



## → Lynsey Mitchel

### Partner

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Lynsey Mitchel is a partner in the Corporate Practice Group in the firm's Century City office, a leader of the Health Plan Practice and a member of the firm's Healthcare team.

### Areas of Practice

Lynsey represents health maintenance organizations, managed care organizations, medical groups, hospitals, home health providers, medical device retailers and other healthcare entities and providers.

Lynsey has deep expertise in managed care, including HMO regulatory matters and has assisted numerous clients to obtain HMO licensure as healthcare service plans under California's Knox-Keene Health Care Service Plan Act. Lynsey has represented approximately half of all currently licensed restricted Knox-Keene HMO license holders in California in their licensure process. Lynsey has worked on HMO licensure and other matters for Medicare Advantage, commercial and Medicaid health plans, including dental and vision plans. Lynsey also assists health plans with regulatory compliance matters, material modifications, growth strategies, acquisitions, training, and drafting and negotiating provider contracts, plan-to-plan contracts and pharmacy benefit manager contracts.

In the managed care sector, Lynsey represents payors and providers participating in accountable care organizations (ACOs), bundled payment initiatives and other cutting edge risk-sharing arrangements, including pay-for-performance and gainsharing arrangements. Lynsey works with national and regional health plans (including full service and specialty plans), as well as large health systems and physician groups, on a broad range of matters including population health management strategies, provider employment, risk-based, performance-based and value-based payor and provider contracting, compliance, acquisitions and physician alignment strategies.

Lynsey's practice is focused on licensing and other regulatory compliance matters, business transactions, patient privacy issues including HIPAA and HITECH Act compliance, and telemedicine, as well as Medicare and Medicaid reimbursement and certification. In addition, she counsels clients on state and federal fraud and abuse issues, including the Stark Law and anti-kickback and fee-splitting laws.

### Honors

*The Legal 500 US, Healthcare, 2018-2020*

## Experience

### Recent Selected Operational and Contracting Projects

- Represented large provider and operator of specialty health plans in structuring a national downstream global risk and population health management shared savings program.
- Assisted major insurer to the Medicare Advantage line of business in ten geographic markets and advised on its state and federal licensing and contracting.
- Structuring innovative “two-site, one program model” between large university health system and regional children’s hospital to transform pediatric care delivered by the hospitals
- Assisting ambulatory surgery center client to establish innovative bundled payment arrangements focused on total joint and spine surgeries
- Assisting children’s hospital to evolve to a multi-hospital health system and advising on physician integration strategies and population health initiatives
- Negotiating commercial ACO shared savings arrangements on behalf of an ACO made up of independent primary care physicians focused on business and practice transformation services
- Drafting agreements between behavioral health provider and self-insured employers focused on optimization of delivery of services through proprietary healthcare technology

## Articles

- MSSP ACO Program - Proposed Rule  
*AHLA*, 12.2014
- Co-Author with Florence Wang, “The Affordable Care Act: What Every Business Lawyer Needs to Know,” Vol. 29, *California Business Law Practitioner*, Spring 2014
- Co-Author with Mark A. Kadzielski, “An Analysis of the New Federal Patient Safety Law and Final Rule,” Vol. 11, *Journal of Health Care Compliance*, 2009
- Co-Author with Dayna Nicholson, “A Medical Error Happened: Now What? The Implications for Medical Errors Heat Up,” Vol. 10, *Journal of Health Care Compliance*, 2008
- Co-Author with Abbie Maliniak, “Overview of the Current State of HIPAA Enforcement,” Vol. 19, *Managed Care Outlook*, 2006

### Healthcare Law Blog Posts

- “The California Department of Managed Health Care Extends the Phase-In Period for the General Licensure Regulation,” April 29, 2020
- “California Department of Managed Health Care Releases Additional Guidance on Telehealth Services,” April 15, 2020
- “COVID-19 – Legal Guide for Medical Groups,” March 24, 2020
- “The California Consumer Privacy Act of 2018: Why the Healthcare Sector Needs to Pay Attention (and Not Just in California),” November 21, 2019
- “Overview of Proposed Rule from the Centers for Medicare & Medicaid Services Regarding Interoperability and Patient Access to Data,” April 19, 2019

- "New Regulation Clarifies DMHC's Position Regarding Knox-Keene Licensing," March 27, 2019
- "Balanced Billing in California: Update Regarding 2016's A.B. 72 and an Overview of Newly Introduced Bill A.B. 1611," March 21, 2019
- "Dual Special Needs Plans," November 14, 2018
- "The New California Regulatory Scheme for Pharmacy Benefit Managers," November 13, 2018
- "New California Law re HMO M&A," November 2, 2018
- "Star Ratings and Future Measurement Concepts in the CY 2019 Final Call Letter," April 11, 2018
- "Take-Aways from CMS' Recent Listening Session Regarding E/M Services: Documentation Guidelines and Burden Reduction," March 27, 2018
- "CY 2018 Medicare Advantage Final Call Letter," April 27, 2017
- "California HMO Timely Access Report Available," March 22, 2017
- "A Stick to Balance the Carrot: ONC Finalizes a New Framework to Address Non-Conformities in Certified Health Information Technology," October 28, 2016
- "OCR to Focus More Investigative Resources on Smaller HIPAA Breaches with Less Than 500 Individuals Affected," August 25, 2016
- "HHS Final Rule Extends Anti-Discrimination Protection to Transgender Patients," August 4, 2016
- "CMS Oncology Care Model Reforming Payment for Beneficiaries with Cancer," July 18, 2016
- "CMS 2017 Proposal Reduces Home Health Reimbursements by \$180 Million," July 5, 2016
- "CMS Redefines Alternative Payment Models and Offers Option for Merit-Based Incentive Payment System in New Proposed Rule," June 3, 2016
- "New Amendments Grant Failing ACA Co-Op Program Access to Private Capital and Limit Special Enrollment Eligibility," May 17, 2016
- "States Take Aim At Health Insurance Providers Fee In New Litigation," November 2, 2015
- "Medicare Hospital Compliance Reviews are Legal and Sound, According to OIG," February 4, 2015
- "What Can You Expect in 2015 Regarding HIPAA Enforcement?" December 22, 2014
- "Device Advice: New Guidance From the FDA on Medical Devices and Cybersecurity," October 14, 2014
- "A (Second) Lawsuit Seeks to Compel Statutory Timeframe for Administrative Law Judge Review of Medicare Claims Appeals," September 11, 2014
- "Bundled Payments under the Affordable Care Act Continue to Gain Influence," August 8, 2014
- "High Rates of Unhealthy Enrollees in ACA Exchanges," July 1, 2014
- "New CMS Hospice Item Set Reporting Invades Privacy Rights," June 18, 2014
- "House committee questions authority of a DHHS staff division to regulate health IT," June 10, 2014
- "HHS releases new software for updating (but not replacing) HIPAA security risk assessment toolkits," April 14, 2014
- "Enforcement of the Two-Midnight Rule Delayed Again," April 7, 2014
- "Interstate Medical Licensing Compact Could Pave a Smoother Path for Telemedicine Providers," March 27, 2014

- "Accountable Care Organizations: Payment Options for ACOs Pursuant to the Proposed Rule," May 24, 2011
- Proposed Rule: Legal Structure and Governance of ACOS, April 12, 2011
- "California's Department of Managed Health Care Announces ACOs Should Expect Licensure Requirement," January 26, 2011
- "CMS Releases Self-Referral Disclosure Protocol for Stark Violations," November 29, 2010
- "OIG Releases Fiscal Year 2011 Work Plan," November 29, 2010

## Speaking Engagements

"Building Tailored Networks," Speaker at Pre-Conference, 10th Annual MDS Healthcare Leadership and Executive Conference, October 3, 2015

"Integrated Delivery Systems: Lessons Learned and New Contracting Challenges," CSHA Annual Meeting & Spring Seminar, April 17, 2015

## Events

Key Considerations for Forming, Licensing and Operating a California Health Care Service Plan  
08.12.2020

10th Annual MDS Healthcare Leadership and Executive Conference  
10.2015

## Memberships

Chair, American Bar Association Section of International Law, Life Sciences and Health Law Committee  
California State Bar, Executive Committee Member of the Health Law Committee, Business Law Section (2010–Present)

Los Angeles County Bar Association, Health Law Section, Executive Committee (2007-2010)

American Health Lawyers Association

## Practices

Corporate

Healthcare

## Industries

Healthcare

## Education

J.D., Pepperdine University, 2004, *cum laude*

M.P.H., University of California, Los Angeles, 2001

B.A., Texas Tech University, 1999, *magna cum laude*

## Admissions

California