



Eric J. Plinke

Partner
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Eric serves as co-chair of Dinsmore's Health Care Industry practice group. He represents a wide variety of provider entities including multi-hospital health systems, hospitals, surgery centers, medical practices, and individual providers in a wide range of health care industry and business issues. From serving as outside general counsel to transactional/project counsel, Eric regularly advises clients regarding hospital/medical practice mergers and acquisitions, affiliations, physician compensation issues, joint venture transactions and relationships, operational compliance issues and compliance program implementation and training, as well as Stark law and Anti-kickback statute analysis.

He also has significant experience addressing the wide range of regulatory issues that providers and institutions frequently encounter in the modern health care industry. These include mandatory reporting obligations, HIPAA regulations, scope of practice issues, and telemedicine. Eric has successfully represented both entities and providers in credentialing, medical staff matters, and third-party payer audits. He also has extensive experience representing entities and providers in regulatory investigations, hearings, and administrative appeals.

In 2022, Eric was credited as a published author for his portion in Thomson Reuters Health Law Handbook, 2021 Edition. He highlights Medical Practice Act and NPDB Reporting: Trends and Implications for Physicians and Hospitals. Eric began his career in the Ohio Legislative Service Commission's Legislative Fellow's program in the Ohio General Assembly, and then worked as an attorney for the State Medical Board of Ohio. He is a member of the American Health Law Association and the Society of Ohio Healthcare Attorneys, for whom he served as president.

Services

- Health Care Industry
- Government Relations
- Corporate & Transactional
- Mergers & Acquisitions
- Capital Markets

- False Claims Act
- Life Sciences Industry

Education

- University of Toledo College of Law (J.D., 1992)
- Hanover College (B.A., 1989)

Bar Admissions

- Ohio

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio

Affiliations/Memberships

- Society of Ohio Health Care Attorneys
 - President (2018 - 2019)
 - Vice president (2016 - 2017)
 - Secretary (2014 - 2015)
 - Board member (2010 - 2013)
- American Health Lawyers Association
- Capital University, Health Care Law
 - Adjunct Professor
- Ohio State Bar Association
 - Health Care Law Committee
- Columbus Bar Association
 - Health Care Law Committee
 - Chair (2009 - 2011)
- Leukemia & Lymphoma Society, Central Ohio Chapter
 - Board of Trustees (2002 - 2008)
 - Team-in-Training Cyclist

- MOSSL, GOYSL, HOSA and middle school, youth soccer coach

Distinctions

- *Best Lawyers*® (2006 - present)
 - "Lawyer of the Year" in Columbus for Health Care Law (2020)
- *Ohio Super Lawyers*® (2007 - Present)
 - Top 50: Columbus Super Lawyers (2011)
 - Health Care
- *Ohio Rising Star*® (2005)
- Top Lawyers by *Columbus CEO* magazine (2022) in two practice areas:
 - Health Care
 - Administrative/Regulatory
- *Chambers USA*®: Healthcare (Band 4)
- Thomson Reuters Health Law Handbook, 2021 Edition: Medical Practice Act and NPDB Reporting: Trends and Implications for Physicians and Hospitals
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A frequent resource for second opinions and expert review, Mr. Plinke has worked with other attorneys and firms in such capacity and has provided expert opinions on health care scopes of practice, practice act provisions, non-competes, NPDB and professional reporting, and fiduciary duties.

Experience

Ambulatory Surgery Center Transactions

Eric routinely handles ambulatory surgery center transactions. Whether representing the ASC, a health system, or physician investors, Eric has wide-ranging experience in this area. Representative transactions include numerous surgery center startups of both physician-owned and physician-hospital joint ventures; representing a multi-specialty hospital-physician joint venture surgery center in re-syndication of ownership interests; representing multi-specialty physician-owned and physician-hospital joint venture surgery centers in the sale of assets to hospital purchasers; and representing hospitals in the acquisition of physician-owned and physician-hospital joint venture surgery centers.

Represents Health Systems Acquiring Practices

Eric routinely represents health systems in acquisitions of physician practices. These include acquisitions of various surgical and non-surgical specialties for health system clients. In these transactions, he represents the

hospital and health system clients through various aspects of the transactions, which include due diligence, drafting and negotiation of letters of intent, term sheets and definitive purchase agreements, provider/physician employment agreements, and any real estate aspects of the transaction.

Represent Physicians and Practices in Practice Sales

Eric routinely represents physicians and practices in the sale of physician practices and related interests. These include individual physicians and various surgical and non-surgical specialty groups in sales to health systems and other purchasers. In these transactions, he represents the physician practice clients through various aspects of the transactions which include due diligence, drafting, and negotiation of letters of intent, term sheets, and definitive purchase agreements, provider/physician employment agreement negotiations, and any real estate aspects of the transaction.

Acquisition of Ambulatory Surgery Center by Regional Health System

Dinsmore represented a regional health system acquiring a Medicare-certified multi-specialty ambulatory surgery center. The transaction included drafting and negotiating the Membership Interest Purchase Agreement, non-competition agreements, and related real estate purchase agreements.

Specific Sale of Majority Equity Position

When Hometown Urgent Care had an opportunity to sell a majority equity position to Ridgemont Capital, a top private equity firm, it turned to Dinsmore to advise on the transaction. We worked with the Ridgemont's counsel to structure the transaction and negotiate the terms. Hometown and Ridgemont completed the sale in late May 2012. Hometown is one of the Midwest's largest walk-in urgent care groups, with 25 locations spread across Ohio, Michigan and Kentucky at the time of the sale.

State Grand Jury Investigation

We represented a physician who had been designated as a "target" of a state grand jury investigation focusing on alleged healthcare fraud and false statements violations. After completion of an internal investigation and meetings with and presentations to the local prosecuting attorney, the investigation against our client was closed with no criminal charges filed and all civil and administrative matters resolved favorably to the client.

Federal Grand Jury Investigation

We represented a physician who had been designated as a "target" of a federal grand jury investigation focusing on alleged anti-kickback violations. After completion of an internal investigation and meetings with and presentations to United States Department of Justice and United States Department of Health and Human Services officials, the investigation against our client was closed with no criminal charges filed.

Negotiation of Settlement in Misbranding Law Matter

We represented a physician who had been designated as a "target" of a federal grand jury investigation focusing on FDA allegations of misbranding. The client along with other oncologists potentially faced numerous felony charges. We successfully defended the physician, resulting in a plea agreement to a single misdemeanor, favorable resolution of all civil matters including false claims act violations and no debarment of physician.

Publications

February 18, 2025

Significant Non-Compete Restrictions May Be Coming to the Buckeye State

December 23, 2024

New Ohio Law Tightens Mandatory Reporting Following Dr. Strauss Report

August 22, 2024

Texas Court Revives Viability of Healthcare Non-Competes

July 26, 2024

Pennsylvania Court Rules Non-Compete Ban Can Stand

July 9, 2024

Court Blocks FTC's Non-Compete Rule for Plaintiffs

June 13, 2024

Supreme Court Rejects Challenge to FDA Regulation of Abortion Medication

April 26, 2024

Questions Abound in the Healthcare Industry after Federal Trade Commission Bans Non-Competes

October 16, 2023

Preparing for Ohio's hospital license regime: Where are we today and what comes next?

Columbus Business First

September 1, 2023

Ohio Hospital Licensure Status Update

July 7, 2023

Ohio Board Updates "Duty to Report" CME Video from Dr. Richard Strauss Investigation

July 18, 2022

Post-Roe Women's Care and Compliance in Ohio and Emergency Medical Treatment and Labor Act

March 25, 2022

Temporary Changes to Telehealth Medicare Reimbursement Signed Into Law

January 14, 2022

Supreme Court Allows Enforcement of COVID-19 Vaccine Mandate for Health Care Workers

December 1, 2021

Federal Court Pauses CMS COVID-19 Vaccine Mandate For Health Care Workers; Employers May Still Require Employee Vaccination

October 29, 2021

Deadline Approaches for New Stark Physician Group Practice Profit Distribution Rules

August 1, 2021

Medical Practice Act and NPDB Reporting: Trends and Implications for Physicians and Hospitals
Thomson Reuters Health Law Handbook, 2021 Edition

July 19, 2021

Health Care Noncompetes Are Under Attack

July 1, 2021

Ohio Budget Bill Adopts Conscientious Right to Refuse Care, Will Disrupt Health Care Operations and Oversight

May 12, 2021

New OIG Advisory Opinion Establishes Guideposts for ASC Investors in Venture Involving System-Employed Physicians

May 7, 2021

Proposed Expansion to Ohio Laser Rule Advances to Public Rules Hearing

January 13, 2021

New Federal Exceptions Favor Value-Based Care

January 5, 2021

Stark Law: Clarification of Key Terms

December 21, 2020

CMS Clarifies Rules for Physician Group Practice Profit Distribution

December 7, 2020

New Cybersecurity Donation Safe Harbor and Exception – AKS and Stark Final Rule

November 24, 2020

Stark and Anti-Kickback Final Rules Aim to Facilitate Transition to Value-Based Care and Ease Administrative Burdens

June 4, 2020

Ohio House Passes Bill to Protect Health Care Providers from Civil Liability and Professional Disciplinary Actions

June 4, 2020

ODH Permits All Ohio Surgeries to Resume

May 1, 2020

New “Stay Safe Ohio” Order Rescinds Non-Essential Surgery Ban and Restarts Ambulatory Care

April 29, 2020

Governor Mike DeWine and Ohio Department of Health Announce Health Care Reopening May 1

April 10, 2020

\$30 Billion Under CARES Act Comes With Strings Attached – What Do You Need To Know?

April 9, 2020

Physicians Face Regulatory Exposure for Prescribing COVID-19 Drugs Cited by President Trump

April 1, 2020

New CMS Waivers Address COVID-19 Surge Planning and Revenue Opportunities

March 18, 2020

Ohio Department Of Health Orders Cancellation of All Non-Essential Surgeries to Preserve PPE

November 25, 2019

Compliance Requirements Heightened Under New Pharmacy Board Rules

October 7, 2019

Changes to Definition of Ambulatory Surgical Facilities to Impact Hospitals

HealthBEAT

December 27, 2018

Standards for Use of Opiates in Treatment of Pain Changes in Ohio

November 15, 2018

FDA Proposes Changes to Clinical Trial Informed Consent Rules

October 23, 2018

Ohio Medical Professionals Now Must Report Suspected Elder Abuse

October 1, 2018

Three Boston Hospitals Pay Close to \$1 Million in HIPAA Settlements for Disclosing Personal Health Information to Film Crews

September 18, 2018

CMS Proposes to Reduce Medicare CoPs and CfCs Burdens

September 18, 2018

Federal Judge Vacates Medicare Advantage Overpayment Rule

September 13, 2018

Ohio Physician Assistant Process Streamlined and Burdens Reduced for Employers and Physicians

August 28, 2018

OIG Considering Changes to Anti-kickback Statute and CMP Law

August 23, 2018

Attorney General Sessions Announces First Ever Controlled Substances Act Civil Injunctions

July 27, 2018

CMS Extends Medicare Part B 340B Drug Reimbursement Policies

February 20, 2018

Medical Board Seeks Non-Disciplinary Program for Providers Suffering From Mental and Physical Conditions

January 26, 2018

State Medical Board of Ohio Proposes Changes to Medical Laser Rules