



# Robert Portin

*Partner*

*Buffalo*

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## Education

- University at Buffalo School of Law, JD
- Hamilton College, BA

## Practices & Industries

- Health & Human Services Providers
- Corporate
- Health Care Controversies
- Health Care

## Admitted to Practice

- New York

## Court Admissions

- US District Court for the Western District of New York

## Biography

Robert primarily concentrates his practice on health law, representing ambulatory-surgery centers, hospices, long-term care facilities, hospitals, physicians, and physician groups in health care regulatory and transactional matters. He has extensive experience handling issues ranging from fraud and abuse to the withholding of treatment, defending Medicare and other payer audits, structuring health-care joint ventures, defending professional disciplinary actions, and representing financially troubled health care providers. He has also served on ethics committees for two institutional providers.

Robert also represents health care providers, businesses, and individuals in a wide array of contract, business, and corporate-law matters. He regularly counsels these clients, supervises their interests, and advises them on negotiations. Robert also handles structuring and negotiating acquisition, finance, commercial-lease, joint-venture, license, and other commercial transactions.

## Bar Associations

- Bar Association of Erie County
- New York State Bar Association

## Selected Memberships & Affiliations

- American Health Lawyers Association, Life Member

## Representative Experience

- Served as lead attorney in numerous joint venture, acquisition, and consolidation transactions involving health care providers, including sophisticated Stark and anti-Kickback Law compliance analysis.

- Represented physicians and physician groups in successful challenges to Medicare and private payor audits frequently requiring detailed understanding of CPT coding and applicable billing rules and guidance.
- Led a successful defense of Office of Professional Medical Conduct and Education Department investigations and proceedings involving physicians, nurse practitioners, and other health providers.
- Structured and negotiated physician and other provider affiliations with hospitals, administrative-service arrangements involving providers, purchases and sales of medical practices, consulting and employment agreements, and a wide array of other health care contracts.
- Structured medical facility development transactions involving CON process and compliance with corporate practice of medicine and fee-splitting rules.
- Handled large private acquisitions of publicly traded nursing home chain facilities in Illinois and Texas, including negotiating three-tiered financing for transactions.
- Led a successful arbitration against Medicaid, resulting in \$2 million in recovery plus attorneys' fees for a nursing-home owner.
- Successfully obtained a reversal of a malpractice insurer decision to terminate an orthopedic surgeon's coverage.
- Challenged a Department of Health interpretation of payment rules for a diagnostic-imaging provider, resulting in the change of Medicaid rules for the payment of professional-component claims.
- Represented medical practices in the successful defense of OCR investigations alleging HIPAA violations.

## Prior Experience

- Damon Morey LLP, Partner

## Selected Community Activities

- Jewish Family Service of Buffalo & Erie County, Board Member

## Selected Honors

- *The Best Lawyers in America*®: Corporate Law, 2009–2026; Health Care Law, 2009–2026
- Selected to *Super Lawyers* Upstate New York: Health Care, 2011–2019
- *The Best Lawyers in America*®: Buffalo "Lawyer of the Year": Health Care, 2014

## Selected Speaking Engagements

- New York State Health Department, “Proposed Medicaid Access Regulations”
- New York State Task Force, “Life and the Law Regarding the Determination of Death”
- American Health Lawyers Association, “Nursing Home Restraints”
- New York State Bar Association, “Rent Escalation Clauses in Commercial Leases”