

## Mitchell J. Olejko

San Francisco, California  
Shareholder

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Mitchell J. Olejko is a Shareholder in the Health Care Practice Group in San Francisco. Mr. Olejko represents health care entities in connection with all legal issues from initial program development and ongoing operations through extraordinary transactions such as sales, joint ventures or alliances. With over twenty-five years experience in the healthcare field both as a lawyer and as a senior manager, he has assisted companies in meeting the challenges of the ever-changing health care environment.

### Experience

Mr. Olejko has represented health systems, hospitals, physician groups (multi-specialty and single-specialty groups), dialysis centers, Internet-based health care companies, skilled nursing facilities, carve-out companies, assisted living facilities, retirement communities, step-down and transitional units, laboratories, home health agencies, medical equipment manufacturers, distributors and providers, preferred provider organizations, super-messenger HMOs, management service organizations, insurers and HMOs and physician-hospital organizations.

His practice includes representation related to ongoing operations, such as obtaining appropriate licensure or permissions for new activities, billing, compliance planning, and other needed legal services, and individual transactions such as contracting for the purchase of physician services and medical equipment. He regularly counsels buyers or sellers in connection with the purchase or sale of medical practices or institutions. Moreover, he has been involved in transactions that change the essence of a health care institution, by for example, creating strategic alliances or joint ventures, or transforming a nonprofit corporation to a for-profit corporation.

### Representative Transactions:

- Assisted a health maintenance organization in choosing between competing proposals to provide hospital services in a major submarket, leading to an agreement under which the HMO would develop a specialty center adjacent to a free-standing hospital, the hospital would expand its facility and the parties would enter into a long-term hospital services agreement.
- Assisted a major children's hospital in the renewal of a long-term relationship with a medical school, including establishing a faculty practice plan and creating a new system for recruitment of pediatric sub-specialists with academic appointments.
- Assisted numerous health care providers in analyzing, modifying and implementing changes to their organization and operational structures.
- Reorganization of a major physician practice into a tax-exempt entity and creation of a new medical center including a foundation, a tax-exempt hospital and research center. Elements of this transaction included: amending the Washington corporate practice of medicine doctrine to permit nonprofit corporations to practice medicine; creation of the first tax-exempt physician practice group in the State of Washington; transferring in a part-gift/part-sale all the assets of two physician partnerships (over \$100,000,000 in assets) to the new entity; obtaining a \$20,000,000 bridge loan; and refinancing the bridge loan and the debt of the hospital and the new tax-exempt physician group through the issuance of over \$100,000,000 of tax-exempt debt. Following closing, Mr. Olejko assisted in guiding the organization through a successful IRS audit where the IRS found that the purchase price was appropriate.

## **Presentations**

- Panelist, "DIY Health Reform: What Health Care Organizations Have Been Doing While Federal Health Reform Has Been Under Consideration," Ropes & Gray LLP Webinar, March, 2010
- Panelist, "'Meaningful Use' of EHR Technology: What Do the New Standards and Certification Criteria Mean for Your Organization?," Ropes & Gray LLP Webinar, January, 2010
- Panelist, "Stark III: The Bumpy Road Continues," Ropes & Gray LLP Teleconference, September 18, 2007
- Panelist, "Gov. Schwarzenegger's Health Care Proposal: Beyond Insurance Reform to Better Care," Ropes & Gray LLP Teleconference, February, 2007
- Speaker, "Health Care Group Teleconference: Electronic Health Records: How New Stark and Anti-Kickback Rules May Help Speed Adoption," Ropes & Gray LLP Teleconference, September, 2006
- Panelist, "Health Care Group Teleconference: Electronic Health Records: How the Cacophony of Public and Private Initiatives Affects Achieving Your Strategic Imperatives," Ropes & Gray LLP Teleconference, April, 2006

## **Publications**

- "Undoing MICRA," Buchalter Nemer *Points & Authorities* (Spring 2014), *Law360* (September 30, 2014)
- Mitchell Olejko and Dana Howells, "Privacy Violations Cost Health Care Facilities Millions," *The Recorder*, March, 2011
- California Department of Managed Health Care Wades Into Debate Regarding Unlicensed Practice of Medicine, Ropes & Gray LLP Alert, May 14, 2009
- California Imposes Additional Privacy Protection Obligations on Hospitals, Clinics, Home Health Agencies, and Hospices, Ropes & Gray LLP Alert, December 5, 2008
- Proposed 2009 Physician Fee Schedule Would Adopt Gainsharing Stark Exception, Ropes & Gray LLP Alert, July 7, 2008
- Mitchell Olejko and John Chesley, "Let's Get Digital: Making the case for electronic health records," *The Recorder*, July, 2006
- Electronic Prescribing and Electronic Health Records: Proposed Regulations for Stark Exception and Anti-Kickback Safe Harbor, Ropes & Gray LLP Alert, October 17, 2005

## **Honors & Awards**

- AV Preeminent rated by Martindale Hubbell
- Best Lawyers in America™ (2006-2016), Health Care
- Chambers USA: America's Leading Lawyers for Business (2007-2013)
- Northern California *Super Lawyer* for 2010-2015
- 2014 San Francisco Top Rated Lawyer, Health Care

## **Professional & Civic Activities**

- Past president of the Washington State Society of Hospital Attorneys
- Past chair of the Federal Committee of the Health Law Section of the Washington State Bar Association
- Institutional review board member
- Former member of the Board of Directors of a health maintenance organization
- Former member and Chair of the Committee on Health Law of the Business Law Section of the California Bar Association

**Memberships & Affiliations**

- American Health Lawyers Association
- California Society of Hospital Attorneys
- Washington State Society of Hospital Attorneys

**Education**

- JD, Washington University School of Law, 1977
- AB (History), Boston College, 1973

**Areas of Practice**

Health Care

Corporate

**Bar Admissions**

California

Oregon

Washington



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