



The Mark F. Weiss Law Firm, A Professional Corporation

MARK F. WEISS

Shareholder

Practice Specialties: Healthcare Law

Mark F. Weiss provides intensive, relationship-based counsel to clients on a wide range of healthcare and healthcare-compliance related corporate law issues.

The primary focus of his practice is working with clients on a strategic level and on the negotiation, and transformational improvement of, their business relationships.

With over 30 years healthcare law practice experience as well as business experience inside and outside of healthcare, including a senior leadership role in medical group management and experience as the CEO of a healthcare financial services firm, Mr. Weiss brings singular expertise to the benefit of his Clients.

In addition, from 2002 to 2013, Mr. Weiss held an academic appointment as a Clinical Assistant Professor of Anesthesiology at the Keck School of Medicine of the University of Southern California, where he developed and taught a nine subject seminar series on the business and legal issues affecting physicians.

Mr. Weiss's philosophy of practice is based on the premise that the most effective representation takes into account, and is coordinated with, the Client's overall strategic goals. This avoids one of the major complicating factors of the traditional approach to opportunities and challenges in which issues are confronted on a "piecemeal" basis, one at a time without coordination with your overall goals. That outmoded methodology is generally focused reactively on problems, not proactively on the mitigation of dangers, exploitation of opportunities, and the multiplication of your strengths. Traditional legal work does nothing to control the level of complexity -- to the contrary, it often increases it.

Areas of Practice:

HEALTHCARE

- Strategic Representation of Hospital Based Group Practices.
The representation of hospital-based physician groups with a particular emphasis on radiology and anesthesiology groups. Formation, governance, employment/subcontracts, exclusive contracts and ongoing, strategic counseling in respect of the Client's relationship with the facilities served.
- Compliance Issues.
Experienced in a wide range of compliance issues including federal and state anti-kickback statute compliance, federal (Stark) and state self-referral issues, HIPAA, and related concerns. In connection with compliance issues, Mr. Weiss has significant experience representing hospital-based physicians and physician groups in potential kickback scheme avoidance, including representation of the Relator in connection with OIG Advisory Opinion 13-15.
- Group Practices.
The creation and ongoing representation of medical groups, from two to over 100 physicians. Structuring and formation of entities for the operation of medical group practices. Counseling in connection with regulatory compliance issues related to medical group formation. Development of intragroup management structures and the ongoing counseling of Clients on a wide range of issues, including the planning and preparation of subcontracts and employment agreements with group physicians and other healthcare professionals, and the resolution of intragroup disputes. Design and structure of intergroup relationships among medical groups.
- Individual Physicians.
Representation of individual physicians in the context of their relationships with medical groups, hospitals, healthcare facilities and managed care entities. Preparation and negotiation of employment and subcontract relationships. Representation of physicians in connection with health care facility medical directorships and clinical research positions.

- Academic Medicine.
Experienced in the representation of medical school academic departments and their department leaders in respect of protecting the academic mission and academic control in an increasingly profit- driven academic world.
- Academic-Private Practice Joint Ventures.
Representation of private practice medical groups in joint venture type arrangements with medical schools/medical school academic departments in connection with the training of medical residents.
- Troubled Multi-Physician Practices.
Representation of physicians involved in intra-group disputes. Projects include the representation of physicians withdrawing from groups as well as the representation of groups in respect of the withdrawal of a member.
- Hospitals, Ambulatory Surgery Centers and other Outpatient Facilities.
Active in the representation of healthcare facilities, their owners and investors, in a wide range of projects. Projects range from the establishment of ASCs and other outpatient facilities, consultation in respect of service contracts, establishment and problem solving in respect of relationships with physicians, and a wide range of legal-related business issues. Mr. Weiss has a particular interest in the formation of what he terms Massive Outpatient Centers™ (“MOCs™”), an ASC + Aftercare + Medical Office Building + Imaging Center + Etc., a hospital without the hospital.
- Physician Management Entities.
Planning and formation of management services organizations (MSOs), physician practice management companies and physician billing/business management entities. Design of entity structure and advice concerning, and documentation of, internal matters as well as the structure and implementation of the relationships between the physician management entity and the various managed entities.
- Exclusive Contracts.
Representative projects include the negotiation and drafting of exclusive contracts between hospitals and ASCs and physician groups. Sites range from small surgery centers to community hospitals to large, internationally renowned medical centers.

- Managed Care Entities.
Representative projects include the planning, drafting and review of organizational documents for the formation of managed care entities (IPAs, PHOs, ACOs, and similar vehicles), the negotiation of reimbursement rates, the negotiation and drafting of provider agreements, and the overall legal representation of managed care entities.
- Patient Protection and Affordable Care Act Issues.
The representation of physician interests in respect to reaction to, and exploitation of opportunities inherent in, the Patient Protection Act, with a particular emphasis on Accountable Care Organizations.
- Mergers and Acquisitions (M&A) in Connection with Medical Practices.
Representative projects include the representation of sellers and purchasers of medical practices/groups. Significant experience working with potential sellers on the strategic issue of their best course of action for the future, whether a merger, an acquisition or the pursuit of one or more alternatives.
- Integrated Delivery Systems.
Representative projects include the representation of numerous medical groups in connection with the formation of integrated delivery systems. Examples include counseling physician groups in connection with the formation of Physician/Hospital Organizations' representation in respect of increasing physician control of ACOs in formation; the representation of a group of investors/physician providers in connection with a holding company formed to provide management services for a network of physicians and hospitals; the representation of a start-up network of university and community based specialists with hospital and ancillary service provider participation; and the representation of the purchaser of a network of multiple primary care offices, a clinical laboratory, multiple imaging centers, and multiple physical therapy centers, which work continued to include the reorganization of the purchased assets and a restructuring of their operations.

- Workers Compensation.
Extensive experience counseling clients (including surgeons, primary care physicians, and multi-specialty groups) on the design and structure of business operations in light of regulatory changes in California's Workers Compensation laws. Expertise in the design of pharmacy programs for the dispensing of pharmaceuticals by physicians to their Workers Compensation patients, including issues ranging from pharmacy compliance to pharmacy wholesaler contracting to the design of factoring and other financing relationships.
- Business Operations.
Counseling of clients in connection with a broad range of business issues. Projects range from consulting regarding specific operational issues to restructuring the business operation, advice in connection with internal issues such as governance, compensation, change of ownership, providing advice in connection with alleged malpractice, general liability and directors and officers insurance matters, and the negotiation of arrangements with service providers including insurance companies, billing services and accounting firms, among others.
- Medical Staff Issues.
Representation of medical staff departments and of department physicians in connection with a range of medical staff privilege and medical staff discipline issues.
- Skilled Nursing Facilities.
Representative projects include the representation of operators of facilities in connection with the acquisition and operation of facilities; the representation of owners of facilities in connection with lease and sale transactions; and the representation of facilities in connection with antikickback, fraud and abuse, and self-referral issues.
- Research and Education.
Representation of tax-exempt entities involved in the active conduct of medical research and education. Representation of teaching hospital medical staff departments in connection with business and regulatory issues related to residency programs.
- Complementary and Alternative Medicine.
Representation of entities engaged in the provision of complementary and alternative medicine services, ranging from international companies providing training designed to alleviate physical and mental conditions to entities operating multi-disciplinary wellness centers.

- False Claims Act.
Advise medical groups and healthcare facilities to prophylactically defend against FCA claims and consult with litigation counsel as subject-matter experts both in connection with the prosecution of, and defense against, healthcare compliance based False Claims Act lawsuits.

CORPORATE LAW IN RESPECT OF HEALTHCARE ENTITIES

- Formation and Structure of Start-Up Entities.
Representation of clients in connection with the selection and formation of business entities; corporations, partnerships, limited liability companies and limited liability partnerships.
- Formation and Structure of Start Up Entities.
Representation of clients in connection with the selection and formation of business entities; corporations, partnerships, limited liability companies and limited liability partnerships.
- Mergers and Acquisitions.
Representation of clients in connection with the acquisition and divestiture of businesses.
- Employment.
Preparation and negotiation of a wide range of employment agreements and independent contractor agreements. Ongoing counseling of clients in connection with employment related matters.
- General Representation/Strategic Planning.
Drawing both on his legal experience and his past service as the interim CEO of a \$50 million per year healthcare business, Mr. Weiss counsels clients on a broad range of issues, in effect serving as outside general counsel.
- Joint Ventures/Alliances.
Representation of clients in connection with the evaluation of potential joint ventures, the negotiation of terms of alliance and the documentation of agreements.

- Corporate Governance.
Advising clients in connection with the duties and responsibilities of directors, officers, managing partners, and managing members.
Counseling in connection with the distribution of rights and responsibilities for governance of business entities.
- Nondisclosure/Covenants Not to Compete.
Representation of companies in connection with the protection of intangible assets through nondisclosure and trade secrets agreements and the negotiation and preparation of covenants not to compete. Advise clients on the enforceability of restrictive covenants.
- Related Real Property Issues.
Representation of entities and investors in connection with the ownership, acquisition, disposition and leasing of real property, commercial, industrial and residential.

Medial School Lecture Series (2002 – 2013):

In his capacity as a Clinical Assistant Professor of Anesthesiology at USC's Keck School of Medicine, Mr. Weiss presented an annual series of lectures to residents and attending physicians on topics including:

- *How Anesthesia Groups are Organized*
- *Anesthesia Employment Agreements and Subcontracts*
- *Medical Staff/Medical Board Discipline*
- *Compliance*
- *Managed Care – How it Works and Doesn't Work*
- *The Realities of Professional Liability Insurance*
- *Anesthesia Billing Services*
- *Exclusive Contracts for Anesthesia Services*
- *So, You Want to Run an Anesthesia Group . . .*

Presentations:

*What You Must Know About Hospital and Payor Contracting
&*

Workshop: Negotiating Hospital Contracts

American Association of Anesthesiologists' ADVANCE 2024

Las Vegas, NV

January 26 – 28, 2024

Popularity Contests and Disruptive Physicians

The Advanced Institute for Anesthesia Billing and Practice Management
Las Vegas, NV
February 26 – March 1, 2023

How to Restructure Your Anesthesia Group for 2025 and Beyond

Las Vegas, NV
March 6-9, 2022

The Impact of Regulatory Change on the Future of Anesthesia Practice

The Advanced Institute for Anesthesia Billing and Practice Management
Virtual Conference, Las Vegas, NV
May 23-26, 2021

How to Run Your Anesthesia Practice Like It's for Sale - Even If It Isn't

Advanced Institute for Anesthesia Practice Management
Las Vegas, NV
January 17-19, 2020

Group-to-Group Mergers... And Not Quite Mergers

Advanced Institute for Anesthesia Practice Management
Las Vegas, NV
May 15-18, 2019

How to Maintain Autonomy While Building Market Share and Geographic Scope: Group-to-Group Mergers

American Society of Anesthesiologists – Conference on
Practice Management
Las Vegas, NV
January 18-20, 2019

Why and How You Must Prepare Your Anesthesia Group for The Future

Advanced Institute for Anesthesia Practice Management
Las Vegas, NV
April 28, 2018

Unholy Covenants: Defective Physician Covenants Not to Compete in Texas

San Antonio Society of Anesthesiologists
San Antonio, TX
August 22, 2017

Political Winds and Disruptive Trends: How the 2016 Election and Industry Trends Will Impact Healthcare Business

Advanced Healthcare Conference, Texas Society of CPAs
Austin, TX
July 17, 2016

How to Prepare Your Anesthesia Group for The Impending Death of Hospitals

Advanced Institute for Anesthesia Practice Management
Las Vegas, Nevada
June 3, 2016

OIG Advisory Opinion Secrets and Strategies

Advanced Institute for Anesthesia Practice Management
Las Vegas, Nevada
June 3, 2016

OIG Advisory Opinions: Secrets, Strategies and Tactics

Dallas Bar Association
Dallas, Texas
March 16, 2016

"Healthcare 101" Panel Discussion

Tower Club Dallas
Dallas, Texas
Jan. 28, 2016

From the Company Model to Joint Ventures to Just Sending Statements: Anesthesia Business and Deal Structure Compliance Traps

The Advanced Institute for Anesthesiology Practice Management
Las Vegas, Nevada
April 17, 2015

Is Your Anesthesia Group A Business or Club?

The Advanced Institute for Anesthesiology Practice Management
Las Vegas, Nevada
April 17, 2015

*Disrupt or Be Disrupted: How to Prepare for The Future
Of Anesthesiology*

The Advanced Institute for Anesthesiology Practice
Management
Las Vegas, Nevada
April 11-12, 2014

ACO Contracting – What Physicians Need to Look Out For
AICPA Healthcare Industry Conference

New Orleans, LA
November 14, 2013

Can Facilities Really Profit from Anesthesia Services?

OR Excellence Conference
Las Vegas, Nevada
October 25, 2013

*How to Protect Your Practice: Radiology Contracting in The Era of
Competitiveness*

Aunt Minnie Virtual Conference
November 2, 2011

*Thriving in Today's and Tomorrow's Anesthesia Market: Cultural and Strategic
Issues*

Private Group –Large National Practice Entity
Las Vegas, Nevada
April 2010

*Succeeding at Negotiations Through Preparatory Work And
Psychological Operations*

American Society of Anesthesiologists
2008 Conference on Practice Management
Tampa, Florida
January 25-27, 2008

Managed Care (Non)Payors:

How to Maximize Your Chance of Getting Paid – Strategies and Tactics

American Society of Anesthesiologists
2007 Conference on Practice Management
Phoenix, Arizona
January 27-29, 2007

The Future of Anesthesia Practice: A Unified Theory for Anesthesia Group Success

American Society of Anesthesiologists
2006 Conference on Practice Management
Orlando, Florida
January 27-29, 2006

HIPAA Compliance

Understanding and Implementing the Security and Privacy Regulations in California

Lorman Education Services
Santa Monica, California
July 19, 2002

The Lawyer as Co-Conspirator -- Ethical Concerns and Criminal Liability Issues

Los Angeles County Bar Association
Healthcare Law Section
Los Angeles, California
November 4, 1998

Who "Owns" the Patient?

Los Angeles County Bar Association
Healthcare Law Section
Los Angeles, California
February 3, 1998

Impact of the Fraud and Abuse Provisions of the Health Insurance Portability and Accountability Act of 1996

Los Angeles County Medical Association
East District 11
La Habra, California
March 31, 1997

Roundtable Discussion on the Anti-Fraud Aspects of the Health Insurance Portability and Accountability Act of 1996

Continuing Legal Education
Los Angeles County Bar Association Healthcare Law Section
Los Angeles, California
November 20, 1996

Basic Legal-Business Issues of Interest to Residents

Anesthesia Residents Seminar
Presented by Medaphis/Anescor
Orange, California
February 16, 1995

Managed Care Contracting: Concepts and Significant Contract Provisions

California Hispanic American Medical Association
Educational Program
Anaheim, California
October 23, 1994

Discrimination Against Physician Providers by Managed Care Networks

California Hispanic American Medical Association
Educational Program
Anaheim, California
October 21, 1994

The Specialist in Managed Care: Strategies for Maximizing Opportunity

9th Hispanic Medical Congress
Washington, D.C.
September 24, 1994

Opportunities for The Specialist in Managed Care: How to, or Not to

California Hispanic American Medical Association
Los Angeles, California
March 26, 1994

Webinar Presentations:

How to Deploy the Secret Sauce of Opportunistic Strategy
Webinar

How to Profit from Telemedicine and Related Technology in Texas
Webinar

*Update on Deadline to Refund Overpayments to Avoid
Draconian Penalties*
Webinar

*The Impending Death of Hospitals: How to Plan Your
Practice's Survival*
Webinar

Medical Group Mergers and Acquisitions and Alternatives
Webinar

*Breaking News on Kickbacks: The Latest on The Company Model - Audio
& Video Version*
Webinar

*Double Indemnity: Putting Yourself at Risk for Millions –
The Interplay Between Insurance and Indemnification
Provisions in Your Hospital and Physician Contracts*
Webinar

*Disruptive Strategies in Healthcare: Designing Them And
Dealing with Them*
Webinar

*The Fast™ Group--Medical Group Governance For
Today's Market*
Webinar

Why Your Medical Group Needs A New Contracting Strategy
Webinar

*Reverse Engineering A National Group Takeover of Your Facility
Contract*
Webinar

*How to Stay Out of Jail: The Latest on Management Fees and The
Company Model of Anesthesia and Other Specialty Services*
Webinar

How to Deal with RFPs For Physician Services
Webinar

If Surgeons Can Legally Profit from Anesthesia at an ASC, Will Hospital Anesthesia & Radiology Be Next?

Webinar

How to Block Referring Physicians from Profiting From Your Hospital-Based Anesthesia or Radiology Services

Webinar

Published Articles:

More Bad News for the Company Model and its Sponsors

Communique

Fall 2023

What a \$24.3 Million Judgement Tells You About a Potential Tool to Fight Unfair Awards of Exclusive Contracts

Communique

Winter 2023

What You Must Know About Hospital Vicarious Liability for Non-Employees' Actions

Miramex Focus

Fall 2022

Anesthesia Services RFPs: Cognitive Biases and Hidden Opportunity

Communique

Summer 2022

Popularity Contests and Disruptive Physicians: Avoiding the Death of Your Anesthesia Group

Communique

Fall 2021

You Have Enough Problems. Why Buy Compliance Risk?

Miramex Focus

Summer 2020

Who Really Owns Your Medical Group?

Communique

Summer 2020

The Practical Essentials of the False Claims Act

Anesthesiologynews.com

March 9, 2020

And,

Gastroenterology & Endoscopy News

May 2020

Kick Back and Read the Latest on the Company Model of Anesthesia Services

Texas Society of Anesthesiologists

January 2020

The Good, The Bad, and the Ugly: Why Some Negotiations Succeed

Communique

Fall 2019

Fair and Balanced Views: The Pros and Cons of Selling Your Anesthesia Group

Sentinel

Fall 2019

How Transparent Is Healthcare Transparency?

Outpatient Surgery

September 2019

4.5 Things Magic Mountain Taught Me About Your Business

Why the Hospital's Idea of Physician Leader Means

Follower Sentinel

Winter 2019

An Update on the 'Company Model' and Other Anesthesia Kickback Schemes

Anesthesia Business Consultants

Winter 2019

Top Pointers for Successfully Merging Independent

Anesthesia Groups Anesthesia News

December 2018

Anesthesia Alert: In or Out of Love with Your Anesthesia Group?

Outpatient Surgery

October 2018

A Self-Diagnostic for High-Performing Anesthesia Group

Leaders

Communique

Fall 2018

Is Your Group's Governance Structure Holding You Back?

Pain Medicine News

September 2018

Why and How You Must Prepare Your Anesthesia Group for the Future

Communique

Summer 2018

New Codes Drive Growth for Interventional Surgical

Centers

AuntMinnie.com

December 2017

The Flea That Killed the Medical Group Center CEO: A

Cautionary Tale

Communique

Fall 2017

How to Prevent Your Medical Group from Getting Robbed of its Staff

Sentinel

Summer 2017

Hospital CEO Turnover: What You Must Know and Do to

Protect Your Anesthesia Group

Communique

Summer 2017

The Impending Death of Hospitals: How to Help Your

Clients Survive

Today's CPA

July/August 2017

Why Your Compliance Efforts May Be Worthless
Communique
Spring 2017

Double Dose of Good Regulatory News for ASC's
Outpatient Surgery
January 2017

OIG Advisory Opinion Secrets and Strategies
ABC Communique
Summer 2016

A New Strategy to Profit from Interventional Radiology
AuntMinnie.com
May 23, 2016

Practice Challenges:
The Disruptive Physician – You Know Who (He/She Works for You)
Does Your Employment Contract Have Teeth? – Contracts Don't
Contain Extra Baggage
Pennsylvania Society of Anesthesiologists
May 23, 2016

CMS Resets the Clock for Return of Medicare Overpayments
Anesthesiology News
May 2016

Is There an Interventional Radiology ASC (irASC) In Your Future?
Radiology Business Journal
April/May 2016

Impending Death of Hospitals: Will Your Anesthesia Practice Survive?
ABC Communique Winter 2016

Practice Patterns Change While Outcomes Remain Steady Among Older
Anesthesiologists
Anesthesiology News
December 2015

Anesthesia Group Mergers, Acquisitions and (Importantly) Alternatives
ABC Communique
Summer 2015

Seeking Certainty in Radiology: Mergers, Acquisitions and Alternatives
Imagingbiz.com
June 2015

Give Disruptive Docs the Boot
Outpatient Surgery
April 2015

Do You Make This Mistake Concerning Customer Value?
Anesthesiology News
April 2015
And
General Surgery News
March 2015

McDonald's and Delivering Anesthesia Group Value
AnesthesiologyNews.com
December 30, 2014

Bundled Billing or Bungled Billing?
Pain Medicine News
October 2014

What's Your Anesthesia Group Worth? And Why It Might Not Make Any Difference
ABC Communique
Summer 2014

Anesthesia Group Acquisitions and Alternatives
Anesthesiology News
June 2014

OIG Opinion Adds Clarity to Illegality of Company Model
Anesthesiology News
February 2014

Anesthesia's Profits Are Off-Limits
Outpatient Surgery Magazine
December 2013

The Siren Song of Hospital (Un)Employment
Communique
November 2013

Doctors Rush to Corporate Employment ... As Corporate America Lays Off Workers
Anesthesiology News
October 2013

Two's Company, Three's a Crowd: Company Model Deals in the Hospital Setting
Anesthesiology News
March 2013

Company Model Kickbacks in the Hospital Setting
ImagingBiz.com
March 2013

Why Society's Shift Means Your Group Needs A New Strategy
ImagingBiz.com
December 7, 2012

The Profit Center: Part 26 – Radiology and the “Me-We” Cycle
AuntMinnie.com
November 14, 2012

Inoculate Your Group Against A National Group Takeover
Anesthesiology News
October 15, 2012

OIG Disapproves Two Referral Arrangements as Kickbacks
ImagingBiz.com
August 8, 2012

Inspector General Weighs in On Fee Sharing
Anesthesiology News
August 2012

The Profit Center: Part 25 – How Safe Is Hospital Employment?

AuntMinnie.com

May 11, 2012

Calif. Ruling on CRNA Practice Promises Nationwide Tremors

Anesthesiology News

May 2012

The Error in Measuring Success by Action

ImagingBiz.com

May 14, 2012

The ABCs of ACO Economics

ImagingBiz.com

April 25, 2012

The Super Bowl of Radiology Success

ImagingBiz.com

February 22, 2012

Commodity Practice or Experience Monopoly?

Radiology Business Journal

February/March 2012

Shadow Your Competition

AuntMinnie.com

February 17, 2012

Strategies for Exclusive Contracting

AuntMinnie.com

January 30, 2012

Protecting Traditional Practice in Today's 'We' Society

Anesthesiology News

March 2012

Physicians: Action Required to Thrive in Today's 'We' Society

AuntMinnie.com

December 23, 2011

How Scenario Surveys Strengthen Strategy

Anesthesiology News

October 2011

How Scenario Surveys Strengthen Strategy

Pain Medicine News

September 2011

Scenarios Can Shape Group Strategy

AuntMinnie.com

August 24, 2011

Fair market Valuation: The Death Spiral of Physician Compensation?

Anesthesiology News

July 2011

The Pitfalls of Fair Market Valuation

AuntMinnie.com

June 3, 2011

How to Navigate the Rising Tide of Aggressive RFP's

Anesthesiology News

April 2011

How to Shield Against "Weaponized" RFPs

AuntMinnie.com

March 17, 2011

Harnessing the Effects of Group Pressure in Hospital Negotiations: Find Your Buddy

Anesthesiology News

March 2011

The Company Model: Is Taking Less Money to Work at a Surgi-Center Worth Jail Time?

Anesthesiology News

January 2011

Will You Pay the Price for an ASC Deal Gone Wrong?

Anesthesiology News

October 2010;

Pain Medicine News
October 2010;
Gastroenterology & Endoscopy News
November 2010

Countering Pressure in Face to Face Negotiation
Auntminnie.com
October 8, 2010

The Health Care Con-vergence
Pain Medicine News
September 2010

Managing Risk: Required for Success
Auntminnie.com
August 13, 2010

Escape the Carnage of the ACO
Anesthesiology News
August 2010;
Pain Medicine News August 2010
Gastroenterology & Endoscopy News
(as *Out With the PHO, In With the ACO*)
November 2010

Accountable Care Organizations: Accountable to Whom
Auntminnie.com
June 10, 2010

Are You Headed to the Anesthesia Factory?
Anesthesiology News
May 2010;
Pain Medicine News
(as *Are You Headed to The Pain Management Factory?*)
August 2010

Radiology as Factory Work?
Auntminnie.com
April 13, 2010

Politician Challenges Exclusive Contract and Stipend Support: Impact on Pain Practice

Pain Medicine News

March 2010

Like Your Exclusive Anesthesia Pact? Better Learn to Defend It

Anesthesiology News

March 2010

Exclusive Contracts and Hospital Stipends Under Attack

Auntminnie.com

February 19, 2010

To Control the Contract, Control the Context

Anesthesiology News

January 2010

Thriving Despite (So-Called) Healthcare Reform

Auntminnie.com

January 13, 2010

Taking on Risk with Dubious Reward

Auntminnie.com

January 4, 2010

Securing Customer Satisfaction

Auntminnie.com

November 11, 2009

Deploy the Power of Persuasion

Auntminnie.com

October 30, 2009

Opportunities Knocking in Market Flux

Anesthesiology News

September 2009

Increase Negotiating Power

Auntminnie.com

September 11, 2009

Imaging Advantage: Much Ado About the Same Old Thing?

Auntminnie.com

August 18, 2009

Negotiating Your Group's Stipend

Auntminnie.com

July 31, 2009

Creating an Experience Monopoly

Auntminnie.com

July 3, 2009

Anesthesiologists Should Heed Stark Law Ruling

Anesthesiology News

June 2009

Readying for the Red Flags Rule

Auntminnie.com

May 26, 2009

Crafting Effective Employment Contracts

Auntminnie.com

April 24, 2009

Steering Clear of Stark and False Claims Allegations

Auntminnie.com

March 31, 2009

Radiology Groups Need New Approaches to Survive in Rough Times

Auntminnie.com

January 15, 2009

Radiology Group (un)Governance

Journal of the American College of Radiology

January 2009

Establish Surgeon Support Without the Monkey Business

Anesthesiology News

December 2008

Boosting Collection – A Group Effort

Anesthesiology News

July 2008

Creative Destruction: Change the Practice Groupthink

Anesthesiology News

May 2008

We Perform Just Like Every Other Radiology Group – So Why Are We Doing So Poorly?

Journal of the American College of Radiology

March 2008

Anesthesia Group Un-Governance

Anesthesiology News

January 2008

Anesthesiology Groups Confront the Four Fs - Part 2

Anesthesiology News

November 2007

Anesthesiology Groups Confront the Four Fs - Part 1

Anesthesiology News

October 2007

Gain Your Fair Share: Gainsharing Makes A Comeback

Seminars in Anesthesia Perioperative Medicine and Pain Elsevier, Inc.

September 2006

We Do Exactly What Every Other Anesthesia Group Does -- So Why Are We Doing So Poorly?

Seminars in Anesthesia Perioperative Medicine and Pain Elsevier, Inc.

December 2005

Medical Directorship of Anesthesia Services: Are You a Player or Just Being Played?

Seminars in Anesthesia Perioperative Medicine and Pain Elsevier, Inc.

September 2005

The Future of Anesthesia Practice: Hedge Your Practice's Chances of Being on, Not Under, the Leading Edge of the Wave
Seminars in Anesthesia Perioperative Medicine and Pain Elsevier, Inc.
June 2005

Exclusive Anesthesia Contracts: History, Theory, Nuts and Bolts
Seminars in Anesthesia Perioperative Medicine and Pain Elsevier, Inc.
March 2005

Exclusive Anesthesia Contract or Medical Directorship Pact?
Anesthesiology News
April 2004

Good Faith is the Key to Complying with HIPAA's Notice of Privacy Practices Requirement
Anesthesiology News
December 2002

Get What You Aimed For: How to Forge Bulletproof Employment Agreements
General Surgery News
November 2002

Preserve the Deal You Expect: How to Forge Bulletproof Employment Agreements
Anesthesiology News
July 2002

Guest Editorial: Liability Arising from Consultant- Prepared Compliance Plans
Orthopedic Technology Review
May/June 2002

Maximize Protection and Profit Through Careful Entity Planning
Radiology Business Management Association Bulletin
March -- April 2002

Liability Arising from Consultant-Prepared Compliance Plans
CSA Bulletin
California Society of Anesthesiologists, Inc.
January – March 2002 Issue (Vol. 51, No. 1)

Structuring Practice Entities for Maximum Profit and Protection

Anesthesiology News

March 2002

OIG Opinion Places Legality of Common Exclusive Contract Provision in Doubt

Anesthesiology News

January 2002

Lessening the Impact of the Failure of the Medical Group Model

Anesthesiology News

October 2001

Regulatory Compliance Plans are Key to Avoiding Legal Risk

Auntminnie.com (The Online Radiology Forum)

October 24, 2001

Physician Liability to Debtor Patients ... Courtesy of Your Billing Service

Anesthesiology News

September 2001

High Crimes and Misdemeanors: Avoiding Medical Group Liability as a Result of Billing Service Errors

Radiology Business Management Association Bulletin

September 2001

Physician Leaders Must Manage the Billing and Collection Process ... or Suffer the Consequences

CSA Bulletin

California Society of Anesthesiologists, Inc.

April – June 2001 Issue (Vol. 50, No. 2)

The Time is Now: Providers Must Adopt Prudent Business Practices in Anticipation of the Failure of the Medical Group Model

CSA Bulletin

California Society of Anesthesiologists, Inc.

January - February 2000 Issue (Vol. 49, No. 1)

*Are Percentage-Based Management Services Deals Illegal? OIG Opinion
Raises Serious Concerns*

Group Practice Journal
American Medical Group Association
May 1999 Issue (Vol. 48, No. 5)

Compliance Audits: Save Money and (Jail) Time

LACMA Physician
Los Angeles County Medical Association
January 1998 Issue (Vol. 128, No. 1)

*Antifraud Aspects of the Health Insurance Portability & Accountability
Act of 1996*

LACMA Physician
Los Angeles County Medical Association
October 7, 1996 Issue (Vol. 126, No. 16)
Reprinted, Solano Physician,
Solano County California Medical Society,
December 1996, Vol. 96, No. 11
Reprinted, Coastal Bend Medicine,
Nueces County Texas Medical Society,
June/July 1997, Vol. 37, No. 4

Physician Recruiting Packages

LACMA Physician
Los Angeles County Medical Association
June 17, 1996 Issue (Vol. 126, No. 11)
Reprinted, CSA Bulletin, California Society of
Anesthesiologists, Inc.,
November - December 1996 Issue (Vol. 45, No. 6)
(as *Physician Incentives: Consider the Impact of Federal and State Laws
Before You Say "Yes!"*)

*Sure, I'll Agree to Arbitrate "I Just Don't Want to Waive Any of My Rights
(and Other Fairy Tales)"*

CSA Bulletin
California Society of Anesthesiologists, Inc.
January - February 1996 Issue (Vol. 45, No. 1)

Beware of "Standard" Contract Provisions

LACMA Physician

Los Angeles County Medical Association

November 6, 1995 Issue (Vol. 125, No. 18)

Reprinted, Solano Physician, December 1995,

Vol. 95, No. 1

Assign of the Times: The Prohibition Against the Reassignment of Medicare and Medi-Cal Claims

CSA Bulletin

California Society of Anesthesiologists, Inc.

September - October 1995 Issue (Vol. 44, No. 5)

Does Your Hospital's MSO Owe You a Fiduciary Duty?

LACMA Physician

Los Angeles County Medical Association

September 18, 1995 Issue (Vol. 125, No. 15)

Specialists and Managed Care: Strategies for Maximizing Opportunity

Hispanic Physician

California Hispanic American Medical Association

Volume V

Kickbacks: Extracting A Price for Your Right to Treat Patients

CSA Bulletin

California Society of Anesthesiologists, Inc.

May-June 1994 Issue (Vol. 43, No. 3)

Quoted in

A Subtle Seduction: Anesthesia and the Company Model

The Anesthesia Insider

(<https://www.anesthesiallc.com/publications/blog/entry/a-subtle-seduction-anesthesia-and-the-company-model-1#>)

September 13, 2022

Some Surgeons Are Cashing in on Stakes in Medical Device Companies

The Daily Beast (<https://www.thedailybeast.com/some-surgeons-are-cashing-in-on-kickbacks-from-medical-device-companies?source=articles&via=rss>)

August 8, 2021

Health care company expects to pay \$66 million to settle whistleblower case involving alleged kickbacks to OKC surgeons

The Oklahoman

November 2019

Becoming a Cheetah and Other Survival Tactics

Communique

Summer 2018

ASC Regulatory Areas That Developers Need to Pay Attention To

Anesthesiology News

November 9, 2016

Practice Patterns Change While Outcomes Remain Steady Among Older

Anesthesiologists

Anesthesiology News

December 2015

Anesthesia Acquisition Rate Still at Fevered Pace

Anesthesiology News

Summer 2015

Top 5 Financial Challenges Facing Physicians In 2015

Medical Economics

December 2014

Top 15 Financial Challenges Facing Physicians In 2015

Medical Economics

December 2014

Does Anesthesia Need Its Own NTSB?

Anesthesia News

August 2014

Books

The Medical Group Governance Matrix

Kidiakedes Omnimedia

2018

The Impending Death of Hospitals: Why You Must Plan Your Medical Practice's Survival

Kidiakedes Omnimedia

2016

Success or Failure? Strategic Tools for Medical Group Leaders

Kidiakedes Omnimedia

2015

Hospital-Based Medical Group Mergers, Acquisitions and Alternatives

Kidiakedes Omnimedia

2015

Directions: Clarity for Medical Group Leaders

The Mark F. Weiss Law Firm

2014

2013 Anesthesia Business Update

Advisory Law Group

2013

2013 Radiology Business Update

Advisory Law Group

2013

2012 Anesthesia Business Update

Advisory Law Group

2012

2012 Radiology Business Update

Advisory Law Group

2012

2011 Anesthesia Business Update

Advisory Law Group

2011

2011 Radiology Business Update

Advisory Law Group

2011

2010 Anesthesia Business Update
Advisory Law Group
2010

Maximize Your Rights: The Guide to Anesthesia Employment Agreements
Cabot, Quinn & Company.
2006

The Future of Anesthesia Practice (audiovisual presentation)
Cabot, Quinn & Company.
2006

Medical School Course Instruction

From 2002 through 2013, Mr. Weiss developed and taught a nine-session course in the Department of Anesthesiology at the University of Southern California's Keck School of Medicine. The course focuses on the legal and business aspects of anesthesia practice. Mr. Weiss held an appointment as a Clinical Assistant Professor of Anesthesiology.

Expert Witness

Expert witness testimony (deposition and trial) in connection with healthcare-related issues, Los Angeles Superior Court.

Admissions and Bar Activities

Member California Bar 1979 to present

Member Texas Bar 2013 to present

Past Chair and Member, Los Angeles County Bar Association Healthcare Law Section

Member of Healthcare Law Section Executive Committee, 1995 to 2001. Chair, 1998-1999 term, Vice-Chair, 1997-1998 term; Treasurer, 1996-1997 term.

Member, American Health Lawyers Association.

Member, American Bar Association.

Member: Healthcare Law Section

Member Texas Health Lawyers Association

Community Activities

Member, Southern California Biomedical Council (1998 – 1999)

Member, Southern California Biomedical Council Advisory Board to Department of Veterans Affairs Regarding Westwood Campus Biotechnology Center (1998)

Member, Southern California Biomedical Council Advisory Board to Los Angeles
Pierce College Regarding Campus Biotechnology Center (1998)

Former Member, Board of Governors, Tower Club, Dallas, Texas

Former Member, Board of Directors, Southern California Psychoanalytical Institute
Former Big Brother

Practice History

1998 to Present

The Mark F. Weiss Law Firm, A Professional Corporation
(Formerly known as Advisory Law Group, A Professional Corporation)
Dallas, Texas
Santa Barbara, California
Los Angeles, California

1993 to 1998:

Founding Shareholder/Senior Attorney in Charge of Corporate and Healthcare
Law Practice
Weiss Powers (formerly known as Weiss & Humphries)
Los Angeles, California

1992-1993:

Founding Partner/Head of Transactional Practice
Weiss & Mesereau
Los Angeles, California

1987 to 1992:

Founding Partner/Head of Transactional and Healthcare Practice
Selvin, Weiner & Ruben
Los Angeles, California

1986 to 1987:

Associate/Transactional and Healthcare Practice
Selvin & Weiner
Los Angeles, California

1983-1986:

Associate/Business Department
Hayutin, Rubinroit, Praw & Kupietsky
Los Angeles, California

1979-1983:

Associate/Litigation and Business Departments
Hertzberg, Childs, Miller & Corleto
(Formerly known as Hertzberg & Childs)
Beverly Hills, California

Education

University of Southern California Law Center
J.D., 1979

University of California at Irvine
A.B. History, 1976

Professional Peer Reviewed Rating

AV Peer Reviewed Rating by Martindale-Hubbell
(Highest possible rating)