



## Daniel S. Zinsmaster

Partner

[daniel.zinsmaster@dinsmore.com](mailto:daniel.zinsmaster@dinsmore.com)

Columbus, OH

Tel: (614) 628-6949

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

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**