



## Joshua J. Freemire

Member of the Firm

### **Baltimore**

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**JOSHUA J. FREEMIRE** is a Member of the Firm in the Health Care and Life Sciences practice, in the Baltimore office of Epstein Becker Green. His practice is primarily focused on counseling private equity companies and other health care investors and their portfolio companies on a broad spectrum of health regulatory concerns, including fraud and abuse, privacy law, licensing, reimbursement, multi-jurisdictional practice and entity structuring, compliance, and disclosures.

Mr. Freemire regularly works with private equity entities and similarly situated entities to review and evaluate health care compliance and the impact of current and potential future health care laws on potential acquisitions. Outside the acquisition context, he has worked closely with provider entities on a broad spectrum of health regulatory operational questions, including structuring transactions and relationships to comply with federal and state fraud and abuse laws, creating or correcting appropriate compliance programs, and disclosing compliance failures.

In addition, Mr. Freemire has extensive experience across a broad array of the health laws that typically affect providers and their investors, including the Stark Law, the Anti-Kickback Statute, the Civil Money Penalty Law, the Beneficiary Inducement Statute, state corporate practice and fee-splitting laws, HIPAA, the HITECH Act, the “meaningful use” of certified electronic health record technology, and many similar federal and state programs.

Mr. Freemire’s typical engagements include:

- Advising private equity companies and other health care investors on the regulatory risks in a potential investment through the diligence and negotiation process
- Negotiating transactional documents to minimize or “box” particular identified or generally high-risk health regulatory concerns
- Negotiating with lenders and other financial sources with regard to transactional health regulatory risks and ongoing portfolio company compliance obligations

- Counseling portfolio companies on developing and implementing compliance programs and managing compliance issues, including self-disclosure under both the OIG and CMS protocols
- Advising portfolio companies on a go-forward basis on the regulatory risks of growth and expansion, including fraud and abuse in transactions and relationships and state law compliance through multi-jurisdictional growth
- Providing advice to sell-side investors and entities with regard to pre-sale preparations, diligence, and related health regulatory assessments to maximize value

The author of numerous articles on health care law, Mr. Freemire frequently participates in seminars and webinars conducted by professional associations and other provider organizations. He has been named to the Maryland Rising Stars list (2010, 2012 to 2014) in the Health Care category. His peers have selected him for inclusion in The Best Lawyers in America® (2020) in the field of Health Care Law. Additionally, Mr. Freemire has received an “AV Preeminent” Peer Review Rating by Martindale-Hubbell, signifying the highest level of professional excellence.

At law school, Mr. Freemire was a member of *The Business Lawyer* (the precursor of the school's Journal of Business & Technology Law) and served as the Chairman of the 2005 Meyerowitz Moot Court Competition. He also was an intern to the Honorable Richard D. Bennett of the U.S. District Court for the District of Maryland.

### **Representative Matters**

- Provided health regulatory counsel to a private equity firm in the approximate \$1 billion acquisition of a dental management organization
- Served as health regulatory counsel to a private equity firm in the approximate \$1 billion acquisition of a national eye-care chain
- Provided health regulatory counsel to a private equity firm in a series of roll-up acquisitions in the medical staffing space
- Served as health regulatory counsel to private equity firms engaged in transactions relating to anesthesiologists, radiologists, dermatologists, physical therapists, dental practices, dental laboratories, dental ambulatory surgery centers, clinical and pathological laboratories, veterinary specialty clinics, physical therapy providers, hospices, skilled nursing facilities, and substance abuse treatment centers (among others)
- Counseled providers on the fraud and abuse implications of proposed acquisitions, joint ventures, or similar growth or relationship opportunities
- Advised provider portfolio companies on multi-jurisdictional expansion and compliance with state licensing, scope of practice, corporate practice, fee-splitting, and related laws
- Conducted internal investigations and prepared necessary disclosures to both CMS and OIG

### **Education**

- University of Maryland School of Law (J.D., 2005)

- *cum laude*
- Trinity College (B.A., 2001)
  - *cum laude, Phi Beta Kappa*

### **Court Admissions**

- Maryland Court of Appeals

### **Bar Admissions**

- Maryland

### **Practice Areas**

- Compliance Counseling and Defense
- Corporate Financing
- Fraud and Abuse Counseling and Defense
- Health Regulatory Due Diligence
- Mergers, Acquisitions & Divestitures
- Privacy, Cybersecurity, and Data Asset Management
- Stark/Self-Referral

### **Industries**

- Health Care and Life Sciences Industry
- Investment Banks & Private Equity
- Hospitals and Health Systems

### **Memberships**

- American Bar Association
- American Health Lawyers Association
- Maryland Bar Association, Health Law Committee