OBER | KALER
Attorneys at Law

www.ober.com

Principal
remazer@ober.com
410.347.7359
443.263.7559 fax

Bar Admissions
Maryland

Court Admissions
Court of Appeals of Maryland

United States Court of Appeals for the District of Columbia Circuit

United States Court of Appeals for the Federal Circuit

United States Court of Federal Claims

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Fourth Circuit

United States Court of Appeals for the Sixth Circuit

United States Court of Appeals for the Seventh Circuit

United States Court of

ROBERT E. MAZER

Experience

Robert E. Mazer is an Ober|Kaler Health Law Group principal who represents acute care and critical access hospitals, clinical laboratories and other diagnostic services providers and physicians. He handles third-party payment, self-referral and fraud and abuse issues, as well as related business arrangements. Rob advises health care providers on compliance with diagnostic services reimbursement and regulatory requirements.

He has extensive experience with legal, regulatory and business issues related to clinical laboratory and anatomic pathology services.

Rob provides advice on a broad range of payment and compliance issues, including Medicare, Medicaid and other third-party payment rules, application of the Federal Antikickback Statute and federal (Stark Law) and state self-referral prohibitions to relationships with referral sources, and the Clinical Laboratory Improvement Amendments of 1988 (CLIA). He also represents companies facing government investigations and those who are parties to regulatory disputes, including recoupment actions for alleged overpayments and revocation of Medicare billing privileges. Rob has successfully challenged CLIA revocation determinations based on allegations of improper referral of proficiency testing samples.

Rob has also represented numerous hospitals before the Provider Reimbursement Review Board and in federal courts, and is experienced with application of Medicare reimbursement principles involving related parties and payment of depreciation, interest, pension and home office costs. His financial background, including prior service on the AICPA committee that develops the Audit and Accounting Guide for Health Care Organizations, provides Rob with an unusual knowledge base regarding accounting principles, cost computations, and fair market value determinations.

A frequent lecturer and author, Rob has spoken at conferences sponsored by the American Institute of CPAs, American Bar Association, American Hospital Association, Clinical Laboratory Management Association, Medical Group Management Association, American Health Lawyers Association and Washington G-2 Reports. Rob also serves on the advisory board of Washington G-2 Reports and is a frequent contributor to Ober|Kaler's Internet publication, *Payment Matters*.

For six years, Rob served as co-chair and program coordinator of a conference addressing financial representation of physicians sponsored by the National Health Lawyers Association and the Maryland Association of CPAs.

Professional Memberships

- American Bar Association
- American Health Lawyers Association
- American Institute of Certified Public Accountants
  - Health Care Committee, 1996-1999

Appeals for the Tenth Circuit

United States Court of Appeals for the Eleventh Circuit

Education

University of Maryland School of Law (J.D., 1979)

- *Maryland Law Review,* Research Editor, 1978-1979; Member 1977-1978

University of Maryland (B.S., 1975)

  - Chair, Task Force on Health Compliance and Reporting Issues, 1997-1999
  - Revision Task Force, Healthcare Organizations Audit and Accounting Guide, 2003
- Clinical Laboratory Management Association
- Maryland Association of Certified Public Accountants
  - Chair, Health Care Committee, 1990-1992
  - Co-chair, Financial Representation of Physicians Conference, 1986-1990, 1992

- Maryland State Bar Association
- Maryland State Board of Public Accountancy (CPA license currently inactive)
- G-2 Intelligence Advisory Board

Honoraries

- AV Rated, Martindale-Hubbell

Publications & Presentations

- Presenter, "Regulatory Challenges in Implementing and Maintaining Laboratory Compliance Programs," Compliance Institute, Health Care Compliance Association, 2014
- Author, "Self-Audit Results Found Sufficient to Sustain False Claims Act Complaint," *Health Lawyers Weekly*, American Health Lawyers Association, 2013
- Chapter Co-author, "CLIA Sanctions & Other Legal Issues," *CLIA Compliance Handbook: The Essential Reference for the Clinical Laboratory*, G-2 Intelligence, 2011
- Author, "Regarding EHR Rules," *Medical Laboratory Observer*, 2011
- Presenter, "Legal Roadmap for Providing Technological Support: Avoiding Hidden Dangers," Thinklab '11, Clinical Laboratory Management Association, 2011
- Author, "Considering Out-of-State Lab Services," *Medical Laboratory Observer*, 2010
- Chapter Co-author, "Pathology/Laboratory: Legal & Coding Issues," *Deciphering Codes: Fraud & Abuse for Coders and Coding Insights for Healthcare Lawyers*, American Health Lawyers Association, 2010
- Author, "Liability and the Lab: Can Out-of-Network Labs Waive Coinsurance?" *Medical Laboratory Observer*, 2010
- Presenter, "Medicare Changes on the Horizon: Assessing the Potential Impact on Labs, Pathologists & Imaging Providers," Webinar, Washington G-2 Reports, 2010
- Presenter, "Negotiating Hospital-Based Contracts: What Pathologists and Hospital Administrations Need to Know," Washington G-2 Webinars, 2009
- Presenter "Final Medicare Anti-Markup & IDTF Changes for 2009: What Labs, Pathologists & Imaging Providers Need to Know," Webinar, Washington G-2 Reports, 2009
- Presenter, "Building a Profitable Lab Outreach Program," Audio Conference, Center for Competitive Management, 2008
- Author, "Medicare Payment Limitations for Diagnostic Tests – The New Reality," Lab & Diagnostic e-Alert, Washington G-2 Reports, 2008
- Presenter, "Medicare Changes on the Horizon: What Does it All Mean for Labs, Pathologists & Radiologists?" Audio Conference, Washington G-2 Reports, 2008
- Author, "CMS Takes Another Look at Stark 'Stand in the Shoes' Rules," *National Intelligence Report*, Washington G-2 Reports, 2008
- Author, "OIG Reviews Relationship Between Critical Access Hospital and Hospital-based Radiologists," *Health Lawyers Weekly*, 2008

- Presenter, "How the New Stark Phase III Developments Affect your Business," Lab Law, Compliance & Liability Summit, Washington G-2 Reports, 2007
- Presenter, "Paths, PODS & Pricing: Getting a Handle on Key Pathology Legal Issues," Lab Institute 2007, Washington G-2 Reports, 2007
- Presenter, "Self-Referral and Payment Changes Targeted By CMS: Pathology, Lab and Imaging in the Crosshairs," Audio Conference, Washington G-2 Reports, 2007
- Presenter, "Lab Compliance with OIG's Safe Harbor Guidance Concerning Hardware and Software," Executive War College on Lab and Pathology Management, 2007
- Author, "Legal Issues" in "Business Strategies for Laboratory Outreach Programs" Washington G-2 Reports, 2002, rev. ed. 2007
- Author, "Why Don't Doctors Do It In the Office — Medical Practice's Provision of Diagnostic Services Raises Complex Legal Issues," *Maryland Bar Journal*, 2006
- Presenter, "The Maryland Self Referral Statute — Has Anything Changed?" Maryland State Bar Association, Health Law Section, 2006
- Presenter, "Latest in Healthcare Compliance: Key Trends & Outlook," Lab Institute 2005, Washington G-2 Reports, 2005
- Co-author, "The Office of the Inspector General Takes Another Look at Hospital-based Physicians and Hospital Requests for Free Services," *RBMA Bulletin*, Radiology Business Management Association, 2005
- Presenter, "Fallout from the Anti-kickback Statute and Stark Law: Identifying Risks and Avoiding Penalties with Physician Referrals," Audioconference, Strafford Publications, 2005
- Presenter, "Compensation Requirements for Hospital-based Physicians: The OIG's Latest Twist," Audioconference, Washington G-2 Reports, 2005
- Author, "OIG's Supplemental Hospital CPG Looks at Hospital-based Physicians," *Health Law Alert*, 2005
- Presenter, "Key Compliance Concerns for Labs in 2005," G-2 Compliance Report Service, Tips on Tape, 2005
- Presenter, "Self-Referral Laws," Compliance: Touching All the Bases, Maryland Medical Group Management Association, 2005
- Presenter, "Legal Issues in Health Care – Stark, Anti Kickback, Fraud and Abuse," American Gastroenterological Association, AGA GI Practice Management Skills Workshop, 2004
- Presenter, "Hospital-Based Pathologist Compensation: Getting What You Pay For," Lab Institute 2004, Washington G-2 Reports, 2004
- Author, "Compliance Perspectives, Stark II - Phase II Rulemaking: Are We There Yet? New Regulations Complete Two-Phased Rulemaking," *Compliance Report*, 2004
- Presenter, "Clinical Laboratory Issues: Navigating Through the Devil's Triangle," 10th Annual Health Law Institute, Pennsylvania Bar Institute, 2004
- Presenter, "Avoiding Legal Problems in Laboratory Outreach," Achieving Outreach Leadership For Lab and Pathology Services, Washington G-2 Reports, 2004
- Author, "OIG Tackles Discount Issues," *Health Lawyers Weekly*, 2004
- Co-author, "Federal Limits On Physician Referrals–How The Stark Law Affects Your Business Arrangements," Washington G-2 Reports, 1996, rev. ed. 1998
- Co-author, "Medicare Anti-Fraud and Abuse: A Guide for Hospitals, Labs & MDs," 1992, rev. ed.
- Co-author, "Developments in Medicare Reimbursement for Hospital Services," *Health Law Handbook,* Clark Boardman, 1990, 1991