



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.

- False Claims Act. Advise medical groups and healthcare facilities to prophylactically defend against FCA claims, and consult with litigation counsel as subject-matter experts both in connection with the prosecution of, and defense against, healthcare compliance based False Claims Act lawsuits.

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 . . .*

Group-to-Group Mergers... And Not Quite Mergers
Advanced Institute for Anesthesia Practice Management
Las Vegas, NV
May 15-18, 2019

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:

*4.5 Things Magic Mountain Taught Me About Your Business
And
Why the Hospital's Idea of Physician Leader Means
Follower*
Sentinel
Winter 2019

*An Update on the 'Company Model' and Other Anesthesia
Kickback Schemes*
Anesthesia Business Consultants
Winter 2019

*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

Is Your Group's Governance Structure Holding You Back?
Pain Medicine News
September 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

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

Physician Recruiting Packages
LACMA Physician
Los Angeles County Medical Association
June 17, 1996 Issue (Vol. 126, No. 11)
Reprinted, CSA Bulletin, California Society of
Anesthesiologists, Inc., November - December, 1996 Issue
(Vol. 45, No. 6) as *Physician Incentives: Consider the
Impact of Federal and State Laws Before You Say "Yes!"*

Sure I'll Agree to Arbitrate
"I Just Don't Want to Waive Any of My Rights
(and Other Fairy Tales)"
CSA Bulletin
California Society of Anesthesiologists, Inc.
January - February 1996 Issue (Vol. 45, No. 1)

Beware of "Standard" Contract Provisions
LACMA Physician
Los Angeles County Medical Association
November 6, 1995 Issue (Vol. 125, No. 18)
Reprinted, Solano Physician, December 1995,
Vol. 95, No. 1

*Assign of the Times: The Prohibition Against the
Reassignment of Medicare and Medi-Cal Claims*
CSA Bulletin
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
California Hispanic American Medical Association
Volume V

*Kickbacks: Extracting A Price For Your Right
To Treat Patients*
CSA Bulletin
California Society of Anesthesiologists, Inc.
May-June 1994 Issue (Vol. 43, No. 3)

Quoted in

Becoming a Cheetah and Other Survival Tactics
Communique
Summer 2018

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
December 2015

Anesthesia Acquisition Rate Still at Fevered Pace
Anesthesiology News
Summer 2015

Quoted in Top 5 Financial Challenges Facing Physicians In 2015
Medical Economics
December 2014

Quoted in Top 15 Financial Challenges Facing Physicians In 2015
Medical Economics
December 2014

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)