



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

HEALTH LAW



## H E A L T H   L A W   P R A C T I C E

Health care, one of the most regulated industries in the country, represents a major portion of the economy – in the nation and Florida. Successfully navigating its complicated regulatory waters can be challenging in the best of times. Add to that the current economic squeeze, and operating a health care business can be very demanding.

Gunster's health law team offers practical legal solutions to modern problems. Our attorneys can assist with all aspects of health care law, and our health law team members have direct experience working for the state and federal agencies responsible for enforcing health care regulations.

Depending on a client's specific needs, strategies may include contractual arrangements or forming alliances in a manner that complies with relevant regulations. For example, the formation of group practices, independent practice associations or management service organizations can help strengthen a client's position in their local health care market.

Our skilled and sophisticated attorneys draw upon other practice areas within the firm, including tax, corporate, labor and employment, immigration, real estate, land use and more. Gunster has represented a wide range of health-care-related projects including medical facilities construction and the establishment of world-renowned research facilities such as the Max Planck Florida Institute. Our attorneys are also skilled in the leasing and negotiation of construction contracts as they pertain to health care entities, as well as regulatory issues related to those transactions.

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### p r a c t i c e   l e a d e r



**BRUCE D. LAMB** leads the health law practice at Gunster. He focuses on the representation of professionals and health care entities before regulatory bodies, peer review proceedings and in liability defense. Prior to entering private practice, Mr. Lamb served 10 years with the Florida Department of Professional Regulation as general counsel, director of the division of regulation, chief medical attorney and chief trial attorney. Mr. Lamb was named Tampa Health Care Law Lawyer of the Year for 2012 by Best Lawyers®. He holds an AV Preeminent rating from Martindale-Hubbell; Florida Trend has repeatedly named him one of Florida's Legal Elite in health care law, and he has been listed in Florida Super Lawyers 2012 and The Best Lawyers in America. 813-222-6605 [blamb@gunster.com](mailto:blamb@gunster.com)

## s h a r e h o l d e r s



**DEBRA L. BOJE** is a tax, estate and corporate attorney and is Board Certified by The Florida Bar in Wills, Trusts and Estates. She is the current chair of the Guardianship Committee, past chair of the Probate Law Committee and a member of the Advance Directives & HIPAA Committee and Power of Attorney Committee of The Florida Bar. Ms. Boje uses her vast knowledge and experience in the area of guardianship, advance directives, living wills, powers of attorney, and probate to assist health care providers with surrogate and proxy issues, end-of-life decisions and guardianship issues. She also assists with collecting accounts in probate estates as well as filing hospital Claims of Liens. Ms. Boje is listed in Florida Super Lawyers, 2006-2011 and Best Lawyers in America, 2011-2012. She is AV rated by Martindale-Hubbell. 813-222-6614 [dboje@gunster.com](mailto:dboje@gunster.com)



**TERRY COLE** is an administrative and environmental (including environmental health) law attorney in Gunster's Tallahassee office. He has practiced for about 40 years in Tallahassee before Florida agencies. His experience includes the Florida Department of Health and Agency for Health Care Administration on Certificate of Need, policy issues and rulemaking in a number of traditional areas but also in issues involving risk assessment and economic analysis for public policy. He is admitted to practice in the US Supreme Court, Fifth and Eleventh US Circuit Courts of

Appeal, the United States District Courts for the Northern, Middle and Southern Districts and, state courts. He has handled numerous complex cases before the Division of Administrative Hearings. He puts great emphasis on presenting a client's issues and supporting information in a favorable light before agencies and demonstrating how that information supports a license application or other form of permission from state government and avoiding the need for litigation. (850) 521-1707 [tcole@gunster.com](mailto:tcole@gunster.com)



**JAMES B. DAVIS** is chair of Gunster's tax practice and has significant experience with health care governance documents. His professional experience in this arena includes work on shareholder, operating and employment agreements for multiprofessional groups, and the negotiation of professional service agreements between health care providers and hospitals. His practice focuses on ERISA and employee benefits, corporate, business taxation, health care law and estate planning. Mr. Davis has achieved the following

Established in 1925, Gunster is a full-service Florida law firm with nine offices around the state providing counsel to leading businesses and individuals.

Gunster's Health Law experience includes:

- Accountable Care Organizations (ACO)
- Acquisitions, mergers, divestitures, reorganizations
- Bioethics, advanced directives, guardianships, and health care proxy issues
- DEA, OIG and CMS reviews and investigations
- Employment and consulting agreements
- Federal Stark Law, Anti-Kickback, Anti-Markup and False Claims Act
- Health care legislation and lobbying
- HIPAA, HITECH, health information issues
- Joint ventures
- Licensure application & defense
- Malpractice defense
- Managed care litigation and reimbursement disputes
- Operations, risk management, EMTALA and AHCA compliance and defense
- Peer review and credentialing issues

awards and recognitions: 'Band 1,' Tax and Employee Benefits by Chambers USA; AV Preeminent rating by Martindale-Hubbell; repeated listing in Florida Super Lawyers, The Best Lawyers in America, Who's Who Legal and as a Top Lawyer by South Florida Legal Guide. 954-468-1366 [jdavis@gunster.com](mailto:jdavis@gunster.com)



**FABIENNE E. FAHNESTOCK** is a health law attorney in Gunster's Fort Lauderdale office. She represents medical providers on a variety of matters, including litigation over reimbursement and contractual disputes with managed care payers, and appeals of administrative orders from the Department of Health, including the Board of Medicine to Florida's District Courts of Appeal. Ms. Fahnestock is a member of the American Health Lawyers Association and the Health Law Sections of The Florida Bar and the American Bar Association. South Florida Legal Guide has recognized Ms. Fahnestock as a top Up and Comer in 2008-09 and 2011-12. 954-468-1398 [ffahnestock@gunster.com](mailto:ffahnestock@gunster.com)



**CLINTON R. LOSEGO** is a shareholder in the firm's Miami office with more than 20 years experience practicing law. He has represented health care providers in the negotiation and litigation of disputes arising from improper insured claims reimbursements, has assisted noncontracted health care providers' efforts to ensure proper reimbursement for emergency services and care provided to HMO members, and has advised and counseled clients regarding proposed health-care-related legislation and regulation. Mr. Losego is admitted to practice in Florida's state courts, the United States District Courts for the Southern and Middle Districts of Florida and the Eleventh Circuit Court of Appeals and is a member of the Health Law Section of the American Bar Association. 305-376-6057 [closego@gunster.com](mailto:closego@gunster.com)



**MARK J. RAGUSA** is a health law litigation attorney in the firm's Tampa office. Mr. Ragusa handles various matters for medical providers including managed care contracting, claims and litigation, along with reimbursement disputes with private and government payors. He has significant experience handling patient account and collection issues, including hospital claims of lien, PIP recoveries, coordination of benefits, Fair Debt Collection and Fair Credit Reporting claims. He has represented clients in claims against most of the major health and automobile insurers in Florida and represents medical professionals and employers in noncompete/nonsolicitation litigation. Mr. Ragusa is a member of the American Health Lawyers Association, and the Florida Academy of Healthcare Attorneys. Mr. Ragusa is admitted to practice in all State and Federal courts in Florida along with the eleventh circuit court of appeals and the United States Supreme Court. Mr. Ragusa is AV rated by Martindale-Hubbell. 813-222-6619 [mragusa@gunster.com](mailto:mragusa@gunster.com)



**ADI RAPPOPORT** is a tax, estate and corporate attorney who has represented hospitals and other health care entities in regard to contractual relationships, corporate governance and tax issues. Mr. Rappoport's practice includes all areas of federal and state taxation, estate planning, tax-exempt organizations, tax controversies, mergers and acquisitions, and general corporate law. He has written and lectured on various tax topics, including the formation and operation of tax-exempt organizations. In 2010, Mr. Rappoport was recognized as an emerging leader by the South Florida Business Journal as one of region's '40 under 40.' 561-650-0550 [arappoport@gunster.com](mailto:arappoport@gunster.com)



**JEFFREY T. SHEAR** has extensive experience representing hospitals and hospital groups in real estate transactions, including real estate acquisition and development, leasing and negotiation of construction contracts, as well as regulatory issues related to those transactions. He has also handled large, complex acquisitions of medical practices by hospitals and hospital groups, as well as drafting and negotiation of coverage and call agreements between hospitals and physicians. 813-222-6653 [jshear@gunster.com](mailto:jshear@gunster.com)



**SARAH LEA TOBOCMAN** leads Gunster's immigration practice and has handled a large volume of health-care-related visa applications. She has assisted health care organizations to manage sponsorship of foreign health care workers. She handles employment eligibility verification (I-9) and advises employers on compliance with U.S. immigration laws, procedures and maintaining a legal workforce. Ms. Tobocman frequently lectures, trains and writes about immigration laws and compliance therewith. Ms. Tobocman has been selected for Leaders in Their Field by Chambers USA and listed in The Best Lawyers in America, Florida Super Lawyers and as Top Lawyer by South Florida Legal Guide. She holds an AV Preeminent rating from Martindale-Hubbell. 305-376-6065 [stobocman@gunster.com](mailto:stobocman@gunster.com)

a s s o c i a t e s



**PAULA P. BENTLEY** is a health law attorney in the firm's Tampa office. Ms. Bentley has been a Registered Nurse in Florida since 1983 and worked as a nurse for 15 years prior to becoming an attorney. This experience has given her a unique understanding of the issues health care providers encounter in their daily practice relevant to standard of care determinations by regulatory agencies and courts. Ms. Bentley's practice focuses on licensure defense and medical malpractice defense. She worked as a judicial law clerk in the U.S. District Court, Middle District of Florida, and graduated magna cum laude from Stetson University College of Law, where she served as Editor-in-Chief of the Stetson Law Review, and is a member of the National Association of Women Lawyers. 813-314-6741 [pbentley@gunster.com](mailto:pbentley@gunster.com)



**KELLIE SCOTT** practices administrative law in Gunster's Tallahassee office. She has extensive experience representing clients before Florida agencies, including the Florida Department of Health and the Agency for Health Care Administration. She has represented health care professionals and hospitals in licensure application and defense and in the negotiation and litigation of disputes arising from Medicaid claims. She has extensive practice before the Division of Administrative Hearings. Ms. Scott is admitted to practice in Florida and Georgia, and the United States District Courts for the Northern, Middle and Southern Districts. (850) 521-1700 [kscott@gunster.com](mailto:kscott@gunster.com)



**BRIAN K. WRIGHT**, a member of Gunster's health law practice, worked in the pharmaceutical industry for companies such as Merck and Co., Wyeth-Ayerst Laboratories and Novartis Pharmaceuticals prior to practicing law. He also has experience in physician practice management. Mr. Wright concentrates his legal practice in the representation of health care facilities and individual physician practices and defending facilities and physicians before federal and state regulatory agencies. He also advises health care clients in regulatory compliance matters such as HIPAA, HITECH, physician self-referral and anti-kickback regulations. Mr. Wright holds a Masters Degree in Public Health. 813-222-6623 [bwright@gunster.com](mailto:bwright@gunster.com)



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