

## Kinal M. Patel

### Partner

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Kinal Mahesh Patel advises health care, life sciences, and insurance companies on complex transactional, alternative payment model and risk contracting, and regulatory compliance matters. Combining both regulatory and transactional experiences, he delivers legal advice with practical solutions to support clients' short and long-term goals as they navigate regulatory reforms and industry trends.

### Transactional Counsel

Kinal delivers pragmatic deal advice and risk mitigation-oriented solutions to help guide health care providers, plans, and other companies through mergers and acquisitions, joint ventures, and strategic alliances. He has experience with hospital, provider, pharmacy, and health plan acquisitions. He also leads the implementation of partnerships among health care companies and physician and non-physician provider alignment strategies.

### Alternative Payment Models and Risk Contracting

Kinal routinely advises clients on alternative payment models and shared-risk arrangements; and on provider network structures, like CINs, ACOs, IPAs, and PHOs, related to compliance with federal and state health care, insurance, and general business laws. He is a sharp negotiator counseling health care providers on managed care and other risk contracting; and provider networks on risk-bearing entity activities, participation agreement design, payor contracting structures, and provider relationship. He supports clients on a variety of payment and service delivery models from CMMI and CMS, including MSSP, BPCI-A, PCF, DCE, GPDC, GUIDE, and other non-governmental risk adjustment models.

### Regulatory Compliance

Kinal provides regulatory compliance counsel on regulatory, compliance, licensing, and managed care arrangements. He helps clients navigate pending and suspected compliance issues and government enforcement actions, government payor program enrollment and participation requirements, and licensing and accrediting support. He also has experience handling Medicare and Medicaid billing and reimbursement

issues for a variety of providers and suppliers.

Kinal is a member of the firm's Health Care Practice Group; and co-chair of the Health Care & Life Sciences Sector's Payor Provider Convergence Area of Focus.

## **Representative Experience**

- Counsel to HeartPlace, P.A., the largest physician owned cardiology practice in Texas, in connection with its recapitalization by US Heart & Vascular, an Ares Capital company.
- Acted as lead counsel in the sale of Houston-based Invicta Health Solutions, LLC, a provider of healthcare revenue cycle management solutions, to RSi, LLC.
- Counsel to Orthopaedic Institute of Dayton in its recapitalization by Orthopaedic Associates and Revelstoke Capital Partners, LLC.
- Acted as lead counsel in the sale of Medical Imaging Services, LLC, a company engaged in the distribution, sale, and service of diagnostic imaging equipment, supplies, and parts to 626 Imaging, a Peak Rock Capital portfolio company.
- Advised University of Florida and UF Health Corporation in the acquisition of the Florida operations of The Scripps Research Institute.
- Counsel to a middle-market private equity sponsor in the recapitalization of a Medicaid-reimbursed non-medical home health agency opening in Louisiana and Mississippi.
- Counsel to a middle-market private equity sponsor in the development of a de novo pediatric telemedicine platform in Virginia.
- Advised an entrepreneurial vascular specialist physician selling physician offices and ambulatory surgery centers and licensing intellectual property to a publicly traded health care organization expanding to a new territory.\*
- Advised on and negotiated an affiliation arrangement between a specialty physician group and a local health system, which initially led to the development of a new cancer center with shared operations. The work enabled the specialty physician group to maintain its independence and meet its growth targets, strengthen its ties with community providers and facilities, and establish the framework to support future strategic opportunities.\*
- Advised a large primary care physician group with a partial recapitalization by a private equity investor and counseled on an establishing a risk-bearing entity structure for limited payor lines. The work involved advice on retaining physician control and ownership, creating alternative profits opportunities in the investor, and establishing an insurance intermediary.\*
- Advised a medical marijuana cultivator, processor, and dispenser combination with a similar enterprise operating in different states with stronger fundraising capabilities. The work involved the transfer of current and future business opportunities under state license applications and provisional licenses.\*
- Advised a DME manufacturer and supplier on private equity recapitalization; a urology group on a sale to a private equity platform; several behavioral health provider practices sale to a private equity platform; a large provider platform's acquisition of a behavioral health provider practice; and a private

fund's sale of a pet insurance business to a national insurer.\*

- Advised providers and non-providers participating in the Medicare Shared Savings Program and other CMMI payment and service delivery models. This work has involved supporting a participant provider appeal shared savings determinations following a regional rate adjustment that was not reflected in the historical benchmark.\*
- Assisted several ACOs and CINs on governance, financial arrangements, membership, and managed care payor contracting with risk adjustment and shared savings models.
- Advised a national insurer and PBM and provider-affiliated health plans on Medicare Advantage and Part D compliance, payor disputes, and Medicaid managed care procurements.\*
- Advised a new insurtech firm piloting a managed care product on startup health insurance operations, network development, and population health tools.\* The work involved supporting insurance and provider relations teams develop the documentation, processes, and tools to build a network and manage risk while integrating digital innovations and a provider-friendly culture into the traditional provider-insurer relationship.
- Advised a national insurer on network development for a new pet insurance line.\* The work involved developing and negotiating network veterinary clinic arrangements and a corresponding PBM arrangement.
- Advised hospitals and other providers on billing compliance, licensure, and fraud waste and abuse laws.
- Advised nationwide substance abuse centers and laboratories on compliance with federal and state fraud and abuse laws, including EKRA.\* This work involved working with business and legal teams on staffing, marketing, and partnership arrangements and structures.

*\*Matters handled prior to joining Foley.*

## Awards and Recognition

- Recognized, *Chambers USA: America's Leading Lawyers for Business*, Healthcare (2024)

## Affiliations

- American Health Law Association, Transactions Affinity Group, Past vice-chair (2017-2021)
- Moritz College of Law, The Ohio State University, Former Adjunct professor (2020-2021)
- Asian Pacific American Bar Association of Central Ohio, Past president and board member (2021)

## Community Involvement

- Houston Latino Film Festival (Secretary)

## Presentations and Publications

- Lead Editor, "AHLA Corporate Practice of Medicine: A 50 State Survey," American Health Law Association (May 2024)
- Speaker, "Value Based Care Models in Health Care" Foley Weeks (Dec. 9, 2023)

- Speaker, “Managed Care Contracting – Key Considerations” Association of Corporate Counsel (May 2, 2023)
- Speaker, “What Consents are Required for Hospital Transactions?” American Health Law Association (February 16, 2022)
- Speaker, “What You Need to Know about Price Transparency and Surprise Billing and How You Should Monitor” Health Care Compliance Association (December 10, 2021)

## Sectors

- [Health Care & Life Sciences](#)
- [Payor Provider Convergence](#)

## Practice Areas

- [Corporate](#)
- [Health Care](#)

## Education

- University of Virginia School of Law (J.D., 2012)
  - Editorial board member, *Virginia Journal of Law and Technology*
- University of Houston (B.A., summa cum laude, 2008)

## Admissions

- Texas
- Ohio