



Charles C. Dunham, IV

Member of the Firm

Houston

Two Houston Center
909 Fannin, Suite 3838
Houston, Texas 77010
Tel: 713-300-3211
Fax: 713-300-3231

New York

250 Park Avenue
New York, New York 10177
Tel: 212-351-5582
Fax: 212-878-8600

cdunham@ebglaw.com

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, and health regulatory compliance. His national health law practice focuses on clinical and anatomic laboratories, hospitals and health systems, physician group practices and networks, long-term care facilities, telehealth practitioners and providers, and health IT companies.

Mr. Dunham's experience includes the following:

- **Fraud and Abuse Counseling and Defense**—advising and preparing legal opinions on matters involving federal and state anti-kickback laws, physician self-referral laws, and the False Claims Act and state insurance fraud laws; counseling on voluntary refund and self-disclosure protocols; and providing representation in civil and criminal government investigations and whistleblower (*qui tam*) actions
- **Business Transactions and Contracts**—conducting due diligence and compliance reviews; advising on mergers, acquisitions, and joint ventures; advising on legal risk and achieving regulatory compliance consistent with business goals; and negotiating and drafting various transactional contracts related to professional and management services, employment and independent contractor services, equipment and space leases, marketing and sales arrangements, laboratory services, and software licensing and service arrangements
- **Provider Billing and Collections**—advising on Medicare and Medicaid enrollment; advising on private network and managed care contracting and out-of-network provider billing; counseling on reimbursement and overpayments; and providing representation in RAC, ZPIC, MAC, CMS, Medicaid, and private payor audits

- **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 regulatory compliance; conducting internal compliance reviews and risk audits and implementing remediation strategies; developing compliance manual and control protocol; and performing training and education programs

Representative Experience

- Serves as outside counsel to national, regional, and local clinical, anatomic, molecular, genetic, and specialty laboratories on CLIA and state regulatory matters and on corporate, contractual, compliance, marketing, and reimbursement matters.
- Serves as outside counsel to telehealth practice groups and management companies on federal and state regulatory matters related to professional licensure and standard of practice rules, government and private payor reimbursement, HIPAA rules and regulations, and state and federal pharmacy and laboratory regulations.
- Represented private-equity and investment firms on regulatory and legal due diligence reviews and negotiating sales transaction documents in connection with acquisition of health care entities.
- Represented multiple hospitals throughout the country in the sale of all or segments of their outreach laboratory programs to independent clinical laboratories.
- Represented hospital laboratory in successfully responding to CMS notice of imposed principal sanctions for suspension of CLIA certificate and canceling Medicare payments.
- Represented physician office laboratory in CAP revocation appeal and revising QM plan and operational restructure.
- Counseled numerous clinical laboratories and anatomic pathologists 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.
- Represented numerous health care providers in appealing Medicare exclusion, revocation, and deactivation of billing privileges and implementing changes to corporate and regulatory compliance protocol.
- 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 2017) 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, E-Health and Information Systems Committee, Co-Chair

News & Publications

January 10, 2018

Charles Dunham, James Tam Cited and Quoted in "Making Telehealth a Valuable Part of Preventive Care Programs"

mHealthIntelligence

January 3, 2018

D.C. District Court Clarifies Standard for Laboratory Determination of Medical Necessity

Health Care and Life Sciences Client Alert

August 23, 2017

Charles Dunham Quoted in "A New Era: The Opportunities & Challenges in Telehealth"

Becker's Spine Review

July 19, 2017

Navigating the Telehealth Landscape: Legal & Regulatory Issues

Bloomberg Law

June 2017

Trends in Telehealth: Thought Leaders in Health Law Video Series

December 2016

HHS HIPAA Guidance on Cloud Computing Systems

Houston Medical Times

July 25, 2016

Charles Dunham, IV, Quoted in "ADLT Final Rule Creates Tough Questions for Labs"

The Dark Report

July 5, 2016

CMS Releases Final Rule Implementing Reforms to Medicare CLFS Payment Rates Under PAMA

Health Care and Life Sciences Client Alert

April 2016

OIG Continues to Permit Certain Arrangements Providing Free or Discounted Transportation and Lodging to Patients

Houston Medical Times

March 17, 2016

Epstein Becker Green Mentioned in "Nautic Partners Makes an Investment in ExactCare Pharmacy"

The Deal Pipeline

Videos

Click above or watch via [YouTube](#), [Vimeo](#), [MP4](#), or [WMV](#).

Trends in Telehealth: Thought Leaders in Health Law Video Series - June 2017 - [Amy F. Lerman](#), [Adam C. Solander](#), and [Charles C. Dunham, IV](#), attorneys in the Health Care and Life Sciences practice, explore the legal and regulatory environment that impacts telehealth adoption in the United States.