



### Joshua Kaye

Partner

MANAGING PARTNER, MIAMI OFFICE  
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Joshua Kaye concentrates his practice in healthcare mergers and acquisitions and the development of innovative business models within the healthcare industry.

#### RELATED SERVICES

- Corporate

Joshua advises clients in all aspects of federal and state healthcare regulatory matters, including anti-kickback, self referral laws, state licensure, Corporate Practice of Medicine and Dentistry, Certificate of Need, insurance laws and HIPAA.

## EXPERIENCE

### HEALTHCARE PRIVATE EQUITY

Joshua represents a number of private equity sponsors in their healthcare acquisitions and divestitures, and the on-going representation of their healthcare portfolio companies, having developed a niche in addressing healthcare driven transaction structure issues as well as healthcare regulatory due diligence issues. On the acquisition side, his work has been geared toward leveraged buyouts and has included multiple leveraged buyouts of national and regional ambulatory surgical center companies, multi-site imaging center businesses and home healthcare companies. He has advised private equity clients in their acquisitions and worked closely with their due diligence teams to quickly identify healthcare regulatory issues ranging from healthcare fraud and abuse concerns, Medicare billing issues and federal and state licensure issues.

### AMBULATORY SURGICAL CENTERS

Joshua represents national and regional ASC management companies, independent ASCs and individual physician investors with all of their transactional, regulatory and litigation needs. His national experience includes ASC transactions in California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, North Dakota, New Jersey, New York, North Carolina, Texas and other states. His experience includes syndicating startup ASCs, selling and redeeming physician equity interests, squeeze-out mergers, buying and selling equity stakes in ASCs on behalf of, or to, large private-equity funded and publicly traded corporate buyers, revising governing documents and developing business models to facilitate an ASC's capture of ancillary revenue streams, including diagnostic imaging, anesthesia and pathology services.

### HOSPITALS AND HEALTH SYSTEMS

Joshua represents hospitals and health systems in a wide array of healthcare transactional and regulatory matters with a particular focus on developing innovative business models involving hospital/physician joint ventures or contractual arrangements.

## DIAGNOSTIC IMAGING AND ANCILLARY SERVICES

Joshua represents hospitals and health systems, independent diagnostic testing facilities and group practices in connection with their diagnostic imaging transactions and regulatory issues. He has been instrumental in the development and refining of cutting edge business models related to the delivery of such services, including developing quality and efficiency measured productivity arrangements, shared-ancillary arrangements, and ancillary-only management business models that have permitted health systems, group practices and imaging centers to collaborate in the delivery of various diagnostic imaging modalities and ancillary services (such as PET, CT, MRI, ultrasound, greenlight, lithotripsy, radiation therapy, cyber-knife, nuclear camera, clinical lab, pathology, physical therapy and dispensing prescriptions).

## CONCIERGE MEDICINE

Joshua was part of the team that developed the healthcare business model for the largest concierge medical practice in the United States. He advises medical practices on transitioning to a concierge practice as well as with the ongoing transactional and regulatory issues of the concierge practice.

## MEDICAL GROUPS AND PHYSICIANS

Joshua represents numerous medical groups in all of their transactional and regulatory needs, including the development of super groups to capture ancillary revenues and working with clients to satisfy their physician compensation goals in a manner that is compliant with the Stark Law and other healthcare regulations. Joshua also assists medical groups and physicians with employment agreements, enforceability of non-compete provisions, professional service agreements, administrative service agreements, governing documents and a range of other transactional and regulatory matters.

## URGENT CARE, PHYSICIAN AND DENTAL PRACTICE MANAGEMENT AND HEALTHCARE CONSULTANTS

Joshua represents a number of urgent care companies, physician and dental practice management companies and other healthcare provider consulting companies in developing their business models from a transactional and healthcare regulatory perspective. His clients include multiple private equity funded urgent care companies and physician and dental practice management companies in assisting them with all of their healthcare transactional and regulatory matters.

## DURABLE MEDICAL EQUIPMENT

Joshua has substantial experience in the durable medical equipment and incontinence healthcare industry, having represented several clients in all of their transactional and regulatory matters relating to the delivery of home care products vis-à-vis the Internet, agency agreements, marketing initiatives and other matters.

## HEALTHCARE REGULATORY

Joshua has represented clients investigated by various federal and state agencies, including the Centers for Medicare and Medicaid Services, the Department of Health and Human Services Office of Inspector General, the Florida Agency for HealthCare Administration, the Florida Board of Medicine and the Office of the Attorney General of the State of Florida.

## CREDENTIALS

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### Admissions

- Florida

### Prior Experience

Before joining DLA Piper, Joshua was a partner with an international law firm, where he was co-chair of its Health Transactions practice and Ambulatory Surgical Center practice and hiring partner of its Miami office, as well as a former partner-in-charge of the office's Community and Pro Bono Services Committee.

## Recognitions

*Chambers USA* has repeatedly highlighted Joshua's healthcare work and has noted that he earns a "ten out of ten" from clients. One client described him as "stellar—really at the top of his game." Other sources have referred to Joshua as the "ultimate negotiator" and noted that he "is particularly good at seeing the big picture and focusing on the important matters in a complex situation." He is "responsive, creative and patient" with "a very in-depth understanding of the regulatory framework."

The Florida Bar has recognized him as a "Board Certified Health Law Attorney" and he is listed in *The Best Lawyers in America*. Joshua has been repeatedly recommended by *The Legal 500 United States*, which reported that commentators said he is "not a good lawyer, he is a great lawyer—with a superb team."

Joshua has been named to *Law360's* "Rising Stars" list, which recognizes lawyers under the age of 40 with impressive legal accomplishments in their respective practice groups. He was one of only three healthcare lawyers honored by *Law360*, focusing on the ongoing implementation of the Affordable Care Act and the resulting transactional and regulatory work for major providers within the healthcare sector. Joshua has also been named a 2014 "Rising Star" by the *Daily Business Review*. In 2015 Joshua received the Leading Lawyer Award from *The Ambulatory M&A Advisor*.

## Education

- J.D., University of Miami School of Law 2000  
*magna cum laude*  
Order of the Coif  
Managing Editor, *University of Miami Law Review*
- B.A., University of Florida  
*with honors*  
Delta Sigma Pi Professional Business Fraternity

## Memberships

- Florida Bar, Health Law Section
- American Health Lawyers Association

## INSIGHTS

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Joshua frequently lectures and writes articles on healthcare transactional and regulatory issues affecting physician groups, ambulatory surgery centers and other ancillary healthcare providers.

## Publications

### Opening Up America Again Guidelines signal relaxation in elective surgery restrictions

20 April 2020

For healthcare providers as they evaluate how the Opening Up America Again Guidelines pertain to their respective practices.

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### CMS issues temporary waivers to allow hospital services to be provided in community-based locations and clarifies the applicability of EMTALA for locations outside of the hospital

16 April 2020

These waivers permit patients to be triaged to a variety of community-based locales.

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### CARES Act may offer relief for medical practices, but raises questions for private equity-backed practice

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## management companies

3 April 2020

Medical practices and practice management companies are urged to consider options under the CARES Act.

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## Hotels and hospitals may find new partnerships to solve for bed capacity issues and vacancies

25 March 2020

The impacts of COVID-19 upon the hospitality sector as well as hospital systems and the healthcare industry have been sudden and dramatic.

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Joshua's articles can be found in *Outpatient Surgery*, *SurgiStrategies*, *Administrative EyeCare*, *Ambulatory Surgery Compliance & Reimbursement Insider* and other publications.

Joshua is the co-author of a chapter in *Ambulatory Endoscopy Centers: A Primer* (American Society for Gastrointestinal Endoscopy) (with Jerry Sokol).

## NEWS

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### MEDIA MENTIONS

- "Providers dominated healthcare private equity deals in 2017," *Modern Healthcare*, April 2018
- "Keeping Eyes Out on Business Representation in a Sale," *The Ambulatory M&A Advisor*, 2016
- "36 People to Know in the Urgent Care Market," *The Ambulatory M&A Advisor*, 2015
- "1 big thing: ER doctors' pay raises outpace other specialists," *Axios*, January, 2019

### PRO BONO

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Joshua has taken part in multiple pro bono efforts involving the National Center for Refugee and Immigrant Children, representing unaccompanied minors in asylum matters and the Florida Legal Aid—Put Something Back Program in the representation of children with learning disabilities. He also oversees and has been involved in pro bono efforts involving Women In Distress, Inc., the Kids First Pro Bono Program and a variety of representations of nonprofit corporations with general corporate matters.