



Daniel S. Zinsmaster

Partner

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Dan provides trusted counsel and advocacy to health care clients on a variety of matters, such as corporate compliance, provider credentialing, administrative proceedings, and litigation. He also advises clients on practice formation and acquisition, as well as contract review and preparation. In recent years, Dan has helped health care companies and providers navigate through fraud and abuse investigations, antitrust reviews, and other white collar criminal matters. He is a frequent author and lecturer on telehealth and telemedicine issues.

Prior to joining Dinsmore, Dan practiced for nearly seven years with the State Medical Board of Ohio, where he advised board members and agency personnel on issues related to licensure and professional ethics, as well as federal rules and regulations implicating the area of health care. His substantial regulatory experience enables him to bring a unique and insightful perspective to handling diverse and complex health care matters, and his thorough understanding of health care laws and policies helps him serve as a valuable resource to corporations, health care associations, hospitals, medical practices, and individual practitioners.

In addition to his experience with federal and state health care regulatory agencies, Dan successfully counsels clients in the growing areas of cannabis and medical marijuana. He has successfully advised cultivators, processors, and dispensary applicants or license holders in numerous capacities and counseled health care providers and medical centers seeking to incorporate and leverage medical marijuana as a treatment modality for their patients.

Services

- Corporate & Transactional
- Health Care Industry
- Government Relations
- Government Investigations
- Audits, Counseling & Training
- White Collar Defense

Education

- Capital University School of Law (2005)
 - CALI Award for Excellence
 - Studied at the Center of International and European Economic Law in Thessaloniki, Greece
- Ohio University (B.A., 2002)

Bar Admissions

- Ohio, 2005

Court Admissions

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

Affiliations/Memberships

- Ohio State Bar Association
 - Health Law Committee, Chair (2021-2022)
 - Administrative Law Committee, Vice Chair (2024-2024)
 - Administrative Agency Specialty Board, Board Member (2024-Present)
- Columbus Bar Association
 - Health Care Law Committee
- American Bar Association
 - Health Law Section
 - Substance Use Disorders Task Force
- Society of Ohio Healthcare Attorneys / Ohio Hospital Association
- American Health Lawyers Association
- International Cannabis Bar Association
- Leadership Columbus

Distinctions

- Go-To Thought Leader, The National Law Review (2019)
- Board Certified Specialist in Administrative Agency Law by the Ohio State Bar Association

Experience

Assisted Client with Business Development

As medical marijuana is a relatively new and evolving health care modality, clinical resources and data remains scarce. We advised a cannabis start-up company focused on developing knowledge and aggregating the best data and information to provide patient education services, therapeutic product selection, and guidance regarding dispensary offerings. This company's goal is to help medical marijuana patients find the best product to treat their individual and unique health conditions. We assisted the company with everything from business plan development, corporate governance, regulatory implications, and telehealth compliance.

Counseled Client through Licensure Process

After securing a provisional license to cultivate medicinal cannabis, our client sought to amend its original application plans after a local industrial park association retracted prior structural approval for facility plans. The Ohio Department of Commerce rejected proposed amendments to the applicant's facility plans and moved to revoke the client's provisional license. We negotiated with the association and the department and resolved the matter through revised structural plans that satisfied association bylaws, as well as other corrective actions and remedies approved by the department by way of a consent agreement and dismissal of the proposed revocation action. The client has since been granted a full license to cultivate and is successfully operating in northeast Ohio.

Counseled Treatment Center through Investigation

On behalf of a multi-office Ohio addiction treatment center, we handled the fraud and abuse investigation and subsequent negotiations with federal authorities who were reviewing the client's receipt of free drug screening equipment from one of the largest laboratories in the country. We successfully persuaded the United States Department of Justice to decline bringing criminal or civil charges, and the matter was eventually resolved with minor civil penalties paid to the United States Department of Health and Human Services / Office of Inspector General and avoidance of any administrative sanctions, including exclusion from participation in public health programs.

Counseled Health Care System on Medical Marijuana Guidelines

On behalf of a hospital system and its employed physicians, we prepared various informed consent forms, internal policies, and procedural manuals for use by licensed providers who have obtained a Certificate to Recommend Medical Marijuana from the State Medical Board of Ohio and are seeking to utilize medical marijuana as a potential treatment modality. We also advised the hospital system on navigating state and federal guidelines and avoidance of potential compliance issues and violations.

Counseled Cultivator with Application

Our client, a marijuana cultivator applicant, submitted an application to the Ohio Department of Commerce seeking a provisional license to cultivate medicinal cannabis. The application process is extensive and applicants are graded against one another, with the top 12 companies selected for licensure. Despite scoring higher than six of the 12 companies granted licensure, the department notified our client it was proposing denying its application due to alleged deficiencies in its proposed security plan – one of five operational plans each applicant must satisfy. Through the administrative hearing process, we were able to demonstrate that a higher, corrected score for the security plan section was warranted, leading the department to reverse the proposed denial and instead grant our client's application. This case represented the first successful administrative appeal by an applicant seeking a provisional cultivator's license as a result of challenging its original score issued by the department.

Publications

March 14, 2025

Ohio Board of Pharmacy Takes Aim at Dispensing Errors

January 21, 2025

DEA Expands Telemedicine Flexibilities Through Three New Rules

December 23, 2024

New Ohio Law Tightens Mandatory Reporting Following Dr. Strauss Report

November 20, 2024

DEA Further Extends Telemedicine Prescribing Flexibilities through December 2025

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

July 3, 2024

Ohio Set to Enter the Dentist and Dental Hygienist Compact and End “Unethical” Dental Insurance Practices

May 20, 2024

Department of Health and Human Services Aligns Substance Use Disorder Privacy Rules with HIPAA Standards

May 6, 2024

Rescheduling Marijuana and its Impact on Healthcare and the Economy

April 25, 2024

Feeling Lucky? Lottery to Decide Cannabis Business Licensees in Kentucky

December 15, 2023

You’ve Got (E-)Mail: Ohio Law Now Allows Licensing Agencies to Serve Disciplinary Actions Exclusively by Email

November 8, 2023

Ohio Votes for the Decriminalization of Marijuana

October 12, 2023

DEA Further Extends Telemedicine Prescribing Flexibilities

October 3, 2023

Ohio Expands Protections for Impaired Physicians and Other Providers

September 6, 2023

Ohio's Opioid Fight: Board of Pharmacy's Regulation of Office-Based Opioid Treatment Clinics Axed

August 21, 2023

Fifth Circuit Court Keeps Abortion Medication Legal, But With Restrictions

July 20, 2023

The Buckeye State Making Major Changes to its Medical Marijuana Control Program

May 2, 2023

Ohio Bill Would Ban Practice of Performing Intimate Exams On Anesthetized Patients Without Prior Consent

May 2, 2023

State Medical Board of Ohio Finalizes New Telehealth Rules

April 19, 2023

Ohio Legislature Cultivating Medical Marijuana Access Expansion

April 18, 2023

Contradictory Court Opinions Leave the Approval of Abortion Medication in Question

April 17, 2023

Medical Marijuana Will Soon be Legal in Kentucky

JD Supra

March 14, 2023

Deja Vu or a Glitch in the Matrix: The End of the Public Health Emergency

March 3, 2023

Media Reports Shine Light on Ohio's Physician "Sexual Misconduct" Law and it is Broader than You May Know

February 22, 2023

Your License in the Crosshairs: Understanding the State Medical Board's Disciplinary Process in an Era of Increased Scrutiny

February 7, 2023

The State Medical Board Has Called You, Now What?

January 31, 2023

The FDA Gets Blunt: "New Regulatory Pathway for CBD is Needed"

January 13, 2023

DOJ Clears the Way for USPS to Deliver Abortion Drugs by Mail

January 6, 2023

Ohio Supreme Court Takes On Chevron Deference: Is It A Lump Of Coal In The Stockings Of State Administrative Agencies?

November 22, 2022

Marijuana “Kind of” Legal in Kentucky

October 24, 2022

“Up in Smoke?” President Biden Announces Pardons and Orders Review of Cannabis Classification

March 16, 2022

State Medical Board of Ohio Proposes New Telehealth Rules in Response to HB 122

December 30, 2021

Health Care Workers with Substance Use Disorder Histories Can Now Seek Ohio Licensure Without Discipline

December 23, 2021

Ohio Permanently Expands Use of Telehealth Services

September 22, 2021

Existing Medical Marijuana Cultivators Permitted to Grow to Meet Patient Demand

July 16, 2021

Interstate License Compacts Arrive to Ohio for Physicians, Nurses, and Audiology/Speech-Language Pathologists

July 1, 2021

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

May 7, 2021

Ohio Board of Pharmacy to Award Up to 73 New Medical Marijuana Dispensary Licenses

April 2, 2021

FDA Continues to Referee the CBD Market

February 8, 2021

X-Waiver Changes Axed: Federal Government Backtracks on Previously Announced Rescission of Waiver Requirements

February 2, 2021

Interagency Fraud Enforcement Action Highlights Telepharmacy Compliance Risks

January 5, 2021

Improper CBD Product Marketing Lands in FDA's Crosshairs

December 1, 2020

Ohio Pharmacist Duties to Report: Ohio Board Issues Updated Guidance

October 8, 2020

Ohio Introduces Proposed Legislation to Expand Telehealth Services

June 4, 2020

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

April 9, 2020

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

March 19, 2020

State Medical Board of Ohio Relaxes Regulations in Fight Against COVID-19

January 29, 2020

Proposed Medical Marijuana Dispensary Rules Address Control and Ownership Changes HealthBEAT

July 24, 2019

Ohio Lawmakers Decriminalize Hemp, Hemp Products

July 19, 2019

Ohio Department of Commerce to Conduct Public Hearing on Proposed Amendments to Medical Marijuana Rules

April 12, 2019

Possible Changes to the Legalization and Regulation of Hemp and CBD Oil

March 14, 2019

New OARRS Reporting Obligations Become Effective March 19, 2019

January 17, 2019

Growing Regularity and the Need for Guidance: FSMB Model Guidance for the Recommendation of Medical Marijuana

December 27, 2018

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

November 21, 2018

CMS Announces Section 1115 Waiver Allowing Medicaid Payments for Inpatient Mental Health Treatment

October 25, 2018

SUPPORT Act Expands Telehealth Treatment for Substance Use Disorders

October 4, 2018

Selling CBD Products is Illegal, Board of Pharmacy Clarifies

September 13, 2018

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

July 19, 2018

Treating Substance Use Disorders via Telemedicine

Chicago Medicine

May 23, 2018

Treating Substance Use Disorders via Telemedicine: Barriers and Reforms

ABA Health eSource

March 15, 2018

Health Care Fraud Remains High Priority for Federal Government as Monetary Penalties Increase

February 20, 2018

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