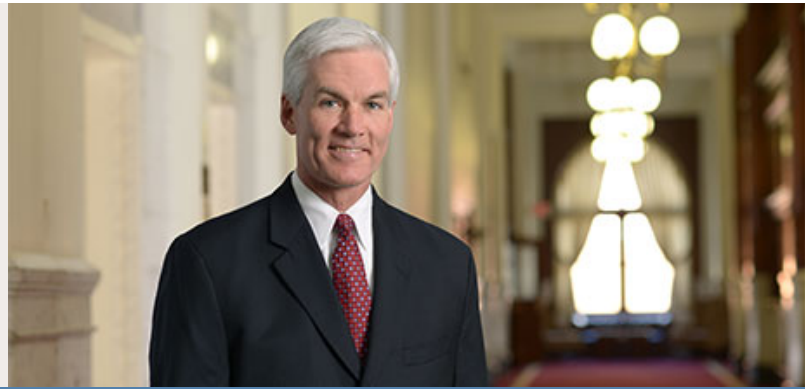




# James F. Flynn

Managing Partner



Jim Flynn has been practicing health care law since 1990. In 2018, he became the Managing Partner of Bricker & Eckler, following his six years as chair of the firm's Health Care industry group.

Jim has earned a statewide and national reputation as a leading legal advisor in health care law. His experience includes transactional, regulatory and governance matters, specifically relating to reimbursement, executive compensation, health planning and long-term care.

Likewise, Jim regularly advises boards and executives on operational issues, including mergers, affiliations and acquisitions; joint ventures; corporate compliance; corporate organization and governance; and physician contracting. He is also a leader in the industry on complex health care topics, such as federal and state regulatory issues; fraud and abuse; False Claims Act; certificate of need; community health needs assessments; and Medicare and Medicaid reimbursement.

Having appeared before federal and state courts, the Provider Reimbursement Review Board, administrative law judges, state agency administrative hearings and in medical staff hearings, Jim is highly experienced representing clients in both federal and state administrative appeals.

## Professional & Community Activities

- Member, American Health Lawyers Association Board of Directors (2015 - present)
- Member, American Health Lawyers Association's Regulation, Accreditation and Payment Practice Group (2006 - 2015) - Chair (2013-2015) and Vice Chair (2006-2013)
- Board Member, Cristo Rey Professional Work Study Program
- Member, Columbus Bar Association; Admissions Committee
- Member, Society of Ohio Hospital Attorneys
- Member, Health Care Financial Management Association
- Graduate, Leadership Columbus, Class of 2007
- Co-founder and past President, Columbus Christmas in April (now known as "Rebuilding Together Columbus")
- Former Board Member, President and Treasurer, Alzheimer's Association of Central Ohio

## Presentations & Published Works

- Speaker, "What the Settlements, Cases and Investigations Teach Us," Ohio Hospital Association Annual Meeting, June 2017
- Speaker, "Compliance in the Post-Acute Care Environment," Ohio Health Information Management Association, March 2017

## Awards & Recognitions

- Listed, *Best Lawyers in America* (Health Care Law), 2001-2019

## CONTACT INFORMATION

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## INDUSTRIES & PRACTICES

Health Care Law  
Health Care Industry

## COLUMBUS OFFICE

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614.227.2390 fax

Jim is our go-to attorney. He is exceptionally talented and provides helpful, productive strategic thinking.  
Bricker client as quoted in Chambers USA, 2018



# James F. Flynn

*Managing Partner*

- Recognized, *ChambersUSA*, Health Care with a Band 1 ranking, 2013–2018; Band 2 ranking, 2012
- Columbus Lawyer of the Year, *Best Lawyers in America* (Health Care Law), 2015, 2018
- Listed, *Ohio Super Lawyers* (Health Care), 2004, 2007–2018; Top 5 Columbus, 2013; Top 50 Columbus, 2010–2015; Top 100 Columbus, 2009–2014
- Ranked as AV Preeminent by Martindale-Hubbell

## Bar Admissions & Activities

- Admitted, Supreme Court of Ohio
- Admitted, Supreme Court of the United States of America
- Admitted, United States District Courts for Southern District of Ohio, the Northern District of Ohio and the District of Columbia
- Admitted, United States Court of Appeals for the Sixth Circuit, the Seventh Circuit and the District of Columbia

## Education

- University of Notre Dame (B.A.), 1987
- University of Notre Dame (J.D.), 1990

## Experience

### **\$1.3 billion health system construction projects**

Advise and assist Indiana's largest private, not-for-profit health system with three projects that are among the largest construction projects the system has ever undertaken, with total costs expected to exceed \$1.3 billion over several years. The first project involves construction of a new campus location in the downtown area. The second project involves a new facility on a university campus. The third project involves renovating 150,000 square feet of the vacated children's hospital to create a maternity hospital. Bricker's role is to provide the legal services specific to the construction of health care facilities, while Indiana co-counsel is expected to provide more general construction advice.

### **Amicus in support of HHS interpretive rule**

Prepared an amicus brief on behalf of the American Hospital Association in support of the U.S. Department of Health and Human Services (HHS) interpretive rule providing guidance on the scope of the exclusion of orphan drugs from 340B discounts.

### **Public records disclosures**

Advise public hospitals regarding responses to requests for a large number of public records.

### **CMS meaningful use audits**

Advised hospitals responding to meaningful use audits of the Centers for Medicare & Medicaid Services (CMS) electronic health record incentive payment program, which required analyzing compliance with regulatory requirements for receiving such payments, assisting with preparation of responses and guiding hospitals through the audit appeal process, when necessary.

### **Medicare reimbursement matters**

Represent large teaching hospitals and other non-teaching hospitals on Medicare reimbursement matters and cost report appeals, which include appeals of administrative agency decisions and various court appearances.



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*Managing Partner*

## **Medicare reimbursement underpayment settlement**

Negotiated a settlement of Medicare reimbursement underpayments with the federal government on behalf of two large health systems.

## **Electronic health records**

Serve as counsel to the Ohio Health Information Partnership and assist with all aspects of its operation of a health information exchange (CliniSync).

## **False Claims Act**

Advised hospitals on potential False Claims Act exposure; also represented the Ohio Hospital Association and the American Hospital Association in successfully challenging the government's use of the False Claims Act in Ohio's laboratory unbundling litigation.

## **Reasonable compensation equivalent limits**

Represented a hospital in ordering the government to update reasonable compensation equivalent (RCE) limits.

## **Strategic partnership for small, community hospital**

Assisted an independent, government-owned community hospital in its pursuit of a unique and strategic partnership to keep it viable and positioned to survive the pressures of a reforming health care delivery system. This process involved soliciting and evaluating proposals from potential strategic partners, engaging with consultants, advising on legal issues related to the hospital's government ownership, and, ultimately, preparing and negotiating the strategic affiliation agreement.