

CURRICULUM VITAE



Tracy J. Mabry, B.C.S.

Tracy Mabry Law, P.A.
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Health Law Practice Overview

Tracy Mabry has represented a broad range of healthcare industry providers over the past 30 years on transactional, regulatory compliance, and reimbursement matters, including: state licensure issues in Florida and Texas; Medicare and Medicaid provider enrollment issues; reimbursement issues, audits and appeals with Medicare, Medicaid and non-governmental insurers/payers; state and federal fraud and abuse compliance, including voluntary disclosure and compliance audits; provider contracting and ventures; defense of licensed professionals in disciplinary investigations and peer review; sales, mergers, acquisitions and changes of ownership of healthcare businesses; healthcare provider employment issues; healthcare information privacy and security issues (HIPAA and HITECH) for medical records and billings; electronic health records (EHR)/electronic medical records (EMR), health information technology (HIT), and international healthcare, including medical tourism and cross-border healthcare projects.

Education

J.D., Northwestern School of Law-Lewis & Clark College, 1985

B.A., Harvard College, 1978 (cum laude)

Admitted to Law Practice

Florida, Active since 2002; Board Certified in the specialty of Health Law since 2005

Texas, Active since 1991

Oregon, (1986 to 1993), inactive license currently

Legal Employment History

Tracy Mabry Law, P.A. Central Florida offices

Shareholder, CEO, President (June 2014 to present)

Professional services are currently provided by and through Tracy Mabry Law, P.A., a Florida professional corporation. Tracy Mabry is a Board Certified Specialist (“B.C.S.”) in the Specialty of Health Law, and is the CEO, President, and sole owner of Tracy Mabry Law, P.A.

Greenberg Traurig, P.A. (“GT”) Orlando, Florida office

Of Counsel (May 2010 through May 2014)

Based in GT’s Orlando, Florida and Tampa offices serving clients throughout Florida and occasionally outside the state. GT is an international law firm of approximately 1850 attorneys and 35 offices, providing full service of the legal needs of major national and international corporations across all industries (see www.gtlaw.com), and also serving the needs of businesses and professionals smaller in scale.

Dean, Mead, Egerton, Bloodworth, Capuano & Bozarth, P.A. Orlando, Florida office

Shareholder (August 2002 to May 2010)

Dean Mead is a Central Florida private law firm, which during the above period of employment had 40 attorneys and 3 offices serving small to medium-sized businesses and professionals, including a broad range of physician groups and many other health care providers. Served as Co-Chair of the firm’s Healthcare and Life Sciences Industry Practice Group with Alan Daniels, Esq. and attained Board Certification by The Florida Bar as a specialist in Health Law in 2005.

Clark, Thomas & Winters, P.C. Austin, Texas

Shareholder (June 1994 to August 2002)

Clark Thomas was Austin's largest private law firm at the time, with 100 attorneys. The firm was well-respected for its health care/governmental practice group experience. Clients included numerous health care industry trade associations, rural hospitals and physicians (among a broad range of other provider types).

Small Craig & Werkenthin, P.C. Austin, Texas

Senior Associate (August 1991 to June 1994)

Small Craig was a Central Texas private law firm of approximately 40 attorneys/2 offices (Austin and San Antonio) in the early 1990s, and had expanded through joining with a boutique health law practice group. The health care group had significant state health care trade association representation (including the Texas Organization of Rural and Community Hospitals (TORCH)).

Davis Wright Tremaine Portland, Oregon office

Associate (March 1986 to August 1991)

Joined the Portland firm of Ragen, Tremaine, Krieger, Schmeer, & Neill directly out of law school, and immediately after serving in the trial court full time as a Judicial Clerk and Bailiff for the Honorable Charles A. Sams, Circuit Court Judge, Clackamas County Oregon. The Ragen Tremaine (35 lawyer) office merged with the Seattle-based Davis Wright law firm about 2 years later, which created Davis Wright Tremaine, a large, regional, Western U.S. full service private law firm of 250 attorneys serving business clients in Alaska, Washington, Oregon, California, Colorado, and D.C. Interest in health care regulatory and reimbursement work began shortly after joining the firm.

Areas of Practice Concentration

Comprehensive representation of health care providers with regard to Medicare and Medicaid program enrollment, contracting, regulatory compliance and reimbursement matters, and other federal and state law healthcare matters, including:

Medicare and Medicaid provider enrollment, reimbursement, audits, and appeals

Regulatory and reimbursement issues in government-sponsored healthcare programs, governmental and non-governmental managed care, and Florida Workers' Compensation System

Physician self-referral issues (including Stark and Florida's Patient Self-Referral Act), and state and federal antikickback analysis and compliance

State licensing and permitting of health care providers and facilities, including changes of ownership

HIPAA and HITECH compliance, including drafting of compliance plans and policies, training and implementation, breach investigation, risk analysis and assessment, mitigation and corrective action; breach notification, defense of providers (before the DHHS OIG Office of Civil Rights and professional licensing boards), business associate agreements and subcontractor agreements; and other issues relevant to the privacy, security, access, use, disclosure, preservation, retention, and destruction of medical records

Compliance and reimbursement audits and corrective action plans, including voluntary overpayment disclosure and repayment

Purchase and sale of healthcare providers, including due diligence and transfers of licenses, permits, and provider contracts

Hospital/Physician contracting, joint ventures, and medical staff representation

Healthcare participating provider agreements with private and governmental payers, including risk contracting/capitation

Licensed professional disciplinary investigations and peer review matters, including fair hearings and National Practitioner Data Bank reporting issues

Physician practice/Health care organization entity formation, and corporate/LLC maintenance and governance

Provider employment agreements and independent contractor services agreements

Regulation of the healthcare workplace (OSHA) and health care worker employment issues (FLSA, ADA, EEOC claims, and state level workforce regulations)

Affordable Care Act (“ACA” or “PPACA”) health care reform implementation issues for providers, the health care workforce, employers, and third party (non-provider) vendors, including Internal Revenue Service regulation, Medicare Accountable Care Organizations (ACOs), Medicaid and insurance reforms

Global/international healthcare services and regulatory issues, including medical tourism/cross-border health issues and service arrangements

Special projects, including multiple engagements to provide expert testimony in state and federal courts concerning Medicare and Medicaid reimbursement issues, and court

appointment as special healthcare regulatory counsel to a provider debtor in Chapter 11 bankruptcy

Professional & Organizational Involvement

- Member, American Health Lawyers Association (AHLA)
- Member, American Bar Association, Health Law Section
- Member, the Florida Bar, Health Law Section (Board Certified in Health Law)
- Member, State Bar of Texas, Health Law and Administrative Law Sections

Scope of Health Care Industry Provider and Professional Representation

- Hospitals and hospital medical staff
- Physicians and physician group practices
- Rural health clinics (RHCs)
- Ambulatory surgical centers (ASCs)
- Diagnostic imaging centers and independent diagnostic testing facilities (IDTFs)
- Clinical laboratories – independent and provider-based
- Pharmacies and pharmacists
- Skilled nursing facilities (SNFs)
- Assisted living facilities (ALFs)
- Continuing care retirement communities (CCRCs)
- Home health agencies (HHAs)
- Hospices
- Outpatient physical therapy clinics and physical therapists
- Comprehensive outpatient rehabilitation facilities (CORFs),

- Durable medical equipment (DME) suppliers
- IV/infusion therapy companies
- Nursing professionals- registered nurses (RNs) and advance registered nurse practitioners (ARNPs)
- Adult day care facilities
- Community mental health centers (CMHCs)
- Medical billing companies
- Health care receivables lenders
- Provider networks/ independent practice associations (IPAs)
- Management services organizations (MSOs)
- Medical tourism facilitators, developers, and providers in cross border (domestic and international) arrangements.

Publications & Presentations

Publications

“Government Accountability Office (GAO) Report to Congress Calls For Increasing The Consistency of Requirements Upon Medicare Contractors Performing Post-Payment Review of Fee-for-Service Claims”, September 9, 2013, National Law Review (natlawreview.com)

“U.S. Medical Oncology Practice Sentenced for Use and Medicare Billing of Cancer Drugs Intended for Foreign Markets”, August 14, 2013, National Law Review (natlawreview.com)

"Clear Medical Tourism Facilitator Contracts Benefit All Parties," Medical Tourism, Your Guide to International Medicine, 2012 (publication of the Medical Tourism Association, international trade association)

"Legal Issues in Obtaining and Providing Healthcare Internationally, Medical Tourism, Your Guide to International Medicine, 2011 (publication of the Medical Tourism Association, international trade association)

"The HIPAA Privacy Rules: New Practices and Procedures Required for Litigation Involving Medical Records and Representation of Medical Providers," Florida Defense Lawyers Association Trial Advocate Quarterly, June 2003

"State Regulation of Medical Waste," State Bar of Texas Health Law Journal, 1992

"Medical Creditors," Oregon State Bar Health Law Continuing Legal Education Treatise, 1990

Lectures and Seminar Presentations (1995 to present)

Lecturer, "Legal Issues in International Healthcare" 3rd Global Ministerial Summit of the World Medical Tourism & Global Healthcare Congress, Hollywood, Florida, October 2012

Lecturer, "Legal Considerations of Medical Practice Mergers," 2012 Annual Meeting of the Florida Urological Society, Orlando, Florida, August 2012

Lecturer, "International Healthcare Legal Issues," 2nd Global Ministerial Summit of the World Medical Tourism & Global Healthcare Congress, Chicago, Illinois, October 2011

Panelist, "When and How to Effectively Use Legal Counsel to Address Issues Material to the Success of Your Medical Tourism and Healthcare Ventures and Projects," World Medical Tourism & Global Healthcare Congress, Chicago, Illinois, October 2011

Lecturer, "You're the Boss Now" SCVS Fellows Program, Orlando, Florida, March, 2011

Lecturer, "Health Care Regulatory and Legislative Update" Space Coast Medical Group Managers Association, Viera, Florida, November, 2009

Lecturer, "Health Care Regulatory and Legislative Update" Central Florida Medical Group Managers Association, Orlando, Florida, October, 2009

Lecturer, "Health Care Regulatory Update", North Florida Regional Medical Center Physician Practice Administrators, Gainesville, Florida, July, 2009

Lecturer, "Proposed Regulation of Diagnostic Testing Services and Anti-Markup Rule Clarification under the Medicare 2009 Physician Fee Schedule," Seminole County Chapter of Florida Osteopathic Medical Association, Winter Park, Florida, August, 2008

Lecturer, "Looking Ahead to Selling Your Agency: Traveling the Road from Preparing and Marketing Your Agency to Closing Of the Sale (And Beyond)" Associated Home Health Industries of Florida Annual Meeting, Orlando, Florida, June 2008

Lecturer, "Federal Regulation of Employment Relationships in Home Care," Austin, Texas, August, 2000

Lecturer, "Defending Unemployment Compensation Claims," Osceola Regional Hospital Physician Office Administrators Forum, Kissimmee, Florida, October, 2005

Lecturer, "FL Physicians, Regulatory Update," Dean Mead/ Suntrust Seminar for Brevard County, Melbourne, Florida, October, 2005

Lecturer, "Your Prescription for A Healthy DME," Florida Association of Medical Equipment Services Annual Meeting, Palm Beach Gardens Florida, September, 2005

Facilitator, "Interactive Question and Answer Session on Contemporary State and Federal Compliance Issues," Florida Association of Medical Equipment Services Annual Meeting, Sarasota, Florida, November, 2004

Lecturer, "Dealing Effectively With Employee-Related Headaches," Associated Home Health Industries of Florida Annual Meeting, Coral Springs Florida, May, 2004

Lecturer, "Florida Legislative and Physician Compliance Update," Dean Mead Seminar, Orlando, Florida, September, 2004

Lecturer, "The HIPAA Privacy Rules: New Practices and Procedures Required for Litigation Involving Medical Records and Representation of Medical Providers," Florida Liability Claims Conference, Orlando, Florida, June, 2003

Lecturer, "HIPAA Seminar," Dean, Mead, Egerton, Bloodworth, Capuano & Bozarth, P.A., Orlando, Florida, Fort Pierce, Florida, Viera, Florida. November 2002- February, 2003

Lecturer, "Overview of State and Federal Regulation of Employment Relationships," Hospitality Financial and Technology Professionals, Austin, Texas, January, 2002

Lecturer, "Stark and Illegal Remuneration Law in Texas," Lorman Education Services, Austin, Texas, April, 2001

Lecturer, "Medicare and Medicaid in Texas," (topics included: Overview of Current Health Care Fraud Investigation and Prosecution Initiatives; Kickback and "Stark" Law; Compliance Plans,) Austin, Texas, October, 2000

Lecturer, "Defending Healthcare Fraud Cases," Texas Criminal Defense Lawyers Association Annual Meeting and Federal Law Short Course, New Orleans, Louisiana, September, 2000

Lecturer, "Federal Regulation of Employment Relationships in Home Care," Texas Association for Home Care Annual Meeting, Austin, Texas, August, 2000

Lecturer, "Health Care and the Law: Friends and Foes," Travis County Bar Association, Austin, Texas, February, 2000

Lecturer, "Medicare and Medicaid in Texas" (topics included: Overview of Current Health Care Fraud Investigation and Prosecution Initiatives; Kickback and "Stark" Law; Compliance Plans,) Austin, Texas, October, 1999

Lecturer, "Overview of Federal and State Housing Regulations Impacting Assisted Living Facilities in Texas," Texas Assisted Living Association Annual Meeting, Austin, Texas, June 1999

Lecturer, "Overview of Federal and State Regulations Impacting Personal Care Facilities and Nursing Homes," Texas Association of Residential Care Communities, Arlington, Virginia, October, 1998

Lecturer, "Medicare and Medicaid in Texas," (topics included: Overview of Current Health Care Fraud Investigation and Prosecution Initiatives; Kickback and "Stark" Law; Compliance Plans,) Lorman Education Services, Austin, Texas, October, 1998

Lecturer, "Provider Rights and Responding to Administrative Penalties," Texas Association for Home Care Annual Meeting, Austin, Texas, August, 1998

Lecturer, "Provider Rights and Legal Liabilities," Texas Association of Residential Care Communities, Austin, Texas, August 1998

Lecturer, "Federal Regulation of Employment Relationships in Assisted Living," Texas Assisted Living Association Annual Meeting, Galveston, Texas, June 1998

Lecturer, "Coordination of Home Care Services in Licensed vs. Unlicensed Facilities," Texas Association for Residential Care Communities, Austin, Texas, August, 1997

Lecturer, "Patient Rights Compliance Issues For the Home Care Industry," LandMarQ Health Care Enterprises, Lakeway, Texas, March, 1997

Lecturer, "Corporate Compliance Plans," Atex Healthcare, San Antonio, Texas, June, 1996

Lecturer, "Hospital Referrals to Home Health, DME and Hospice - Rights and Responsibilities," Diversified Health Consultants, Inc., San Antonio, Texas, May, 1996

Lecturer, "Fraud and Abuse in Home Health," Singer, Richardson, CPA's, New Orleans, Louisiana, September, 1995

Lecturer, "Overcoming the Legal Challenges in Converting to a Computerized Medical Record,"
Texas Association for Home Care, Dallas, Texas, September, 1995

Other Healthcare-Related Experience

Served as the Harvard College undergraduate representative on Harvard University's
Institutional Review Board (IRB) from 1976-1978.

Currently serving as Special Health Care Counsel in Chapter 11 bankruptcy reorganization of
multiple physician practice organization entities