

OUR PRACTICE

Ambulatory Surgery Center Transactions

Our Ambulatory Surgery Center (ASC) Transactions Team combines deep industry knowledge with practical, business-focused solutions derived from experience with many dozens of ASC transactions across the country. We deliver tailored business-oriented strategies that align with each ASC's objectives and market dynamics.

Our Experience in ASC Transactions

Baker Donelson has extensive experience advising ASCs of all sizes nationwide on a vast array of strategic transactions to position them for success, including:

- **Sales, divestitures, and consolidations** with national management companies, investors, and private equity-backed platforms
- **Acquisitions** of ASCs by buyers of all sizes, including large ASC networks and chains
- **Mergers and consolidations** with hospital systems and joint venture partners
- **Syndication with physicians** and other investors
- **ASC and office-based labs (OBL) development/formation** among physicians in different specialties (and investors)

Regulatory Compliance

Our team has decades of experience navigating the complex regulatory requirements that affect ASCs and play a critical role in due diligence for these transactions. Our attorneys provide guidance on:

- **Anti-Kickback Statute** compliance and similar state laws, including financial relationship structuring, referral arrangements, ASC safe harbor provisions, and compliant buy-ins and redemptions
- **Certificate of need and licensing** regulations for each state
- **Accreditation and survey** issues
- **Medicare and Medicaid regulations**, including billing, documentation, provider enrollment, change of ownership, and reimbursement requirements
- **State health care transaction review laws**, which can elongate the sign-to-close period and introduce regulatory risk into the dealmaking process
- **HIPAA compliance**, including business associate agreements, cybersecurity policies, and breach notification requirements
- **Federal and state employment and benefits laws**, including overtime laws, family leave laws, anti-discrimination laws (disability/Americans with Disabilities Act, racial, age, gender, etc.), and ERISA/benefit plan compliance