



Jennifer P. Whitton

Partner

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Jennifer (Jenn) comes to HLS with more than a decade of experience advising health systems, institutional healthcare providers, and healthcare facilities. A unique background in healthcare that includes broad M&A, transactional, and regulatory experience has made Jenn an exceptionally well-rounded counselor to healthcare organizations and providers seeking to strategically align to face the mounting pressures in the healthcare industry and find workable solutions to regulatory challenges. She develops creative strategies and practical solutions that assist her healthcare clients in navigating complex statutory and regulatory requirements, while effectively and efficiently meeting clients' business objectives.

Jenn focuses her practice exclusively on healthcare law, advising clients in connection with structuring complex transactions involving acquisitions, joint ventures, and other strategic affiliations. She also counsels a range of healthcare clients on day-to-day operational and compliance matters, including federal and state fraud and abuse laws such as the Stark Law, Anti-Kickback Statute and Civil Monetary Penalties Law, Medicare/Medicaid requirements and reimbursement, licensure and accreditation, telemedicine, HIPAA and other laws impacting healthcare transactions and operations, including fee-splitting and corporate practice of medicine laws.

In addition to large healthcare organizations and health systems, Jenn also advises physician practices, telehealth providers, specialty pharmacy companies, laboratories, and healthcare tech companies, among other institutional healthcare clients. Her solutions-oriented strategies and problem-solving communication style help her clients efficiently achieve compliant outcomes during corporate growth and expansion.



SERVICES

- Hospitals + Health Systems
- Healthcare Regulatory + Compliance
- Labs, Pharmacy + Specialty
- Outside General Counsel
- Mergers, Acquisitions + Alliances

PRIOR EXPERIENCE & REPRESENTATIVE MATTERS

- Advised hospitals, integrated payor/provider systems, specialty pharmacy management providers, telehealth providers, physicians and practice groups, ancillary services providers, and private-equity backed portfolio companies operating across the U.S. and ranging in size from \$10m to \$50+ billion in revenue.
- Advised health system senior executives regarding strategic alignment efforts and provided transactional representation in connection with related acquisitions, physician affiliation agreements, medical director agreements, consulting services agreements, management services agreements, billing services agreements, and other professional services.
- Advised California-based, private equity-backed, multi-specialty physician practice with over 450 practice locations across the United States in connection with expansion efforts, providing advice and counsel on corporate structures required to comply with state corporate practice of medicine

- and fee-splitting laws, federal fraud and abuse laws, and general compliance advice.
- Advised multi-state clinical laboratory company in connection with acquisitions, general contracting, and regulatory compliance matters.
- Advised physicians and physician practices on key legal issues in private practice, including the structuring of group practices, buy-ins, physician contracts, practice sales, and regulatory and compliance matters.
- Represented large, multi-hospital, non-profit community health system in connection with its acquisition of physician practices.
- Represented private equity-backed specialty pharmacy corporation in connection with federal and state healthcare regulations, restructured corporate compliance program, drafted the corporation's primary template contracting document used to contract with partner 340B-eligible hospital systems, and assisted with ongoing strategic contracting matters.

CREDENTIALS

Education

- Georgia State University, College of Law, Atlanta, Georgia. Juris Doctor, *summa cum laude*, May 2012.
- Agnes Scott College, Decatur, Georgia. Bachelor of Arts, International Relations, *cum laude*, May 2008.



Professional Associations

- State Bar of Georgia
- American Health Law Association

Admissions

- Georgia

Prior Positions

- Krevolin & Horst, LLC, Equity Partner
- Baker & Hostetler LLP, Equity Partner
- McKenna, Long & Aldridge, LLP n/k/a Dentons US, LLP, Associate

COMMUNITY

- Atlanta Legal Aid Society, Board of Directors, 2021-Present; Member of Advisory Committee, 2019-2021; Service Council, 2012-2019 (Chair of Service Council, 2019)

ARTICLES & PUBLICATIONS

- Co-author, Health Care Contracts: A Clause-by-Clause Guide to Drafting and Negotiation, American Health Law Association, October 2021.
- Co-author, PE Investment in Physician Practice Management – What’s to Come in 2019?, Health Law Update, Baker & Hostetler, February 2019.
- Co-author, Grappling with Site Neutral Medicare Payments – Hospitals Unhappy With New CMS Policy in 2019 OPPS, AHLA Weekly, November 2018.

- Co-author, DOJ Expands Enforcement Activity Under the False Claims Act to Private Equity, American Health Lawyers Association (AHLA), Practice Group Alert, March 2018.
- Co-author, The DOJ Enters Another FCA Lawsuit Against UnitedHealth, Health Law Update, Baker & Hostetler, May 2017.