



Charles C. Dunham, IV

Member of the Firm

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CHARLES C. DUNHAM, IV, is a Member of the Firm in the Health Care and Life Sciences practice, in the Houston and New York offices of Epstein Becker Green. He provides general counsel and representation to health care providers and health-related entities in a range of matters involving corporate formation and governance, business transactions and acquisitions, commercial arrangements, and regulatory compliance. His national health law practice focuses on clinical and anatomic pathology laboratories, hospitals and health systems, physician group practices and networks, telehealth practitioners and providers, and health IT companies.

Mr. Dunham's experience includes the following:

- **Fraud and Abuse Counseling and Defense**—providing legal analysis and written opinions on matters involving the federal Anti-Kickback Statute, Physician Self-Referral Laws (Stark Laws), and False Claims Act and the equivalent state fraud and abuse laws and regulations
- **Business Transactions and Contracts**—conducting due diligence and regulatory compliance reviews of target acquisitions; negotiating and drafting agreements for various transactions, including mergers, acquisitions, and joint ventures; and serving as post-closing counsel related to contractual and regulatory obligations
- **Commercial Arrangements**—advising on legal risks and achieving regulatory compliance consistent with business goals, and negotiating and drafting agreements related to various commercial arrangements, including professional and management services, employee and independent contractor relations, equipment and space leases, marketing and sales, and software licensing and service arrangements

- **Provider Billing and Collections**—advising on Medicare and Medicaid enrollment, private network and managed care contracting, and out-of-network provider billing; counseling on reimbursement and overpayments; and counseling on voluntary refund and self-disclosure protocols
- **Government Investigations and Payor Audits**—providing representation in government investigations and whistleblower (*qui tam*) actions; government and accreditation organization surveys and sanctions; government audits (RAC, ZPIC, MAC and Medicaid) and overpayments, including issues based on medical necessity determinations and other payment requirements; and commercial payor (SIUs) audits and unilateral recoupment actions, including issues raised by out-of-network status, such as waiver of patient cost-sharing obligations
- **Patient Privacy and Cyber-Security**—advising on HIPAA Privacy and Security standards, conducting risk assessments, developing compliance policy and employee training programs, providing representation in complaint investigations and government audits, and counseling in privacy breach and remediation
- **Compliance Programs**—counseling on federal and state health regulatory compliance, conducting internal compliance reviews and risk audits, developing and implementing corrective action strategies, developing compliance manual and control protocol, and performing training and education programs

Representative Experience

- Serves as outside general counsel to clinical, anatomic pathology, genetic, and other specialty laboratories regarding CLIA and state laboratory rules and enforcement, regulatory compliance matters, lab-to-lab referrals and reference lab arrangements, and government and commercial payor reimbursement policies
- Serves as outside general counsel to telehealth practice groups and management companies on federal and state regulatory matters related to state licensure and standard of practice, corporate practice of medicine, remote prescribing rules, government and private payor reimbursement, and HIPAA and state privacy laws
- Represented private-equity and investment firms on regulatory and legal due diligence reviews, and negotiated sales transaction documents in connection with the acquisition of health care organizations and health-related entities
- Represented multiple hospitals throughout the country in the sale of all or segments of their outreach laboratory programs and joint venture arrangements with independent laboratories
- Represented multiple laboratories in successfully defending against CMS-imposed principal sanctions to suspend CLIA certificate and cancel Medicare payments
- Represented numerous health care providers and suppliers in appealing Medicare and Medicaid exclusion, revocation, and deactivation of billing privileges and implementing changes to corporate and regulatory compliance protocol
- Counseled numerous clinical laboratories on compliance with Medicare regulatory and compliance issues, including CMS Medicare Part B collection and reporting requirements under PAMA

- Represented a physician group practice in a joint venture with an integrated health system under a mission support arrangement for hospitalist and outpatient specialty physician services
- Counseled a physician practice offering a blend of telehealth and concierge services in multiple states, on corporate formation and regulatory compliance with federal and state laws
- Counseled an independent practice association (IPA) of nursing homes and community long-term care providers on managed care contract and antitrust issues
- Represented an accountable care organization (ACO) on corporate governance issues, provider participation arrangements, and the implementation of an integrated CMS compliance plan

Mr. Dunham was named to the Upstate New York Rising Stars list (2015) and New York Metro Rising Stars list (2016 and 2018) in the areas of Health Care and Business/Corporate.

Education

- Albany Law School (J.D., cum laude, 2008)
 - Health Law Concentration
 - *Albany Law Review*, Senior Editor
- State University of New York at Albany (B.A., magna cum laude, 2004)

Bar Admissions

- New York
- Texas

Practice Areas

- Compliance Counseling and Defense
- Corporate
- Fraud and Abuse Counseling and Defense
- Government Investigations and Litigation
- Health Regulatory Due Diligence
- Managed Care
- Mergers, Acquisitions & Divestitures
- Privacy and Security Law
- Stark/Self-Referral
- Telehealth & Telemedicine

Industries

- Academic Medical Centers
- Health Care and Life Sciences Industry
- Hospitals and Health Systems
- Medical Devices and Combination Products
- Physician Group Practices/Management
- Post-Acute and Long-Term Care Providers
- Suppliers & Distributors

Court Admissions

- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of New York

Memberships

- American Bar Association, Health Section
- American Health Lawyers Association
- New York State Bar Association, Health Law Section
- Houston Bar Association, Health Law Section