthcare Webinar
- "Overview of the Medicare Shared Savings Program Final Regulations, Part II," Kim Harvey Looney, Moderator at AHLA Accountable Care Organization Task Force Webinar
- "Physician Contracting Issues," Kim Harvey Looney, Panelist at Tennessee Bar Association's 2012 Health Law Primer
- "Latest and Greatest about ACOs," Kim Harvey Looney, Panelist at Tennessee Bar Association 23rd Annual Health Law Forum
- "ACOs and Other Integration Models," Kim Harvey Looney, Panelist at Tennessee Bar Association 22nd Annual Health Law Forum
- Healthcare Breakfast Briefing: The Intersection of Quality and Compliance



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