



## Stacey A. Borowicz

Partner  
[stacey.borowicz@dinsmore.com](mailto:stacey.borowicz@dinsmore.com)

Columbus, OH  
Tel: (614) 227-4212

Stacey is an accomplished attorney whose practice focuses on representing health care providers on transactional, governance, regulatory, and compliance matters. Prior to becoming an attorney, she acquired unique skills with more than a decade of front-line experience as a medical researcher/scientist using her degrees in biochemistry and pathology.

Her background gives her a rare perspective as she represents health care providers and suppliers in all aspects of corporate transactions and regulatory compliance. Health care clients look to her for advice on corporate governance, shareholder transactions, joint ventures (including hospital-physician joint ventures), mergers, acquisitions, asset acquisitions, co-management arrangements, and employment-related transactions. Stacey also brings a wealth of experience in regulatory compliance and counsels clients on HIPAA, Stark, Anti-kickback Statute, False Claims Act, Medicare and Medicaid reimbursement, and overpayment matters. She has particular interest in counseling hospitals and other providers through internal compliance investigations, government audits/investigations, voluntary disclosures, and settlement negotiations with state and federal government agencies.

Stacey represents health care clients, including hospitals, ambulatory surgery centers, physician group practices, home health agencies, and long-term care facilities. She serves as outside general counsel to a prosthetics manufacturer/supplier.

In addition to her practice, Stacey is the office managing partner of the firm's Columbus office, the chair of Dinsmore's Women's Initiative Committee, a member of the American Health Law Association, and on the board of Momentum-Excellence, Inc., a non-profit arts organization that uses dance and performance to teach life skills to central Ohio youth.

### Services

- Corporate & Transactional
- False Claims Act
- Health Care Industry

- Life Sciences Industry

## Education

- Capital University School of Law (J.D., *summa cum laude*, 2003)
- University of San Diego School of Law (Comparative Law Program, 2001)
  - Paris, France
- Medical College of Ohio (M.S., 1996)
  - Pathology
- The Ohio State University (B.S., 1992)
  - Biochemistry
  - Honors Program
  - Distinguished Scholar

## Bar Admissions

- Ohio

## Court Admissions

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

## Affiliations/Memberships

- Columbus Bar Association
- American Health Law Association
- American Bar Association
- Society of Ohio Healthcare Attorneys
- Momentum-Excellence, Inc. (non-profit). Board of Directors

## Distinctions

- Ohio *Rising Stars*®
- 20 People to Know in the Law by *Columbus Business First*

## Experience

### 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.

### **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.

### **Acquisition of Physician Practices by a Regional Health Care System**

Stacey has experience representing buyers and sellers in these types of transactions. Most recently Dinsmore represented a regional health system acquiring two specialty physician practices. We advised the client through all aspects of the transaction, including drafting and negotiating the asset purchase agreement, various management agreements, clinical services agreements, physician employment agreements, and affiliated real estate transactions.

### **Comprehensive Compliance Review of Physician Practice Enterprise**

Stacey completed a comprehensive effectiveness review of the enterprise's compliance program and practices, from corporate governance, audit and monitoring, compliance education, communication and documentation, and corrective action plans. The review compared the enterprise's policies, practices, and documentation to the OIG's standards for an effective compliance program. The final report included recommendations and practical next steps for how to improve the enterprise's overall compliance processes.

### **Private Equity Acquisition of Medical Device Manufacturer**

Dinsmore represented a closely-held international medical device manufacturer selling a controlling interest to a private-equity company. We advised the client through all aspects of the complex transaction including negotiating the purchase agreement, new governance structure, executive compensation, and non-compete agreements.

### **Negotiate Service Line and Co-Management Agreements**

Stacey has experience representing hospitals, surgery centers, and specialty practices in the drafting, negotiation, and compliance monitoring of these types of arrangements.

### **Settlement of a Hospital OIG Voluntary Disclosure Matter**

Evolving and complex legislation in the health care arena can provide a myriad of challenges for providers, and overcoming the challenges requires effective and efficient legal counsel. We represented an Ohio hospital that disclosed information about improper financial relationships with referring physicians in response to claims of violating the False Claims Act, the Anti-Kickback Statute and the Stark Statute. Our client had a relationship with two physicians – a joint venture with a pain management physician and also an arrangement where our client purchased intraocular lenses at an inflated price from an ophthalmologist. Both relationships were alleged to have violated statutory requirements. We represented the client in negotiating a settlement with the Department of Justice, the Office of the Inspector General and the Ohio Attorney General (collectively "Government"). During the negotiations, our client disclosed that some of their arrangements with physicians for violated the federal Anti-Kickback Statute because they did not meet the requirements of the relevant safe harbors. Criminal charges against our client were declined, and we worked to address the civil and administrative issues to provide a global resolution. We entered into negotiations with the Government and ultimately settled for an amount that was agreeable to our client.

## **Negotiation of Settlement in Stark Law Matter**

Evolving and complex legislation in the health care arena can provide a myriad of challenges for providers, and overcoming the challenges requires effective and efficient legal counsel. We represented Ohio Hospital in negotiating a settlement with the Centers for Medicare & Medicaid Services (CMS) in a matter involving violations of the federal physician self-referral statute, more commonly referred to as the Stark Law. Our client disclosed that some of their arrangements with physicians for electrocardiogram interpretation, medical director services, vice chief of staff services, and hospital services violated Stark Law because they did not meet the requirements of applicable exceptions. We entered into negotiations with CMS, and ultimately settled for an amount that was agreeable to our client.

## **Sale of Ambulatory Surgery Center**

Represented seller in sale of physician-owned ambulatory surgery center to a health system; including negotiation of a co-management agreement and resyndication option.

## **Advised a Large Nursing Home Through a Medicare Audit Appeal**

Dinsmore advised a large Ohio nursing home through a three stages of a Medicare audit appeal in connection with physical therapy services. Our attorneys represented the client before an administrative law judge and reduced a multi-million dollar Medicare overpayment to less than \$15,000.

## **Data Privacy Breach Regarding Confidential Financial Information**

Dinsmore counseled a retailer in a data breach case that began when the retailer closed a local facility. Dinsmore attorneys met with officials from the Ohio Attorney General's office within hours of the incident's discovery, advised the client on filing all necessary governmental disclosures, and also assisted the client with the required media disclosure to notify customers that their personal financial information may have been compromised.

## **Merger of Six Separate Medical Practices into a Single Practice Group**

Ms. Borowicz handled all aspects of the business transactions necessary to combine six separate specialty medical practices into a new single tax ID practice entity. Our representation included advice on financial, operational and clinical integration as well as regulatory compliance. This client benefited from Ms. Borowicz's knowledge of Stark law and ancillary service arrangements.

## **Negotiation of Medicaid Enrollment and Payment Issues**

Dinsmore represented a home health care company throughout an investigation by the Ohio Attorney General relating to alleged criminal actions of employees. When the investigation ended in termination of the home health company's Medicaid provider agreement, Dinsmore represented the client in the appeal of the termination order in a three-day public hearing.

## **Settlement of Ambulance Company OIG Voluntary Disclosure matter**

Medicare billing and coding requirements are complex and present compliance risks for all types of providers. Mitigating these compliance risks requires experienced and sophisticated legal counsel. We represented an Ohio Ambulance Company in negotiating a settlement with the Office of the Inspector General and the Ohio Attorney General (collectively "Government") in a matter involving non-emergency transport claims that did not meet Medicare's medical necessity requirements. Our client voluntarily disclosed their billing errors to the Government, and they declined to pursue criminal charges. We then pursued a global resolution of the civil and administrative issues, and eventually settled this matter for an amount that was agreeable to our client.

## **General Representation of a Home Health Care Company**

Dinsmore represents a home healthcare company in a variety of matters, including general business, employment law, regulatory compliance and HIPAA-related issues. The firm has also advised this client through a Medicaid audit and a successful overpayment appeal that significantly reduced the home health company's Medicaid repayment obligation. This client benefited from the firm's extensive regulatory experience and knowledge of the healthcare industry.

## **Publications**

January 13, 2021

**New Federal Exceptions Favor Value-Based Care**

January 5, 2021

**Stark Law: Clarification of Key Terms**

November 24, 2020

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

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 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**

October 7, 2019

**Changes to Definition of Ambulatory Surgical Facilities to Impact Hospitals**  
HealthBEAT

February 14, 2019

**HHS Proposes Changes to Prescription Drug Rebates and Discounts Kickback Safe Harbors**

January 29, 2019

**New Kickback Law Targeting Opioid Treatment Facilities Could Affect Traditional Lab Arrangements**

November 12, 2018

## **OIG Ramping Up Enforcement Actions Against Dental Practices**

September 14, 2017

### **Cyber-Attack Response Guidance for Covered Entities and Business Associates**

July 28, 2017

### **Are you compliant with the Revised 42 CFR Part 2?**

October 7, 2016

### **Section 1557 Nondiscrimination Provisions: Action Steps for Compliance**

April 26, 2016

### **Large Monetary Penalty Underscores Need to Execute HIPAA Business Associate Agreements Prior to Sharing Protected Health Information**

July 7, 2015

### **CMS & AMA Team Up to Ease ICD-10 Transition**

September 25, 2014

### **Overpayments to Skilled Nursing Facilities on the Rise**

July 1, 2014

### **OIG Issues Special Fraud Alert on Lab/Physician Arrangements**

December 20, 2013

### **Is Your Photocopier HIPAA Compliant?**

Health Lawyers Weekly

December 16, 2013

### **Third-Party Technology Must Comply With HIPAA**

October 10, 2013

### **Is Your Photocopier HIPAA Compliant?**

June 5, 2013

### **Tips to Prepare for a CMS Electronic Health Record Meaningful Use Audit**

May 23, 2013

### **Proper Disclosure and Documentation the Focal Point in New HIPAA and Medicare Rules**

May 21, 2013

### **HIPAA: Does Your Lease Comply?**

February 7, 2013

### **CR7631: Changes to Place of Service Coding Effective April 1, 2013**

October 19, 2012

### **FDA Unveils New System to Track Medical Devices**

Bloomberg BNA Medical Devices Law & Industry Report

July 3, 2012

**CGS Changes Coding Requirements and Clarifies Modifier-25**