

# WEISS

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.
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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:**

*How to Run Your Anesthesia Practice Like It's for Sale - Even If It Isn't*  
American Society of Anesthesiologists - Conference on 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:**

*You Have Enough Problems. Why Buy Compliance Risk?*

Miramed 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**

*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 Law Association.

Member, Dallas Bar 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)

Member, Board of Governors, Tower Club, Dallas, Texas (2018-2019)

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)