

Colin Luke

PARTNER, BOARD OF DIRECTORS



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Colin Luke has extensive experience in healthcare transactions and regulatory issues involving a wide range of providers in the academic, governmental, non-profit and for-profit sectors. He is routinely involved in Certificate of Need matters, joint ventures between physician and other types of providers and sales or mergers of healthcare providers.

Hospitals, health systems, physicians and outpatient services providers depend on Colin for assistance with regulatory compliance matters involving the federal Anti-Kickback Statute and Stark law, HIPAA and patient privacy, state healthcare regulations and the development of effective corporate compliance programs.

Healthcare clients also rely on Colin for assistance with operations issues such as provider and payor certifications, facility licensure, and Certificates of Need. Additionally, he is highly sought-after for his experience with a wide range of transactional matters including the acquisition and divestiture of healthcare facilities and the formation of healthcare joint ventures. Colin leads Waller's Healthcare Compliance and Operations practice which comprises nearly 30 attorneys and paralegals who focus exclusively on the complex federal and state regulations governing the healthcare industry.

Prior to joining Waller, Colin represented healthcare providers in the Southeast as a partner with two Birmingham, Alabama law firms. Early in his career, he served as Vice President and Corporate Counsel for Active Services Corporation, one of the nation's largest providers of adult day healthcare services. In this role, Colin managed the acquisition and development of healthcare facilities and oversaw the company's regulatory compliance program.

EXPERIENCE

- **University of South Alabama Health System plans for new campus, joint venture**
Assisting University of South Alabama Health System in working through a \$2 million donation for a new campus as well as a joint venture with Surgery Partners for an ambulatory surgery center.
- **MUSC forms joint venture with Tribe513**
Represented the Medical University of South Carolina in negotiating a joint venture agreement and management services organization agreement with Tribe513.

- **Covenant Surgical Partners expands via partnership with Arizona Centers for Digestive Health**

Served as lead transaction and healthcare regulatory counsel to Covenant Surgical Partners in its partnership with Arizona Centers for Digestive Health.
- **Noland Health Services works to relocate a long term acute care hospital**

Assisted Noland Health Services in the CON process and in defending Noland's plans in an administrative hearing, gaining a favorable result for Noland.
- **Anniston Health Care Authority transfers medical center to Jacksonville State University**

Represented Anniston Health Care Authority in the transfer of RMC Jacksonville Medical Center to Jacksonville State University.
- **Appellate victory secured for Central Alabama Radiation Oncology in Open Records Act case**

Represented Central Alabama Radiation Oncology in securing an appellate victory from the Alabama Supreme Court in an Open Records Act case against a competing health system.
- **DaVita defends suit in which doctors seek to nullify non-compete agreement**

Defended DaVita, Inc. against DaVita medical directors seeking to nullify a non-compete agreement for their own private practice. Waller successfully removed the case and obtained a transfer to a more convenient forum. The lawsuit is currently pending.
- **Cullman Regional acquires surgery center**

Represented Cullman Regional Medical Center in its acquisition of Cullman Surgery Center from Surgical Care Affiliates (SCA).
- **Alabama Eye obtains CON to build new surgery center**

Assisted Alabama Eye Physicians and Surgeons in securing a certificate of need from the State Health Planning and Development Agency and successfully defended the agency's decision at the Alabama Civil Court of Appeals.
- **City of Anniston Health Care Authority acquires Stringfellow Memorial Hospital, other services**

Served as counsel to The Health Care Authority of the City of Anniston in its \$25 million acquisition of Stringfellow Memorial Hospital.
- **University of South Alabama Medical Center to build new free-standing emergency department**

Served as counsel to the University of South Alabama Medical Center in its application for a certificate of need (CON).
- **Gulf South Surgery Center restructures ownership in ambulatory surgery center**

Advised Gulf South Surgery Center in the restructuring of its ownership in an ambulatory surgery, which included several real property and tax considerations.
- **HealthCare Authority establishes Hospital Quality and Efficiency Program**

Advised the HealthCare Authority of the City of Cullman in establishing a Hospital Quality and Efficiency Program (HQEP) with its medical staff.

- **The Sylacauga Health Care Authority restructures oncology joint venture**

Served as counsel to The Sylacauga Health Care Authority in the restructuring of a joint venture between the authority and a group of medical oncologists.

- **Russell Medical Center enters into management agreement with UAB Health System**

Represented Russell Medical Center in Alexander City, Ala. in its management agreement with UAB Health System.

- **Cullman Regional obtains CON for new 30-bed unit**

Represented Cullman Regional Medical Center in its successful application for a new 30-bed acute care unit.

- **Central Alabama Radiation Oncology opposes competitor's certificate of need (CON) application for a new radiation oncology center**

Advised Central Alabama Radiation Oncology in successfully opposing Baptist Health System and the UAB Health System in its application for a certificate of need (CON) for a new radiation oncology center.

EDUCATION

- J.D., University of Chicago Law School, 1991
- B.A., *summa cum laude*, Vanderbilt University, Political Science, 1988
 - Phi Beta Kappa, Omicron Delta Kappa
 - Honor Council President

BAR ADMISSIONS

- Alabama

RECOGNITIONS

Chambers USA

- Recognized in Healthcare (Alabama), 2016-2021

The Best Lawyers in America© (BL Rankings)

- Health Care Law, 2009-2022
- Mergers and Acquisitions Law, 2008-2022

Mid-South Super Lawyers (Thomson Reuters)

- Healthcare, 2009-2019

Alabama Bar's Health Law Section

- Former chair

Business Alabama

- Recognized among the "Top Attorneys in Alabama"

Birmingham Business Journal

- Named "Best of the Bar" and "Who's Who in Health Care"

Harry S. Truman Scholar

- Awarded for the State of Alabama

PROFESSIONAL INVOLVEMENT

- Member, American Bar Association, Health and Business Law Sections
- Member, American Health Lawyers Association
- Planning Committee Member for Annual Health Law Update, Cumberland School of Law
- Member, Alabama State Bar, Health and Business Law Sections Former Chairman, Health Law Section
- ABA Health Law Section Vice President, Health Reform Task Force

COMMUNITY INVOLVEMENT

- Founding Board Member and Past President, Birmingham Zoo
- Former Member, Board of Trustees, The Altamont School
- Former Member, Board of Directors, Oasis Women's Counseling Center
- Former Board Member, Alabama Kidney Foundation
- Board Member and Former Chairman, Board of Directors, Center Management, Inc.
- Member and Past General Counsel, Alabama Republican Party Executive Committee
- Board Member, Alabama Symphony Orchestra
- Member, Eagle Forum of Alabama
- Board of Governors, City Club
- Member, ALCAP

UP CLOSE

Colin has served as a delegate to the Republican National Convention (2016) and has been the General Counsel for the Alabama Republican Party.

