

One healthy practice *Newly opened medical law firm 'hit the ground running'*

Practice Profile

By Douglas J. Levy

With a dour economy statewide and across the country, one would assume starting up a boutique firm now would pose difficulties.

Carey F. Kalmowitz, however, says the only real obstacle he and his four partners faced in opening The Health Law Partners, P.C. in Southfield in March was learning to adjust to a different commute each day.

Kalmowitz and partners Jessica L. Gustafson, Robert S. Iwrey, Abby Pendleton and Adrienne Dresevic decided earlier this year to found their own health care law firm.

And the economic climate actually worked to the new firm's advantage.

"From our perspective as a new law firm," Dresevic said, "even though the Michigan economy has been hit fairly hard, we have been fortunate because we have such a large client base outside of Michigan, and are doing deals across the country. So we haven't seen the same kinds of negative impact on the bottom line."

That's because health care regulation is federal, meaning The Health Law Partners can work with clients as close as Dearborn and as far as Dallas.

And, being based in the Midwest, the firm can put itself at a lower price point than other health care law practices in bigger markets such as New York, Chicago, San Francisco and Boston.

Routing reimbursement

The firm's specialties include Stark and Anti-Kickback law compliance, health care billing and reimbursement, and Medicare and Medicaid appeals for claim denials and overpayment demands.

The group serves everyone from solo practitioners to group practices, hospitals to hospice organizations, and surgery centers to imaging centers.

Most of these practices, he said, have suffered anywhere from 8 percent to 20 percent declines in federal reimbursement, and the fragility of the economy means patients don't get medical services

with the same degree of frequency that they had historically.

"Part of it also has to do with the fact that funding is going to affect the monies available for compliance work," said Iwrey, who is chair of the Oakland County Bar Association's Medical-Legal Committee. "In the past, there would be sufficient funding for larger entities, specifically to engage either health care counsel or auditors to assist them in identifying problems.

"At the same time, it's of concern, because as President Barack Obama said in his state of the nation speech about enforcement in terms of funding Medicare and federally funded programs, they're going to be putting more effort into enforcement. And what's going to happen is, as they increase their enforcement, the need for compliance goes up."

That means scrutiny to the point of anxiety. "For some doctors, Medicare reimbursement is their lifeline," Iwrey said. "Without it, they go under."

Making a 'roadmap'

It's common, then, for health care groups big and small to try to consolidate services to add more revenue to their practices. But, Dresevic said, "it presents a challenge when you're legal counsel because you have to make sure you're complying with all the different health care regulations. ... You try to marry all the docu-

ments together without tripping over any of the specific regulations."

As an example, Iwrey said, the Office of Inspector General (OIG) issued an advisory opinion on the conflict of urologists partnering with radiation oncologists to provide radiation therapy. Such partnership was ruled to be prohibited.

A New York-based client was partner to one of these arrangements, and the solution the client received from a law firm there was for the five different urology groups to come together as a supergroup.

"That's a solution," Kalmowitz said, but "just an unviable one because groups want their autonomy; they didn't want to integrate financially and operationally in order to obtain the revenue from this deal."

So Kalmowitz and Dresevic came up with another plan. It would navigate the risks identified by the OIG and keep in a place an arrangement to minimize the structural elements of risk, but it still would enable the groups to maintain their independence within the arrangement.

"They're coming to us looking for a certain outcome," Iwrey said. "They may not know how to get there, and the road they thought they were going to take to get there might not be the right road."

"So we're going to provide them with a roadmap," added Pendleton, who is Dresevic's sister.

Room to grow

Kalmowitz said the firm sees "controlled, judicious growth" on the horizon, with an expansion of both attorneys within the practice and a regional and nationwide client base.

But, he added, the fact that all five partners have worked together for so long and enjoy each other's company makes a difference — especially when there are a few 14-hour days.

"With the hours that we're putting in, if the people didn't truly enjoy spending all the time that we did with one another, it wouldn't be worth it," Kalmowitz said.

"We love what we do, and that's made it easy," Pendleton said. "We hit the ground running, and we haven't looked back."



Jessica L. Gustafson, (from left), Robert S. Iwrey, Abby Pendleton, Carey F. Kalmowitz and Adrienne Dresevic have started their own firm, The Health Law Partners, P.C., in Southfield.