

Michael T. Flood

SHAREHOLDER

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Mike advises and guides health care providers, investors, and other health care industry stakeholders operating nationwide with a business-first approach, resulting in competitive and compliant outcomes on regulatory and transactional matters. Mike's advocacy and counsel are rooted in his understanding of the business challenges and practical hurdles health care clients face in generating positive results to thrive in the complex and evolving health care regulatory environment.

Mike regularly assists clients in structuring, assessing and executing health care M&A and financing transactions in compliance with federal and state regulations, change of ownership requirements, and the federal anti-kickback and federal physician self-referral law ("Stark"), with specific emphasis on the following industries:

- Professional provider groups, including private equity-backed provider practice management groups in primary care, oncology, women's health, optometry/eyecare, and dentistry;
- Behavioral Health, including providers of autism therapy, services to intellectually and developmentally disabled individuals, and substance use disorder providers; and
- Pharmacy and durable medical equipment suppliers.

Mike routinely advises on the following health care issues:

- Provider and Supplier Reimbursement in the Medicare and Medicaid Programs;
- Medicare and Medicaid Enrollment;
- State Licensure;
- Fraud and Abuse;
- Regulatory due diligence and post-closing integration in connection with M&A and financing transactions in the health care industry;
- Compliance with corporate practice doctrines;
- Health Care IT related compliance including interoperability and information blocking; and
- Public Policy campaigns centered on designing coding, coverage and reimbursement and market access initiatives for medical technology companies.

Capabilities

- Behavioral Health
- Federal Government Policy/Lobbying
- Health Care
- Reimbursement Audits & Disputes
- Public Policy
- Reimbursement
- Licensure, Enrollment & Certification

Education

- Saint Louis University School of Law (J.D., *cum laude*, 2012)
 - Certificate in Health Law; Dean's List; Saint Louis University Journal of Health Law and Policy, Fall Managing Editor
- University of Illinois at Urbana-Champaign (B.A., 2009)
 - Economics

Bar Admissions

- Illinois, 2012
- District of Columbia, 2013
- Missouri, 2017

Memberships

- Saint Louis Zoo, Young Professionals, 2017-2020
- Gateway Chapter of the National Multiple Sclerosis Society, Board of Trustees, 2018-present

Recognition

- Named one of *Best Lawyers: Ones to Watch® in America* in Health Care Law, 2024
- Legal Extern for the United States Department of Justice, Antitrust Division, Litigation 1 Section, Washington, D.C.
- Legal Intern for the United States Attorney for the Southern District of Illinois

Matters

- Advise on the acquisition, sale, and recapitalization of practices in the primary care, women's health, oncology, autism therapy, and dental industries.
- Lead regulatory counsel on nine-figure private company sale of provider specializing in providing autism therapy and special educational services to K-12 educational agencies to private equity sponsored buyer.
- Advised on the purchase and integration of several Medicaid Home and Community Based Services funded agencies specializing in providing habilitative services to intellectually and developmentally disabled individuals into a private equity backed portfolio company.
- Represented seller in an equity interest sale to an Arkansas-based autism therapy provider.
- Structured and implemented state expansion initiative on behalf of an MSO, including compliance with physician office laboratory and state fee-splitting requirements.
- Managed health care due diligence on two SPAC transactions. Each transaction had a value of over 500 million.
- Provide day-to-day operational counsel to several autism therapy providers, including licensing, reimbursement, and corporate practice compliance.
- Led the transition of over 250 pharmacy licenses, DME permits, and Medicare and Medicaid enrollments in the sale of a national specialty pharmacy/DME provider.
- Served as regulatory counsel for publicly-traded DME supplier with national operations on several acquisitions.
- Advise leading national compounding pharmacy on public policy platform, including

strategies relating to section 503A and 503B of the Federal Food, Drug and Cosmetic Act and state regulatory requirements.

- Implemented market access strategies for medical device manufacturers, including advocacy before CMS on coding, coverage and reimbursement matters.
- Served as policy counsel to a national membership group of physician specialists.

Publications

March 20, 2024

A Market in Transition: Autism Therapy Provider M&A

Co-Author, The National Law Review

March 8, 2024

Top Issues in Behavioral Health Newsletter 2024

January 4, 2024

Reimbursement End-of-Year Highlights

December 18, 2023

Medicare Continues its Updates to Provider Enrollment Policies as Part of Efforts to Enhance Program Integrity and Transparency

July 24, 2023

CMS Proposes Changes to Medicare Provider Enrollment Rules

June 29, 2023

HHS OIG Releases Final Information Blocking Enforcement Rule Applicable to Non-Provider Actors

January 14, 2022

Supreme Court Keeps CMS Vaccine Requirement Alive Nationwide

December 30, 2021

CMS Resumes Enforcement of Vaccine Requirement in Half of States

December 3, 2021

CMS Vaccine Requirement Suspended During Injunctions

December 1, 2021

Opponents of CMS Vaccine Mandate Secure Preliminary Injunctions Barring Nationwide Implementation

November 5, 2021

CMS Mandates Vaccines for Staff of Medicare and Medicaid Providers and Suppliers

November 2, 2020

HHS Extends 21st Century Cures Act Final Rule Compliance Dates for Information Blocking and Health IT Certification Requirements