



## **EDWARD L. VISHNEVETSKY**

[evishnevetsky@munsch.com](mailto:evishnevetsky@munsch.com)

### **HEALTH CARE**

#### **OVERVIEW**

Edward's practice emphasis is on health care. He typically represents hospitals, insurance carriers, physician groups, trade associations, diagnostic testing facilities (IDTF), durable medical equipment (DME) providers, laboratories, home health agencies (HHA), hospices, skilled nursing facilities (SNF) and manufacturers in administrative and civil disputes before various state and federal regulatory agencies, including TMB, AHCA, OIG, NSC, FDA, and CMS. Edward advises clients on operational matters, Medicare/Medicaid reimbursement, liability exposure, managed care law, ERISA, HIPAA, federal and state health care regulatory compliance, licensing, health care reimbursement disputes and risk management issues.

Edward's representative transactions:

- Successfully defended CORF provider against breach of contract lawsuit and obtained damages in countersuit.
- Successfully defended over 40 physicians, DME providers and HHAs against ZPIC, CERT, MAC and RAC Audits; achieved 100% success rate in removing providers from pre-payment audit
- Successfully defended numerous physicians and nurses before Texas and Florida state licensing board
- Successfully defended over 100 providers through all stages of Medicare appeals, including the Administrative Law Judge (ALJ) level
- Prepared Medicare corrective action plans for various types of providers
- Drafted numerous Stock Purchase Agreements, Asset Purchase Agreements, Consulting Agreements, Service Agreements, Employment Agreements, Subcontract Agreements and Business Associate Agreements
- Obtained permanent injunction (after a three day trial) for a national leader in the animal health industry against several former employees who had violated a non-compete agreement
- Assisted in successfully defending a national insurance carrier against alleged violations of the Medicare Secondary Payer (MSP) statute
- Obtained lawsuit dismissal for condominium association and succeeded in countersuit

#### **MEMBERSHIPS & AFFILIATIONS**

- American Bar Association, Health Law Section and HIPAA HITECH Task Force Member
- American College of Healthcare Executives
- American Health Lawyers Association
- Dallas Bar Association

- Defense Research Institute (DRI)
- Home Health Services (HHS), Board Member
- SMU Health Law Mentor Program, Mentor
- State Bar of Texas, Health Law Section
- Texas Alliance for Home Care Services, General Counsel

## **AWARDS & HONORS**

- Texas Legal Aid Volunteer Award, 2008

## **ADMISSIONS**

- Texas
- United States District Court for the Northern District of Texas

## **FOREIGN LANGUAGES**

- Russian

## **EDUCATION**

- Saint Louis University, Juris Doctor (Maggie Dagen Public Interest Fellowship Award)
- Saint Louis University, Master of Health Administration (Graduated summa cum laude; Paul Donnelly Academic Achievement Award; Upsilon Phi Delta Society Award)
- The University of Texas at Austin, Bachelor of Arts (Graduated summa cum laude; Cactus Goodfellow Award; Liberal Arts Honors; National Presidential Scholar)

## **ARTICLES & SPEECHES**

- March - April 1012 — ZPIC Prepayment Audit: Past, Present, and Future
- February 9, 2012 — Medicare ZPIC Audit Webinar
- February 1, 2012 — February 1st ZPIC Webinar
- October 21, 2011 — Vishnevetsky talks audits with CMS Official
- June 6, 2011 — The Ins and Outs of ZPIC and RAC Audits:
- An Inside Guide for VGM Platinum Members
- May 31, 2011 — Preparing for the Inevitable: A Practical Guide to ZPIC Prepayment Audit Process
- March 16, 2011 — Where's My Wheelchair: Past, Present and Future of the DME Industry
- October 28, 2010 — The Effect of Health Care Reform on Employers
- October 18, 2010 — Buying and Selling Supplier Companies That Won Competitive Bid
- October 18, 2010 — Competitive Bidding Subcontracting
- October 2010 — The Future of Medical Equipment in America
- April 26, 2010 — Hungry Hungry HIPAA: How the HITECH Act Affects DME Providers
- April 2010 — How Durable a Program?