



## 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**

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**

October 12, 2017

**State of Ohio Board of Pharmacy Extends Deadline for Office-Based Opioid Treatment Providers to Obtain Terminal Distributor License**

August 1, 2017

**Are Ohio Prescribers and Pharmacies Prepared for the New Requirement to Include ICD-10 Diagnosis Codes on All Controlled Substance Prescriptions?**

December 27, 2016

**Unintended Consequences of Ohio's S.B. 319 Could Reduce Access to Addiction Treatment**

December 2, 2016

**Effective December 1, Pharmacies, Prescribers, and Wholesalers Must Report Gabapentin to OARRS**

June 20, 2016

**Deadline Extended for Sole Proprietors to Register with Board of Pharmacy as Terminal Distributors of Dangerous Drugs**

April 29, 2016

**New Board of Pharmacy Regulations Significantly Narrow the Sole Proprietor Exemption and Impose New Compounding Standards**

April 4, 2016

**Proposed Rule Seeks to Increase Access to Treatment for Opioid and Heroin Abuse**

August 7, 2015

**Ohio's New OARRS Standards and Procedures**