



THE MARK F. WEISS LAW FIRM  
A PROFESSIONAL CORPORATION

## MARK F. WEISS

Shareholder

### **Practice Specialties:** Healthcare Law

Mark F. Weiss provides intensive, relationship-based counsel to clients on a wide range of healthcare and healthcare-compliance related corporate law issues.

The primary focus of his practice is working with clients on a strategic level and on the negotiation, and transformational improvement of, their business relationships.

With over 30 years healthcare law practice experience as well as business experience inside and outside of healthcare, including a senior leadership role in medical group management and experience as the CEO of a healthcare financial services firm, Mr. Weiss brings singular expertise to the benefit of his Clients.

In addition, from 2002 to 2013, Mr. Weiss held an academic appointment as a Clinical Assistant Professor of Anesthesiology at the Keck School of Medicine of the University of Southern California, where he developed and taught a nine subject seminar series on the business and legal issues affecting physicians.

Mr. Weiss's philosophy of practice is based on the premise that the most effective representation takes into account, and is coordinated with, the Client's overall strategic goals. This avoids one of the major complicating factors of the traditional approach to opportunities and challenges in which issues are confronted on a "piecemeal" basis, one at a time without coordination with your overall goals. That outmoded methodology is generally focused reactively on problems, not proactively on the mitigation of dangers, exploitation of opportunities, and the multiplication of your strengths. Traditional legal work does nothing to control the level of complexity -- to the contrary, it often increases it.

**Areas of Practice:**

HEALTHCARE

- Strategic Representation of Hospital Based Group Practices.

The representation of hospital based physician groups with a particular emphasis on radiology and anesthesiology groups. Formation, governance, employment/subcontracts, exclusive contracts and, in particular, ongoing, strategic counseling in respect of the Client's relationship with the facilities served.

- Compliance Issues. Experienced in a wide range of

compliance issues including federal and state anti-kickback statute compliance, federal (Stark) and state self-referral issues, , HIPAA, and related concerns. In connection with compliance issues, Mr. Weiss has significant experience representing hospital based physicians and physician groups in potential kickback scheme avoidance, including representation of the Relator in connection with OIG Advisory Opinion 13-15.

- Group Practices. The creation and ongoing representation of

medical groups, from two to over 100 physicians. Structuring and formation of entities for the operation of medical group practices. Counseling in connection with regulatory compliance issues related to medical group formation. Development of intragroup management structures and the ongoing counseling of Clients on a wide range of issues, including the planning and preparation of subcontracts and employment agreements with group physicians and other healthcare professionals, and the resolution of intragroup disputes. Design and structure of intergroup relationships among medical groups.

- Individual Physicians. Representation of individual

physicians in the context of their relationships with medical groups, hospitals, healthcare facilities and managed care entities. Preparation and negotiation of employment and subcontract relationships. Representation of physicians in connection with health care facility medical directorships and clinical research positions.

- Academic Medicine. Experienced in the representation of medical

school academic departments and their department leaders in respect of protecting the academic mission and academic control in an increasingly profit- driven academic world.

- Academic-Private Practice Joint Ventures. Representation of private practice medical groups in joint venture type arrangements with medical schools/medical school academic departments in connection with the training of medical residents.
- Troubled Multi-Physician Practices. Representation of physicians involved in intra-group disputes. Projects include the representation of physicians withdrawing from groups as well as the representation of groups in respect of the withdrawal of a member.
- Hospitals, Ambulatory Surgery Centers and other Outpatient Facilities. Active in the representation of healthcare facilities, their owners and investors, in a wide range of projects. Projects range from the establishment of ASCs and other outpatient facilities, consultation in respect of service contracts, establishment and problem solving in respect of relationships with physicians, and a wide range of legal-related business issues. Mr. Weiss has a particular interest in the formation of what he terms Massive Outpatient Centers™ (“MOCs™”), an ASC + Aftercare + Medical Office Building + Imaging Center + Etc., a hospital without the hospital.
- Physician Management Entities. Planning and formation of management services organizations (MSOs), physician practice management companies and physician billing/business management entities. Design of entity structure and advice concerning, and documentation of, internal matters as well as the structure and implementation of the relationships between the physician management entity and the various managed entities.
- Exclusive Contracts. Representative projects include the negotiation and drafting of exclusive contracts between hospitals and ASCs and physician groups. Sites range from small surgery centers to community hospitals to large, internationally renowned medical centers.
- Managed Care Entities. Representative projects include the planning, drafting and review of organizational documents for the formation of managed care entities (IPAs, PHOs, ACOs, and similar vehicles), the negotiation of reimbursement rates, the negotiation and drafting of provider agreements, and the overall legal representation of managed care entities.

- Patient Protection and Affordable Care Act Issues. The representation of physician interests in respect to reaction to, and exploitation of opportunities inherent in, the Patient Protection Act, with a particular emphasis on Accountable Care Organizations.

- Mergers and Acquisitions (M&A) in Connection With Medical Practices. Representative projects include the representation of sellers and purchasers of medical practices/groups. Significant experience working with potential sellers on the strategic issue of their best course of action for the future, whether a merger, an acquisition or the pursuit of one or more alternatives.

- Integrated Delivery Systems. Representative projects include the representation of numerous medical groups in connection with the formation of integrated delivery systems. Examples include counseling physician groups in connection with the formation of Physician/Hospital Organizations' representation in respect of increasing physician control of ACOs in formation; the representation of a group of investors/physician providers in connection with a holding company formed to provide management services for a network of physicians and hospitals; the representation of a start-up network of university and community based specialists with hospital and ancillary service provider participation; and the representation of the purchaser of a network of multiple primary care offices, a clinical laboratory, multiple imaging centers, and multiple physical therapy centers, which work continued to include the reorganization of the purchased assets and a restructuring of their operations.

- Workers Compensation. Extensive experience counseling clients (including surgeons, primary care physicians, and multi-specialty groups) on the design and structure of business operations in light of regulatory changes in California's Workers Compensation laws. Expertise in the design of pharmacy programs for the dispensing of pharmaceuticals by physicians to their Workers Compensation patients, including issues ranging from pharmacy compliance to pharmacy wholesaler contracting to the design of factoring and other financing relationships.

- Business Operations. Counseling of clients in connection with a broad range of business issues. Projects range from consulting regarding specific operational issues to restructuring the business operation, advice in connection with internal issues such as governance, compensation, change of ownership, providing advice in connection with alleged malpractice, general liability and directors and officers insurance matters, and the negotiation of arrangements with service providers including insurance companies, billing services and accounting firms, among others.
- Medical Staff Issues. Representation of medical staff departments and of department physicians in connection with a range of medical staff privilege and medical staff discipline issues.
- Skilled Nursing Facilities. Representative projects include the representation of operators of facilities in connection with the acquisition and operation of facilities; the representation of owners of facilities in connection with lease and sale transactions; and the representation of facilities in connection with antikickback, fraud and abuse, and self-referral issues.
- Research and Education. Representation of tax-exempt entities involved in the active conduct of medical research and education. Representation of teaching hospital medical staff departments in connection with business and regulatory issues related to residency programs.
- Complementary and Alternative Medicine. Representation of entities engaged in the provision of complementary and alternative medicine services, ranging from international companies providing training designed to alleviate physical and mental conditions to entities operating multi-disciplinary wellness centers.

#### CORPORATE LAW IN RESPECT OF HEALTHCARE ENTITIES

- Formation and Structure of Start Up Entities. Representation of clients in connection with the selection and formation of business entities; corporations, partnerships, limited liability companies and limited liability partnerships.
- Mergers and Acquisitions. Representation of clients in connection with the acquisition and divestiture of businesses.

- Employment. Preparation and negotiation of a wide range of employment agreements and independent contractor agreements. Ongoing counseling of clients in connection with employment related matters.
- General Representation/Strategic Planning. Drawing both on his legal experience and his past service as the interim CEO of a \$50 million per year healthcare business, Mr. Weiss counsels clients on a broad range of issues, in effect serving as outside general counsel.
- Joint Ventures/Alliances. Representation of clients in connection with the evaluation of potential joint ventures, the negotiation of terms of alliance and the documentation of agreements.
- Corporate Governance. Advising clients in connection with the duties and responsibilities of directors, officers, managing partners, and managing members. Counseling in connection with the distribution of rights and responsibilities for governance of business entities.
- Nondisclosure/Covenants Not to Compete. Representation of companies in connection with the protection of intangible assets through nondisclosure and trade secrets agreements and the negotiation and preparation of covenants not to compete. Advise clients on the enforceability of restrictive covenants.
- Related Real Property Issues. Representation of entities and investors in connection with the ownership, acquisition, disposition and leasing of real property, commercial, industrial and residential.

## **Presentations**

Medial School Lecture Series (2002 – 2013):

In his capacity as a Clinical Assistant Professor of Anesthesiology at USC's Keck School of Medicine, Mr. Weiss presented an annual series of lectures to residents and attending physicians on topics including:

- *How Anesthesia Groups are Organized*
- *Anesthesia Employment Agreements and Subcontracts*

- *Medical Staff/Medical Board Discipline*
- *Compliance*
- *Managed Care – How it Works and Doesn't Work*
- *The Realities of Professional Liability Insurance*
- *Anesthesia Billing Services*
- *Exclusive Contracts for Anesthesia Services*
- *So You Want to Run an Anesthesia Group . . .*

*How to Maintain Autonomy While Building Market Share  
and Geographic Scope: Group-to-Group Mergers*  
American Society of Anesthesiologists – Conference on  
Practice Management  
Las Vegas, NV  
January 18-20, 2019

*Why and How You Must Prepare Your Anesthesia Group  
For The Future*  
Advanced Institute for Anesthesia Practice Management  
Las Vegas, NV  
April 28, 2018

*Unholy Covenants: Defective Physician Covenants Not to  
Compete in Texas*  
San Antonio Society of Anesthesiologists  
San Antonio, TX  
August 22, 2017

*Political Winds and Disruptive Trends: How the 2016  
Election and Industry Trends Will Impact Healthcare  
Business*  
Advanced Healthcare Conference, Texas Society of CPAs  
Austin, TX  
July 17, 2016

*How To Prepare Your Anesthesia Group For The  
Impending Death of Hospitals*  
Advanced Institute For Anesthesia Practice Management  
Las Vegas, Nevada  
June 3, 2016

*OIG Advisory Opinion Secrets and Strategies*  
Advanced Institute For Anesthesia Practice Management  
Las Vegas, Nevada  
June 3, 2016

*OIG Advisory Opinions: Secrets, Strategies and Tactics*  
Dallas Bar Association  
Dallas, Texas  
March 16, 2016

*"Healthcare 101" Panel Discussion*  
Tower Club Dallas  
Dallas, Texas  
Jan. 28, 2016

*From The Company Model To Joint Ventures To Just  
Sending Statements: Anesthesia Business and Deal  
Structure Compliance Traps*  
The Advanced Institute For Anesthesiology Practice  
Management  
Las Vegas, Nevada  
April 17, 2015

*Is Your Anesthesia Group A Business Or Club?*  
The Advanced Institute For Anesthesiology Practice  
Management  
Las Vegas, Nevada  
April 17, 2015

*Disrupt Or Be Disrupted: How To Prepare For The Future  
Of Anesthesiology*  
The Advanced Institute For Anesthesiology Practice  
Management  
Las Vegas, Nevada  
April 11-12, 2014

*ACO Contracting – What Physicians Need To Look Out For*  
AICPA Healthcare Industry Conference  
New Orleans, LA  
November 14, 2013



*Can Facilities Really Profit From Anesthesia Services?*  
OR Excellence Conference  
Las Vegas, Nevada  
October 25, 2013

*How To Protect Your Practice: Radiology Contracting In  
The Era Of Competitiveness*  
AuntMinnie Virtual Conference  
November 2, 2011

*Thriving in Today's and Tomorrow's Anesthesia Market:  
Cultural and Strategic Issues*  
Private Group –Large National Practice Entity  
Las Vegas, Nevada  
April 2010

*Succeeding At Negotiations Through Preparatory Work And  
Psychological Operations*  
American Society of Anesthesiologists  
2008 Conference on Practice Management  
Tampa, Florida  
January 25-27, 2008

*Managed Care (Non)Payors:  
How To Maximize Your Chance Of Getting Paid –  
Strategies And Tactics*  
American Society of Anesthesiologists  
2007 Conference on Practice Management  
Phoenix, Arizona  
January 27-29, 2007

*The Future of Anesthesia Practice: A Unified Theory for  
Anesthesia Group Success*  
American Society of Anesthesiologists  
2006 Conference on Practice Management  
Orlando, Florida  
January 27-29, 2006

*HIPAA Compliance  
Understanding and Implementing the Security and  
Privacy Regulations in California*  
Lorman Education Services  
Santa Monica, California  
July 19, 2002

*The Lawyer as Co-Conspirator -- Ethical Concerns and  
Criminal Liability Issues*  
Los Angeles County Bar Association  
Healthcare Law Section  
Los Angeles, California  
November 4, 1998

*Who "Owns" the Patient?*  
Los Angeles County Bar Association  
Healthcare Law Section  
Los Angeles, California  
February 3, 1998

*Impact of the Fraud and Abuse Provisions  
of the Health Insurance Portability and  
Accountability Act of 1996*  
Los Angeles County Medical Association  
East District 11  
La Habra, California  
March 31, 1997

*Roundtable Discussion on the Anti-Fraud Aspects  
of the Health Insurance Portability and  
Accountability Act of 1996*  
Continuing Legal Education  
Los Angeles County Bar Association  
Healthcare Law Section  
Los Angeles, California  
November 20, 1996

*Basic Legal-Business Issues of Interest to Residents*  
Anesthesia Residents Seminar  
Presented by Medaphis/Anescor  
Orange, California  
February 16, 1995

*Managed Care Contracting:  
Concepts and Significant Contract Provisions*  
California Hispanic American Medical Association  
Educational Program  
Anaheim, California  
October 23, 1994

*Discrimination Against Physician Providers  
By Managed Care Networks*  
California Hispanic American Medical Association  
Educational Program  
Anaheim, California  
October 21, 1994

*The Specialist in Managed Care:  
Strategies for Maximizing Opportunity*  
9th Hispanic Medical Congress  
Washington, D.C.  
September 24, 1994

*Opportunities For The Specialist In Managed Care*  
Managed Care: How to, or Not to  
California Hispanic American Medical Association  
Los Angeles, California  
March 26, 1994

Webinar Presentations:

*How to Profit From Telemedicine And Related Technology  
In Texas*  
Webinar

*Update on Deadline to Refund Overpayments To Avoid  
Draconian Penalties*

Webinar

*The Impending Death of Hospitals: How To Plan Your  
Practice's Survival*

Webinar

*Medical Group Mergers And Acquisitions And Alternatives*

Webinar

*Breaking News On Kickbacks: The Latest On The Company  
Model - Audio & Video Version*

Webinar

*Double Indemnity: Putting Yourself At Risk For Millions –  
The Interplay Between Insurance And Indemnification  
Provisions In Your Hospital And Physician Contracts*

Webinar

*Disruptive Strategies In Healthcare: Designing Them And  
Dealing With Them*

Webinar

*The Fast™ Group--Medical Group Governance For  
Today's Market*

Webinar

*Why Your Medical Group Needs A New Contracting  
Strategy*

Webinar

*Reverse Engineering A National Group Takeover Of Your  
Facility Contract*

Webinar

*How to Stay Out of Jail: The Latest On Management Fees  
and The Company Model of Anesthesia and Other Specialty  
Services*

Webinar

*How to Deal With RFPs For Physician Services*  
Webinar

*If Surgeons Can Legally Profit From Anesthesia At An ASC,  
Will Hospital Anesthesia & Radiology Be Next?*  
Webinar

*How To Block Referring Physicians From Profiting From  
Your Hospital-Based Anesthesia or Radiology Services*  
Webinar

**Published Articles:**

*Top Pointers for Successfully Merging Independent  
Anesthesia Groups*  
Anesthesia News  
December 2018

*Anesthesia Alert: In or Out of Love with Your Anesthesia  
Group?*  
Outpatient Surgery  
October 2018

*A Self-Diagnostic for High-Performing Anesthesia Group  
Leaders*  
Communique  
Fall 2018

*Why and How You Must Prepare Your Anesthesia Group for  
the Future*  
Communique  
Summer 2018

*New Codes Drive Growth for Interventional Surgical  
Centers*  
AuntMinnie.com  
December 2017

*The Flea That Killed the Medical Group Center CEO: A  
Cautionary Tale*  
Communique  
Fall 2017

*How to Prevent Your Medical Group From Getting Robbed  
of its Staff*  
Sentinel  
Summer 2017

*Hospital CEO Turnover: What You Must Know and Do to  
Protect Your Anesthesia Group*  
Communique  
Summer 2017

*The Impending Death of Hospitals: How to Help Your  
Clients Survive*  
Today's CPA  
July/August 2017

*Why Your Compliance Efforts May Be Worthless*  
Communique  
Spring 2017

*Double Dose of Good Regulatory News for ASC's  
Outpatient Surgery*  
January 2017

*OIG Advisory Opinion Secrets and Strategies*  
ABC Communique  
Summer 2016

*A New Strategy To Profit From Interventional Radiology*  
AuntMinnie.com  
May 23, 2016

*Practice Challenges:*

*The Disruptive Physician – You Know Who (He/She Works For You) - Does Your Employment Contract Have Teeth? – Contracts Don't Contain Extra Baggage*  
Pennsylvania Society of Anesthesiologists  
May 23, 2016

*CMS Resets The Clock For Return Of Medicare Overpayments*  
Anesthesiology News  
May 2016

*Is There An Interventional Radiology ASC (irASC) In Your Future?*  
Radiology Business Journal  
April/May 2016

*Impending Death of Hospitals: Will Your Anesthesia Practice Survive?*  
ABC Communique  
Winter 2016

*Practice Patterns Change While Outcomes Remain Steady Among Older Anesthesiologists*  
Anesthesiology News  
December 2015

*Anesthesia Group Mergers, Acquisitions and (Importantly) Alternatives*  
ABC Communique  
Summer 2015

*Seeking Certainty In Radiology: Mergers, Acquisitions and Alternatives*  
Imagingbiz.com  
June 2015

*Give Disruptive Docs the Boot*  
Outpatient Surgery  
April 2015

*Do You Make This Mistake Concerning Customer Value?*  
Anesthesiology News  
April 2015

*Do You Make This Mistake Concerning Customer Value?*  
General Surgery News  
March 2015

*McDonald's and Delivering Anesthesia Group Value*  
AnesthesiologyNews.com  
December 30, 2014

*Bundled Billing or Bungled Billing?*  
Pain Medicine News  
October 2014

*What's Your Anesthesia Group Worth? And Why It Might  
Not Make Any Difference*  
ABC Communique  
Summer 2014

*Anesthesia Group Acquisitions and Alternatives*  
Anesthesiology News  
June 2014

*OIG Opinion Adds Clarity To Illegality of Company Model*  
Anesthesiology News  
February 2014

*Anesthesia's Profits Are Off-Limits*  
Outpatient Surgery Magazine  
December 2013

*The Siren Song of Hospital (Un)Employment*  
Communique  
November 2013



*Doctors Rush to Corporate Employment ... As Corporate America Lays Off Workers*  
Anesthesiology News  
October 2013

*Two's Company, Three's a Crowd: Company Model Deals in the Hospital Setting*  
Anesthesiology News  
March 2013

*Company Model Kickbacks in the Hospital Setting*  
ImagingBiz.com  
March 2013

*Why Society's Shift Means Your Group Needs A New Strategy*  
ImagingBiz.com  
December 7, 2012

*The Profit Center: Part 26 – Radiology And The “Me-We” Cycle*  
AuntMinnie.com  
November 14, 2012

*Inoculate Your Group Against A National Group Takeover*  
Anesthesiology News  
October 15, 2012

*OIG Disapproves Two Referral Arrangements as Kickbacks*  
ImagingBiz.com  
August 8, 2012

*Inspector General Weighs In On Fee Sharing*  
Anesthesiology News  
August 2012

*The Profit Center: Part 25 – How Safe Is Hospital Employment?*  
AuntMinnie.com  
May 11, 2012

*Calif. Ruling On CRNA Practice Promises Nationwide Tremors*  
Anesthesiology News  
May 2012

*The Error in Measuring Success By Action*  
ImagingBiz.com  
May 14, 2012

*The ABCs of ACO Economics*  
ImagingBiz.com  
April 25, 2012

*The Super Bowl of Radiology Success*  
ImagingBiz.com  
February 22, 2012

*Commodity Practice or Experience Monopoly?*  
Radiology Business Journal  
February/March 2012

*Shadow Your Competition*  
AuntMinnie.com  
February 17, 2012

*Strategies For Exclusive Contracting*  
AuntMinnie.com  
January 30, 2012

*Protecting Traditional Practice In Today's 'We' Society*  
Anesthesiology News  
March 2012

*Physicians: Action Required to Thrive in Today's 'We' Society*  
AuntMinnie.com  
December 23, 2011

*How Scenario Surveys Strengthen Strategy*  
Anesthesiology News  
October 2011

*How Scenario Surveys Strengthen Strategy*  
Pain Medicine News  
September 2011

*Scenarios Can Shape Group Strategy*  
AuntMinnie.com  
August 24, 2011

*Fair market Valuation: The Death Spiral of Physician Compensation?*  
Anesthesiology News  
July 2011

*The Pitfalls of Fair Market Valuation*  
AuntMinnie.com  
June 3, 2011

*How To Navigate The Rising Tide of Aggressive RFPs*  
Anesthesiology News  
April 2011

*How To Shield Against "Weaponized" RFPs*  
AuntMinnie.com  
March 17, 2011

*Harnessing the Effects of Group Pressure in Hospital Negotiations: Find Your Buddy*  
Anesthesiology News  
March 2011

*The Company Model: Is Taking Less Money To Work at a Surgicenter Worth Jail Time?*  
Anesthesiology News  
January 2011

*Will You Pay The Price For an ASC Deal Gone Wrong?*

Anesthesiology News

October 2010

and

Pain Medicine News

October 2010

and

Gastroenterology & Endoscopy News

November 2010

*Countering Pressure in Face to Face Negotiation*

Auntminnie.com

October 8, 2010

*The Health Care Con-vergence*

Pain Medicine News

September 2010

*Managing Risk: Required For Success*

Auntminnie.com

August 13, 2010

*Escape the Carnage of the ACO*

Anesthesiology News

August 2010

and

Pain Medicine News

August 2010

and

Gastroenterology & Endoscopy News (as *Out With the PHO, In With the ACO*)

November 2010

*Accountable Care Organizations: Accountable To Whom*

Auntminnie.com

June 10, 2010

*Are You Headed to the Anesthesia Factory?*  
Anesthesiology News  
May 2010 and  
Pain Medicine News (as *Are You Headed to The Pain  
Management Factory?*)  
August 2010

*Radiology as Factory Work?*  
Auntminnie.com  
April 13, 2010

*Politician Challenges Exclusive Contract and Stipend  
Support: Impact on Pain Practice*  
Pain Medicine News  
March 2010

*Like Your Exclusive Anesthesia Pact? Better Learn to  
Defend It*  
Anesthesiology News  
March 2010

*Exclusive Contracts and Hospital Stipends Under Attack*  
Auntminnie.com  
February 19, 2010

*To Control the Contract, Control the Context*  
Anesthesiology News  
January 2010

*Thriving Despite (So-Called) Healthcare Reform*  
Auntminnie.com  
January 13, 2010

*Taking on Risk With Dubious Reward*  
Auntminnie.com  
January 4, 2010

*Securing Customer Satisfaction*  
Auntminnie.com  
November 11, 2009

*Deploy the Power of Persuasion*

Auntminnie.com

October 30, 2009

*Opportunities Knocking in Market Flux*

Anesthesiology News

September 2009

*Increase Negotiating Power*

Auntminnie.com

September 11, 2009

*Imaging Advantage: Much Ado About the Same Old Thing?*

Auntminnie.com

August 18, 2009

*Negotiating Your Group's Stipend*

Auntminnie.com

July 31, 2009

*Creating an Experience Monopoly*

Auntminnie.com

July 3, 2009

*Anesthesiologists Should Heed Stark Law Ruling*

Anesthesiology News

June 2009

*Readying For the Red Flags Rule*

Auntminnie.com

May 26, 2009

*Crafting Effective Employment Contracts*

Auntminnie.com

April 24, 2009

*Steering Clear of Stark and False Claims Allegations*

Auntminnie.com

March 31, 2009

*Radiology Groups Need New Approaches to Survive In  
Rough Times*

Auntminnie.com

January 15, 2009

*Radiology Group (un)Governance*

Journal of the American College of Radiology

January 2009

*Establish Surgeon Support Without the Monkey Business*

Anesthesiology News

December 2008

*Boosting Collection – A Group Effort*

Anesthesiology News

July 2008

*Creative Destruction: Change the Practice GroupThink*

Anesthesiology News

May 2008

*We Perform Just Like Every Other Radiology Group – So  
Why Are We Doing So Poorly?*

Journal of the American College of Radiology

March 2008

*Anesthesia Group Un-Governance*

Anesthesiology News

January 2008

*Anesthesiology Groups Confront the Four Fs*

*Part 2*

Anesthesiology News

November 2007

*Anesthesiology Groups Confront the Four Fs*

*Part 1*

Anesthesiology News

October 2007

*Gain Your Fair Share: Gainsharing Makes A Comeback*  
Seminars in Anesthesia Perioperative Medicine and Pain  
Elsevier, Inc.  
September 2006

*We Do Exactly What Every Other Anesthesia Group Does --  
So Why Are We Doing So Poorly?*  
Seminars in Anesthesia Perioperative Medicine and Pain  
Elsevier, Inc.  
December 2005

*Medical Directorship of Anesthesia Services: Are You a  
Player or Just Being Played?*  
Seminars in Anesthesia Perioperative Medicine and Pain  
Elsevier, Inc.  
September 2005

*The Future of Anesthesia Practice: Hedge Your Practice's  
Chances of Being on, Not Under, the Leading Edge of the  
Wave*  
Seminars in Anesthesia Perioperative Medicine and Pain  
Elsevier, Inc.  
June 2005

*Exclusive Anesthesia Contracts: History, Theory, Nuts and  
Bolts*  
Seminars in Anesthesia Perioperative Medicine and Pain  
Elsevier, Inc.  
March 2005

*Exclusive Anesthesia Contract or Medical Directorship  
Pact?*  
Anesthesiology News  
April 2004

*Good Faith is the Key to Complying With HIPAA's Notice of  
Privacy Practices Requirement*  
Anesthesiology News  
December 2002



*Get What You Aimed For:  
How to Forge Bulletproof Employment Agreements*  
General Surgery News  
November 2002

*Preserve the Deal You Expect: How to Forge Bulletproof  
Employment Agreements*  
Anesthesiology News  
July 2002

*Guest Editorial: Liability Arising From Consultant-  
Prepared Compliance Plans*  
Orthopedic Technology Review  
May/June 2002

*Maximize Protection and Profit Through Careful Entity  
Planning*  
Radiology Business Management Association Bulletin  
March -- April 2002

*Liability Arising From Consultant-Prepared Compliance Plans*  
CSA Bulletin  
California Society of Anesthesiologists, Inc.  
January – March, 2002 Issue (Vol. 51, No. 1)

*Structuring Practice Entities For Maximum Profit And  
Protection*  
Anesthesiology News  
March 2002

*OIG Opinion Places Legality of Common Exclusive  
Contract Provision  
in Doubt*  
Anesthesiology News  
January 2002

*Lessening the Impact of the Failure of the Medical Group Model*

Anesthesiology News  
October 2001

*Regulatory Compliance Plans are Key to Avoiding Legal Risk*

Auntminnie.com (The Online Radiology Forum)  
October 24, 2001  
(<http://www.auntminnie.com/index.asp?Sec=nws&sub=rad&pag=dis&ItemId=51976&d=1>)

*Physician Liability to Debtor Patients ... Courtesy of Your Billing Service*

Anesthesiology News  
September 2001

*High Crimes and Misdemeanors: Avoiding Medical Group Liability as a Result of Billing Service Errors*

Radiology Business Management Association Bulletin  
September 2001

*Physician Leaders Must Manage the Billing and Collection Process ... or Suffer the Consequences*

CSA Bulletin  
California Society of Anesthesiologists, Inc.  
April – June 2001 Issue (Vol. 50, No. 2)

*The Time is Now: Providers Must Adopt Prudent Business Practices in Anticipation of the Failure of the Medical Group Model*

CSA Bulletin  
California Society of Anesthesiologists, Inc.  
January - February 2000 Issue (Vol. 49, No. 1)

*Are Percentage-Based Management Services Deals Illegal? OIG Opinion Raises Serious Concerns*

Group Practice Journal  
American Medical Group Association  
May 1999 Issue (Vol. 48, No. 5)

*Compliance Audits: Save Money and (Jail) Time*  
LACMA Physician  
Los Angeles County Medical Association  
January 1998 Issue (Vol. 128, No. 1)

*Antifraud Aspects of the Health Insurance  
Portability & Accountability Act of 1996*  
LACMA Physician  
Los Angeles County Medical Association  
October 7, 1996 Issue (Vol. 126, No. 16)  
Reprinted, Solano Physician,  
Solano County California Medical Society,  
December 1996, Vol. 96, No. 11  
Reprinted, Coastal Bend Medicine,  
Nueces County Texas Medical Society,  
June/July 1997, Vol. 37, No. 4

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LACMA Physician  
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Reassignment of Medicare and Medi-Cal Claims*  
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California Society of Anesthesiologists, Inc.  
September - October 1995 Issue (Vol. 44, No. 5)

*Does Your Hospital's MSO Owe You  
a Fiduciary Duty?*  
LACMA Physician  
Los Angeles County Medical Association  
September 18, 1995 Issue (Vol. 125, No. 15)

*Specialists and Managed Care:  
Strategies for Maximizing Opportunity*  
Hispanic Physician  
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*Kickbacks: Extracting A Price For Your Right  
To Treat Patients*  
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**Quoted in**

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Communique  
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*ASC Regulatory Areas That Developers Need To Pay Attention To*  
Anesthesiology News  
November 9, 2016

*Practice Patterns Change While Outcomes Remain Steady Among Older  
Anesthesiologists*  
Anesthesiology News  
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*Anesthesia Acquisition Rate Still at Fevered Pace*  
Anesthesiology News  
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*Quoted in Top 5 Financial Challenges Facing Physicians In 2015*  
Medical Economics  
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Medical Economics  
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*Quoted in Does Anesthesia Need Its Own NTSB?*  
Anesthesia News  
August 2014

## **Books**

*The Impending Death Of Hospitals: Why You Must Plan Your  
Medical Practice's Survival*  
Kidiakedes Omnimedia  
2016

*Success or Failure? Strategic Tools For Medical Group Leaders*  
Kidiakedes Omnimedia  
2015

*Hospital-Based Medical Group Mergers, Acquisitions and Alternatives*  
The Mark F. Weiss Law Firm  
2015

*Directions: Clarity For Medical Group Leaders*  
The Mark F. Weiss Law Firm  
2014

*2013 Anesthesia Business Update*  
Advisory Law Group  
2013

*2013 Radiology Business Update*  
Advisory Law Group  
2013

*2012 Anesthesia Business Update*  
Advisory Law Group  
2012

*2012 Radiology Business Update*  
Advisory Law Group  
2012

*2011 Anesthesia Business Update*  
Advisory Law Group  
2011

*2011 Radiology Business Update*  
Advisory Law Group  
2011

*2010 Anesthesia Business Update*  
Advisory Law Group  
2010

*Maximize Your Rights: The Guide to Anesthesia Employment  
Agreements*  
Cabot, Quinn & Company.  
2006

*The Future of Anesthesia Practice* (audiovisual presentation)  
Cabot, Quinn & Company.  
2006

### **Medical School Course Instruction**

From 2002 through 2013, Mr. Weiss developed and taught a nine-session course in the Department of Anesthesiology at the University of Southern California's Keck School of Medicine. The course focuses on the legal and business aspects of anesthesia practice. Mr. Weiss held an appointment as a Clinical Assistant Professor of Anesthesiology.

### **Expert Witness**

Expert witness testimony (deposition and trial) in connection with healthcare-related issues, Los Angeles Superior Court.

### **Admissions and Bar Activities**

Member California Bar 1979 to present

Member Texas Bar 2013 to present

Past Chair and Member, Los Angeles County Bar Association Healthcare Law Section

Member of Healthcare Law Section Executive Committee, 1995 to 2001. Chair, 1998-1999 term, Vice-Chair, 1997-1998 term; Treasurer, 1996-1997 term.

Member, American Health Lawyers Association.

Member, American Bar Association.

Member: Healthcare Law Section

Member Texas Health Lawyers Association

### **Community Activities**

Member, Southern California Biomedical Council (1998 – 1999)

Member, Southern California Biomedical Council Advisory Board to Department of Veterans Affairs Regarding Westwood Campus Biotechnology Center (1998)

Member, Southern California Biomedical Council Advisory Board to Los Angeles  
Pierce College Regarding Campus Biotechnology Center (1998)

Member, Board of Governors, Tower Club, Dallas, Texas

Former Member, Board of Directors, Southern California Psychoanalytical  
Institute

Former Big Brother

### **Practice History**

#### 1998 to Present

The Mark F. Weiss Law Firm, a professional corporation  
(Formerly known as Advisory Law Group, a Professional Corporation)  
Dallas, Texas  
Santa Barbara, California  
Los Angeles, California

#### 1993 to 1998:

Founding Shareholder/Senior Attorney in Charge of Corporate and Healthcare  
Law Practice  
Weiss Powers (formerly known as Weiss & Humphries)  
Los Angeles, California

#### 1992-1993:

Founding Partner/Head of Transactional Practice  
Weiss & Mesereau  
Los Angeles, California

#### 1987 to 1992:

Founding Partner/Head of Transactional and Healthcare Practice  
Selvin, Weiner & Ruben  
Los Angeles, California



1986 to 1987:

Associate/Transactional and Healthcare Practice  
Selvin & Weiner  
Los Angeles, California

1983-1986:

Associate/Business Department  
Hayutin, Rubinroit, Praw & Kupietsky  
Los Angeles, California

1979-1983:

Associate/Litigation and Business Departments  
Hertzberg, Childs, Miller & Corleto  
(formerly known as Hertzberg & Childs)  
Beverly Hills, California

**Education**

University of Southern California Law Center  
J.D., 1979

University of California at Irvine  
A.B. History, 1976

**Professional Peer Reviewed Rating**

AV Peer Reviewed Rating by Martindale-Hubbell  
(Highest possible rating)