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Emily Studebaker practices exclusively in the area of health law, advising ambulatory surgery centers and physician practices on regulatory compliance and transactional matters.

In the area of regulatory compliance, Ms. Studebaker counsels physicians on fraud and abuse laws, including the Anti-Kickback Statute, the Stark Law, and state anti-rebate and self-referral laws, and general healthcare compliance matters. She also assists clients on licensure as well as accreditation and certification issues.

Ms. Studebaker represents clients in acquisitions, divestitures and joint ventures and drafts and negotiates operating agreements, asset-purchase agreements, and healthcare management agreements. She also assists clients to structure transactions to properly avoid or comply with certificate of need laws and represents clients in certificate of need review and related litigation.

In 2009, Ms. Studebaker prepared a brief amicus curiae to the Washington Supreme Court on behalf of the Washington Ambulatory Surgery Center Association in *Columbia Physical Therapy, Inc., P.S. v. Benton Franklin Orthopedic Associates, P.L.L.C., et al.*, 168 Wash.2d 421 (2010). In 2006, she prepared a brief amicus curiae to the Washington Supreme Court on behalf of the Washington Academy of Eye Physicians and Surgeons and the American Academy of Ophthalmology in *Wright v. Jeckle*, 158 Wash.2d 375 (2006). These cases involved claims asserted under Washington's Anti-Rebate Statute and Washington's corporate practice of medicine doctrine and Professional Services Corporation Act.

Ms. Studebaker works with several medical specialty societies and currently serves as general counsel to the Washington Ambulatory Surgery Center Association and the Oregon Ambulatory Surgery Center Association.

In 2009, Ms. Studebaker received the Clutch Player Award from the Washington Ambulatory Surgery Center Association for service to the ambulatory surgery industry in Washington State.

Services

- ▶ Healthcare

Industries

- ▶ Healthcare

Education

- ▶ University of Washington School of Law, J.D.
- ▶ Duke University, B.A., *cum laude*

Admissions

- ▶ Washington

Professional Recognition

- ▶ Clutch Player Award from the Washington Ambulatory Surgery Center Association for service to the ambulatory surgery industry, 2009

Professional Activities

- ▶ Member, American Health Lawyers Association
- ▶ Member, Washington State Society of Healthcare Attorneys
- ▶ Member, American Bar Association
- ▶ Member, Washington State Bar Association

Events

- ▶ "Physician and Hospital Affiliations: Key Regulatory and Transactional Issues," Washington State Urology Society Annual Conference, Leavenworth, WA, June 18, 2011
- ▶ "ASC Compliance Update," Washington Ambulatory Surgery Center Association Fraud and Abuse Compliance Update, Seattle, WA, March 18, 2011
- ▶ "Washington State Compliance Update," Washington Academy of Eye Physicians & Surgeons Practice Management Seminar, Seattle, WA, March 17, 2011
- ▶ "Acquisition of Physician Practices: Key Regulatory and Transactional Issues," Northwest Academy of Otolaryngology 2011 Winter Conference, Seattle, WA, January 7, 2011
- ▶ "The HITECH Act: Expansion of HIPAA's Privacy Protections and the Impact on Providers," Washington State Neurological Society Annual Meeting & Scientific Conference, Seattle, WA, October 2, 2010
- ▶ "Oregon ASC Compliance Update," Oregon Ambulatory Surgery Center Association Annual Education Conference, Portland, OR, September 27, 2010
- ▶ "Legal Pitfalls for Associations to Avoid," ASC Association Annual Meeting, Anaheim, CA, May 19, 2010
- ▶ "Regulation of Ambulatory Surgical Facilities and Office-Based Surgery in Washington State," Washington Ambulatory Surgery Center Association Practice Management Seminar, Seattle, WA, April 29, 2010
- ▶ "The HITECH Act: New Compliance Obligations and Enforcement Risks," Washington Academy of Eye Physicians & Surgeons Annual Meeting, Seattle, WA, March 26, 2010

- ▶ "HITECH Act Update," Northwest Academy of Otolaryngology Winter Conference, Seattle, WA, January 7, 2010
- ▶ "RAC and HIPAA Audits: What to Expect and How to Prepare," Washington State Medical Association, Spokane, WA, October 3, 2009
- ▶ "New HIPAA Breach Disclosure Requirements," Washington State Medical Association, Webinar, September 25, 2009
- ▶ "RAC and HIPAA Audits: What to Expect and How to Prepare," Washington Ambulatory Surgery Center Association, Seattle, WA, September 10, 2009
- ▶ "Preparing for Licensure of Ambulatory Surgical Facilities," Washington Ambulatory Surgery Center Association, Seattle, WA, May 29, 2009
- ▶ "Ambulatory Surgical Facilities: Medicare Conditions for Coverage," Oregon Ambulatory Surgery Center Association, Bend, OR, October 4, 2008
- ▶ "Liability Issues in Ophthalmology," Washington State Medical Association, Spokane, WA, September 27, 2008
- ▶ "Ambulatory Surgical Facilities: Medicare Conditions for Coverage," Washington Ambulatory Surgery Center Association, Seattle, WA, September 12, 2008
- ▶ "Stark: The Moving Target, Planning for 2008 and Beyond," K&L Gates LLP, Webinar, March 12, 2008
- ▶ "Ambulatory Surgery Centers: The Complexities of Physician Ownership," Washington Ambulatory Surgery Center Association, Seattle, WA, October 19, 2007
- ▶ "Ambulatory Surgery Centers: Fraud and Abuse Issues," Washington Ambulatory Surgery Center Association, Seattle, WA, June 20, 2007
- ▶ "The Stark Law," Washington State Medical Association, Bellevue, Everett and Tacoma, WA, June 2007
- ▶ "Medical Discipline," Washington State Medical Association, Bellevue, Everett and Tacoma, WA, June 2007
- ▶ "Clinical Staff and Delegated Duties," Washington State Medical Association, Bellevue, Everett and Tacoma, WA, June 2007

Publications

- ▶ "Medicare Certification Survey Series: Admission and Pre-surgical Assessments," Washington Ambulatory Surgery Center Association Legal Alert, October 26, 2011.
- ▶ "Washington State Department of Health Investigates Compliance with Certificate of Need Law," *Washington ASC Update*, Summer 2011.
- ▶ "ASF Licensure: Is Your Center Subject to Licensure and, if so, Is It Meeting All of the Licensure Requirements?," *Washington ASC Update*, Spring 2011.
- ▶ "House Bill 1575 Allows ASCs to Regain their Licenses," Washington Ambulatory Surgery Center Association Legal Alert, March 14, 2011.
- ▶ "The Washington Supreme Court Allows Private Lawsuits Against Health Care Providers Who Do Not Report Suspected Child Abuse," Garvey Schubert Barer Legal Update, February 2011.
- ▶ "Medical Quality Assurance Commission Adopts New Office-Based Surgery Rules," Spokane County Medical Society, *The Message*, August 2010.
- ▶ "Medicare Conditions for Coverage and the New Laboratory and Radiologic Services Requirements for ASCs," Washington Ambulatory Surgery Center Association Legal Alert,

August 9, 2010.

- ▶ "Medicare Conditions for Coverage and the New Patient Admission, Assessment and Discharge Requirements for ASCs," Washington Ambulatory Surgery Center Association Legal Alert, August 2, 2010.
- ▶ "Medicare Conditions for Coverage and the New Infection Control Requirements for ASCs," Washington Ambulatory Surgery Center Association Legal Alert, July 26, 2010.
- ▶ "Medicare Conditions for Coverage and the New Governing Body and Management Requirements for ASCs," Washington Ambulatory Surgery Center Association Legal Alert, July 19, 2010.
- ▶ "Medicare Conditions for Coverage and the New Quality Assessment and Performance Improvement Requirements for ASCs," Washington Ambulatory Surgery Center Association Legal Alert, July 12, 2010.
- ▶ "MQAC Adopts New Office-Based Surgery Rules," Washington Ambulatory Surgery Center Association Legal Alert, June 22, 2010.
- ▶ "CMS Announces Waiver of Waiting Area Requirements for Certain ASCs," Washington Ambulatory Surgery Center Association Legal Alert, May 27, 2010.
- ▶ "New Developments Regarding Ancillary Services," Garvey Schubert Barer Legal Update, May 5, 2010.
- ▶ "Washington Supreme Court issues a decision in *Columbia Physical Therapy, Inc., P.S. v. Benton Franklin Orthopedic Associates, P.L.L.C., et al.*," *Proliance Surgeons Outlook*, Spring 2010.
- ▶ "Ambulatory Surgical Facility Licensure Requirements and the Meaning of 'General Anesthesia'," *Washington Ambulatory Surgery Center Association Focus*, Winter 2010.
- ▶ "MQAC Proposed New Rules Regarding Analgesia and Anesthesia Administration in Office-Base Surgical Settings," *Washington Ambulatory Surgery Center Association Focus*, Winter 2010.
- ▶ "Crosswalk of Medicare Conditions for Coverage for Ambulatory Surgical Centers and Washington State Licensure Requirements for Ambulatory Surgical Facilities," Washington Ambulatory Surgery Center Association, January 29, 2010.
- ▶ "Medical Quality Assurance Commission to Adopt New Office-Based Surgery Rules," Washington Ambulatory Surgery Center Association Legal Alert, October 27, 2009.
- ▶ "Stark II Phase III Final Rule: The Significance of 'Standing in the Shoes' of Your Practice," *Washington State Medical Association Reports*, November/December 2007.
- ▶ "Amendments to Washington's Adverse Health Events and Incident Reporting System under Engrossed Substitute House Bill 1414," *Washington Ambulatory Surgery Center Association Membership Update*, August 2007.
- ▶ "New Licensure Requirements for Ambulatory Surgery Centers in Washington," *Washington Ambulatory Surgery Center Association Membership Update*, June 2007.
- ▶ "New Legislation Requires Licensure of Ambulatory Surgery Centers," *Washington Academy of Eye Physicians and Surgeons Newsletter*, Spring 2007.
- ▶ "New Exceptions Under the Stark Law: Electronic Prescribing and Electronic Health Record Systems," *Washington State Medical Association Reports*, February 2007.

GARVEY SCHUBERT BARER

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