

SHEEHAN PHINNEY

Andrew B. Eills

Shareholder | Manchester, NH

With over 35 years of experience as a lawyer in New Hampshire, Andrew's health care practice encompasses contracts, mergers and acquisitions, and other transactional matters, federal and state regulatory issues, and corporate and non-profit governance. He works extensively with Federally Qualified Health Centers, hospitals, and a variety of other health care providers on compliance with the Anti-Kickback Statute and the Physician Self-Referral (Stark) law; state regulatory issues including change of ownership and licensing; credentialing, and health care entity strategic planning. He has handled numerous HIPAA and state privacy law matters, and counsels hospitals, FQHCs, Medical Spas, nursing homes and assisted living centers, physician organizations, CCRCs, and independent providers. Andrew has extensive experience working with charitable trusts and non-profit entities.

Andrew's experience includes representation of the N.H. aggregate (sand and gravel mining) industry, work as a registered lobbyist for cellular phone companies, and appointment as a hearings officer for the State of New Hampshire Banking Department.

In September 2016, then-Governor Hassen appointed Andrew to the N.H. Public Employee Labor Relations Board as Chair for a 6-year term.



Contact Information

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Representative Matters

- Counsel to health care entities many entities seeking approval under NH RSA 7:19-b from the Charitable Trusts Unit of the NH Attorney General's office.
- Counsel to purchasers of NH nursing homes.
- Counsel to specialized New Hampshire medical practice in asset purchase of another existing medical practice, including assets of Medicare-certified and NH licensed ASC; creation of legal entities appropriate for practice; counsel regarding Medicare certification for ASC.
- Counsel to joint venture between hospital and physicians in establishment of Medicare-certified ambulatory surgical center.
- Counsel to physicians before payor-credentialing bodies.
- Counsel to ambulatory surgical centers entities concerning Patient Protection and Affordable Care Act ("ACA") provisions, including "Sunshine Act" requirements under Section 6002, anti-Kickback statute modifications, and False Claims Act issues.
- Counsel to covered entities concerning HITECH/HIPAA provisions and requirements.
- Counsel to a New Hampshire health care facility in establishment of, and physician recruitment for, cardiology practice, as well as negotiation of non-compete agreements.
- Counsel to an independent physician practice group concerning payment for ancillary services, use of employment/recruitment agreements, and negotiation of leases, purchase of real estate, and related

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Anti-Kickback statute and Stark law issues.

- Counsel to non-profit healthcare providers concerning Board of Trustees' duties, liabilities, and evolving role under the ACA.
- Counsel to health care facilities concerning CMS survey and associated Medicare billing issues.
- Counsel to a New Hampshire hospital concerning Fraud and Abuse laws, including the Anti-Kickback statute and the Physician Self-Referral (Stark) Law, personal services agreements, real estate leases, recruitment, and joint ventures.
- Counsel to numerous health care facilities in NH DHHS licensing and regulatory investigations and proceedings.
- Counsel to numerous physicians in context of recruitment and non-compete agreements.
- Counsel to a New Hampshire health care facility in initial request for Advisory Opinion from the US DHHS Office of Inspector General (request later withdrawn).
- Counsel to a New Hampshire continuing care retirement community concerning oversight of New Hampshire Department of Insurance and New Hampshire Bureau of Administrative Services, residence care agreements, and licensure.
- Counsel to a New Hampshire non-profit hospital with respect to tax-exemption challenge concerning off-campus real estate and successful resolution with local government.
- Counsel to a New Hampshire hospital with respect to medical staff bylaws requirements of the Joint Commission and non-profit governance.

Practice Areas

- Healthcare
- Corporate
- Non-Profit, Charitable & Religious Institutions

Admissions

- New Hampshire
- U.S. District Court, District of New Hampshire
- New Hampshire Bar Association, Chair, Health Law Section, 2006-2008, 2010-2013
- American Bar Association, Health Law Section
- American Health Lawyers Association, AHLA ACO Task Force, 2012-2014
- Healthcare Financial Management Association, Member and Presenter

Education

- J.D., Tulane University School of Law, Class of 1987

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- B.A., Stanford University, Class of 1984
- Certificat d'Assiduite', Universite de Grenoble

Civic Involvement

- Member, NH Public Employee Labor Relations Board; nominated by Governor Hassan and confirmed by the NH Executive Council as PELRB Board Member, June, 2016-Present
- Piscataquog Land Conservancy, Member, Land Protection Committee, 2022- present
- Concord Regional Visiting Nurse Association, Member, Board of Trustees, 2010-present
- Red River Theatres, Concord, NH, Member, Board of Trustees 2006-2011
- New Hampshire Cycling Club, Member, Board of Directors, 2007-2016

Awards

- Best Lawyers in America®, Health Care
- Andrew has been recognized as a top attorney in New Hampshire by Business NH Magazine
- Chambers USA, Healthcare

Publications

- Are cannabis and dispensary outlets a model for New Hampshire's future? *Newly formed commission to set guidelines as state heads toward a path of pot legalization*
- What can the West Coast teach New Hampshire about marijuana?
- Telehealth Law Signals a "New Normal"
- Governor Sununu Extends Long Term Care Stabilization Program to July 31, 2020 – Original End Date of June 30 Recognized as Too Early
- COVID-19 Emergency Healthcare System Relief Fund
- Update: CMS Suspends Advance Payment Program and Reevaluates Accelerated Payment Program
- "Alternative Care Settings" – Governor Sununu Orders In-Network Payments Rates for Procedures Conducted at Out-of-Network Sites
- CMS Issues Waivers of Sanctions under the Stark Law During COVID-19 Emergency: Examples and Guidance

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- CARES Act: Expansion of the Accelerated Payment Program: A Needed Lifeline for Medicare Providers
- The Coronavirus Aid, Relief, and Economic Security Act (The Cares Act)
- COVID-19 Medicare Provider Enrollment Relief: CMS Update and FAQs
- Health Professional Licensing Update: Practicing Medicine Across State Lines Without a License to Respond to COVID-19
- COVID-19: HIPAA Covered Entity and Business Associate Disclosure Rules
- NH Legal Perspective: Telemedicine can Assist in the Treatment of Substance Use Disorders
- Private Equity's Role in the Future of Healthcare
- Gauging Critical Access Hospital Protections
- Stark Law and Anti-kickback Statute Reform
- N.H. Bar Journal – Spring 2007. The Federal Deficit Reduction Act of 2006: Efforts to Cut Spending, Incentives to Enact New False Claims Acts