

## Jonathan Berger

Of Counsel

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A versatile and reliable healthcare operations attorney, Jonathan Berger has over 25 years' experience advising public and private healthcare providers on regulatory compliance, transactions, corporate governance and operations. His practice encompasses transactions, facility support, and the execution of critical business decisions. Jonathan serves as a trusted resource known for maintaining focus and perspective while helping management realize the business and compliance goals of their organization. He provides timely and effective legal counsel, applying practical problem-solving skills in healthcare's highly regulated and dynamic business environments.

### Focused on Healthcare Provider Operations

As a member of Nelson Hardiman's regulatory compliance team, Jonathan works closely with healthcare providers across a full spectrum of hospitals and health systems, including digital healthcare and the behavioral health sectors. Jonathan applies his in-house experience to bring practical solutions to real-world problems, with a particular focus on healthcare operations. He utilizes his substantial experience in commercial healthcare ranging from on-the-ground legal support to high-level strategic counsel to navigate a wide variety of issues for the firm's clients.

### Regulatory Compliance

In the course of his career, Jonathan has developed strong working knowledge of the key regulatory issues impacting the healthcare industry including the federal Anti-kickback Statute and Physician Self-Referral Laws (Stark) along with other federal and state general compliance laws. His experience makes him a trusted resource for advising on compliance issues impacting hospitals, long-term care facilities and rehabilitation clinics, home health agencies, medical spas, and physician and dental services groups. Involved for more than a decade with the oncology division of a pharmaceutical industry giant, Jonathan has conducted attorney-directed investigations for compliance matters involving reimbursement and other issues and prepared discovery responses for government investigations and payor audits. His regulatory compliance experience has informed operations support for a broad range of healthcare entities.

### Transactions

Jonathan has an impressive background in transactional law with an emphasis on general business including asset purchase transactions, partnership agreements, equipment leasing, and general commercial and employment matters. Focused on healthcare law for two decades, he has acquired physician practices, outpatient rehabilitation clinics, and similar entities; organized joint ventures between hospitals and physician services groups; negotiated lease agreements for outpatient clinics; supervised defense counsel in litigation, and handled refinancing of real estate loans. When it comes to drafting, unlike many attorneys, Jonathan believes that a good contract must be understandable, and that ambiguities are to be avoided rather than exploited.

### Corporate Governance



Jonathan's broad experience on a wide variety of commercial and corporate law issues allows him to navigate the complexities of corporate governance issues with confidence. In turn, his familiarity with his clients' strategic business issues gives him the capacity to provide healthcare executives with the knowledge, understanding and mindset necessary to make appropriate decisions and to respect the highest standards of corporate governance.

### **Background in Operations Support**

Before joining Nelson Hardiman, Jonathan worked in-house with a regional radiology group, a multi-state dental services organization, and spent 12 years with a global, science-led biopharmaceutical business in the outpatient oncology space. Prior to that, Jonathan had also gained valuable practical experience working for national providers in acute care, long-term care and specialty hospitals and rehabilitation with large national providers. Jonathan began his legal career after graduation from the University of California, Gould School of Law at the Los Angeles office of a global AmLaw 100 law firm.

### **Life Outside the Firm**

When Jonathan is not at the office, he enjoys live music (serving as the Executive Director of a local musical arts organization) and is an avid car enthusiast.

## **Practice Areas**

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- [Government Investigations](#)
- [Litigation](#)
- [Regulatory Compliance](#)
- [Transactions](#)

## **Credentials**

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### **Education**

University of Southern California Law Center, J.D.  
Major Tax Planning and Computer Law Journals, Staff

University of California, Los Angeles, B.A. Economics-Business, and Classical Civilizations

### **Admissions**

State Bar of California

### **Affiliations**

California Society of Healthcare Attorneys

Association of Corporate Counsel

## Experience

- Provided legal counsel to physician staffing services, radiology groups, dental offices, outpatient cancer treatment center, acute care hospitals and skilled nursing facilities.
- Negotiated physician employment agreements, network provider agreements, vendor supply contracts, employment matters, and compliance office.
- Licensure and certification, risk management, privacy and consent matters.
- Prepared and negotiated emergency medicine, hospitalist, and other ancillary service agreements, including training affiliation agreements with academic medical centers, and drafted and reviewed a wide variety of vendor services agreements with client hospitals and health systems for a physician services group.
- Implementation of a physician practice management (friendly PC model).
- Developed contract approval and tracking system for diagnostic imaging centers, updated compliance program, overhauled corporate policies and procedures, developed an academic affiliation program for training radiology technicians, for a multi-faceted healthcare services, technology and finance company.
- Developed services agreements for the collection of biological specimens for clinical research, including privacy and safety concerns.
- Updated policies and procedures, managed partnership restructurings and commercial leasing, and advised on employment matters and compensation issues for healthcare entities and other businesses.

## Transactions

- Handled refinancing of a large portfolio of real estate loans.
- Provided legal counsel to a physician services group for healthcare transactional matters.
- Closed two rounds of institutional credit facilities and maintained a real estate portfolio of leased facilities for a healthcare services, technology and finance company.

Acquisition and Integration of Intensive Outpatient Treatment Program

Hospital Anesthesiology Services Agreement

Compliance Review for Home Health/Hospice Provider

Formation of Ketamine Clinics

Restructuring of Professional Corporation and Management Services Agreements

Pharmacy Network Ownership Restructuring

Sale of a Plastic Surgery Practice and MedSpa to a National MSO

Advising Dental Service Organization in Restructuring of Practice Acquisition

Advising Non-Profit Mental Health Foundation

Medical Staff Disciplinary Matters