



## Mark S. Kopson

(he/him/his)

PARTNER

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### Practice Areas

Business Law

Corporate Compliance

Administrative & Regulatory  
Law

Alternative Dispute  
Resolution

Health Care Law

Nonprofit Law

### Education

- University of Detroit  
School of Law, magna  
cum laude, J.D., 1985
- University of Detroit,  
summa cum laude, B.S.,  
1981

### Admissions

Michigan, 1986

U.S. District Court, Eastern  
District of Michigan, 1986

U.S. Court of Appeals, Sixth  
Circuit, 1986

U.S. Supreme Court, 2006

Mark S. Kopson chairs Plunkett Cooney's Health Care Industry Group and has served on the firm's Board of Directors. He also chairs the firm's Health Care Committee and serves on its Diversity & Inclusion Committee.

For over 30 years, Mr. Kopson has represented health facilities, health plans, medical and behavioral health providers, nonprofits, integrated delivery systems and managed care organizations in the state of Michigan and across the United States. With extensive experience and specialized expertise in managed care, contracting and governance, he has been listed among the Best Lawyers in America for Health Care Law since 2014.

In addition to commercial and governmental managed care contracting, regulation, compliance and dispute resolution, Mr. Kopson's experience includes sales, mergers and acquisitions of hospitals, ASCs, nursing homes and professional practices, the conversion of nonprofits to for-profit, and certificates of need. He regularly assists health care C-suite executives develop governance and operational strategies, and he has dispute resolution expertise in the roles of arbitrator, mediator, hearing officer and advocate.

An accomplished author and sought-after speaker, Mr. Kopson is a frequent presenter to legal and health care industry groups, associations and businesses. He has served on the Board of Directors of the American Health Law Association since 2017, and he is a Fellow and former Chair of the State Bar of Michigan Health Care Law Section.

## Representative Client Work

- On behalf of multi-state for-profit hospital system, served as Michigan counsel for three of the first four non-profit to for-profit hospital conversions, including negotiation of multiple agreements with Michigan's Attorney General
- Successfully obtained hospital, nursing home, ASC and covered clinical services certificates of need under both substantive and non-substantive review
- On behalf of prepaid inpatient health plan, successfully negotiated contracts with five integrated care organizations for MI Health Link dual eligibles demonstration project
- On behalf of Ohio Medicaid HMO, drafted updated provider participation agreements
- On behalf of multi-state for-profit hospital system, served as Michigan counsel for acquisition of three hospitals, nursing home and ambulatory surgery center and majority ownership interest in HMO
- On behalf of Michigan Medicaid HMO, negotiated with and drafted submissions to Michigan Department of Insurance and Financial Services regarding entity conversion and ownership changes
- On behalf of non-profit health care provider, conducted internal investigation of billing irregularities, including obtaining and coordinating with necessary experts, OIG self-disclosure, and associated payer settlement negotiations
- Provided all legal services for the formation of a 1,000+ member multi-specialty accountable care physician organization and negotiated affiliation agreements for collaboration with another multi-specialty physician organization
- Advised and counseled multi-specialty physician organization in the formation of a hospital-physician accountable care organization and negotiated bylaws and internal participation agreements on behalf of the physician members
- Advised and counseled major health system in the formation of a hospital-physician alliance organization, requiring extensive consensus-building among diverse membership and drafting of governing documents and affiliation agreements and procedures
- Drafted and assisted in the negotiation of state-wide commercial and governmental payor contracts for multi-state health system
- Successfully negotiated managed care participation agreements for HMO, PPO, Medicare and Medicaid products, with local, regional and national payors on behalf of an integrated delivery system comprised of five hospitals and over 500 physicians, resulting in substantially increased reimbursement and significant additional contractual protections for client providers
- As Co-counsel for an integrated multi-provider network, prosecuted a multi-million dollar arbitration claim for breach of a managed care contract, resulting in mid-seven-figures settlement in client's favor

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- Helped a physician practice successfully challenge the pay-for-performance payment and related public “score” proposed by one of its major payors, resulting in additional performance-based bonus payments and an improved quality ranking in the payor’s publicly distributed materials
- Negotiated and drafted HMO joint-venture documents on behalf of a 2,300-member physician network
- Conducted Fraud and Abuse, Stark Act, HIPAA, and CLIA compliance analysis on behalf of physicians, clinics, ambulatory surgery centers, laboratories, imaging facilities, and DME suppliers, and assisted those clients in structuring their arrangements to maximize profits and compliance
- Counseled a PHO regarding potential anti-trust exposure posed by its existing payor contracting arrangements and its anti-trust compliance options, and subsequently helped the client form and successfully implement a legally compliant “messenger model”
- Counseled and drafted all documents for the formation of 300-member physician organization and negotiated its subsequent formation of, and entry into, a physician-hospital organization to maximize its managed care viability
- Represented a de-participated physician against a major insurer and HMO in State and Federal court litigation and subsequent arbitration proceedings, resulting in full-participation status and a six-figure monetary award to client
- Successfully resolved a PHO client's six-figure dispute with an HMO regarding the financial risk settlement under their participation contract through facilitative mediation
- Assisted numerous health care providers in the formation of professional corporations, limited liability companies and general business corporations, including the drafting of entity formation and governance documents and consensus-building among diverse participants
- Served as counsel for acquiring and selling physician practices and related MSO entities
- Represented a group of five physicians in the termination of their hospital employment agreements, their purchase of practice-related assets from the hospital, the formation of a new practice entity, the lease of office space, and the launch of their successful independent practice
- Assisted foreign-owned entity in overturning an unfavorable arbitration award through litigation, thus allowing client to negotiate a more favorable out-of-court settlement
- Negotiated the sale of a multiple-physician, family medicine practice to a major hospital system, including all related transaction documents, real estate lease, physician employment agreements, and personal services contract, thus allowing retiring client physician to enjoy the well-deserved fruits of his decades of practice
- Assisted Kentucky group of anesthesiologists in their transition from independent practice to a hospital-employed group, including the successful negotiation of assets and administrative services arrangements and multi-year physician employment agreements

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- Successfully defended client specialist physician against her former employer's allegations of breach of a Non-compete Agreement and in the formation and successful launch of her independent specialty practice

### **Professional Affiliations**

- American Health Law Association (President-Elect Designate, Treasurer, Finance Committee Chair, and Executive Committee member – 2023; Board of Directors, 2017 – present; former chair of Governance and Education Committees; former Committee member: Practice Groups and Special Councils, Membership, Inclusion, Diversity, Equity and Accessibility, and Mentoring; former Chair, Payers, Plans and Managed Care Practice Group, past Vice Chair Membership and past Chair Managed Care Contracting Affinity Group; member Hospitals and Health Systems, Physician Organizations, Business Law and Governance Practice Groups)
- State Bar of Michigan (Health Care Law Section – Fellow and former Section Chair; former Chair, Payers Subcommittee and former member Technology Subcommittee of Substantive Law Committee; Business Law Section)
- American Bar Association (Business Law, Health Law, and Law Practice Management sections)
- Institute of Continuing Legal Education (2024 ICLE Health Care Law Institute, Planning Committee)

### **Publications and Lectures**

- "Building Compliant Virtual Care Networks: Beyond Bricks and Mortar Into Innovation," presenter, AHLA's 2024 Advising Providers: Legal Strategies for AMCs, Physicians, and Hospitals Conference, New Orleans, February 6-7, 2024
- "Healthcare Delivery Today - Legal Challenges, Risk, Access and Equity - Population Impact," panelist, Ferris State University, 2023
- "Contracting to WIN: Optimizing Your Physician Employment Agreement," keynote speaker, Women in Neurointervention (WIN) Committee for the Society of Neurointervention Surgery (SNIS), SNIS 20th Annual Meeting, San Diego, CA, Aug. 2, 2023
- "Hearing Officer and Counsel Perspectives On Medical Staff Peer-Review Hearings," presenter, 2023 AHLA Physicians and Hospitals Law Institute, Orlando, FL, Jan. 30 - Feb. 1, 2023
- American Optometric Association's Virtual Health Care Payer Advocacy Summit, presenter, Nov. 16, 2021
- "Diversity: Strategic Initiatives" session; panel member; American Health Law Association's Transactions Law Institute, Virtual; April 14, 2021
- "Employment Contracts 101: What You Need to Know," presenter, American Podiatric Medical Association Young Physicians Institute, Oct. 4, 2020

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- “Hot Topics in Behavioral Health,” moderator, ICLE 25th Annual Health Law Institute, Plymouth, MI; Mar. 8, 2019
- “Taming Troublesome Terms: Solutions to Recurring Payer-Provider Contract Problems,” presenter, American Health Lawyers Association Physicians and Hospitals Law Institute, San Antonio, TX, Feb. 4, 2019
- “Compensation Agreements: Landmines and Lifesavers,” presenter, Society of Thoracic Surgeons 55th Annual Meeting, San Diego, CA; Jan. 27, 2019
- “Landmines and Lifelines: Evaluating and Negotiating Your PA Employment Contract,” presenter, University of Detroit Mercy Physician Assistant Program, Detroit, MI, Dec. 14, 2018
- “Current Issues in health care Law: Current Issues in health care Law: Bigger, Better, Busted?” presenter, Ferris State University, MOHA 580 Health Care Administrative Law, Big Rapids, MI, Oct. 2, 2018“
- Compensation and Participation – Contracting Challenges and Choices,” presenter, Society of Thoracic Surgeons 54th Annual Meeting, Ft. Lauderdale, FL; Jan. 28, 2018
- “Strange Bedfellows or Successful Business: Navigating New Payer-Provider Arrangements,” presenter, American Health Lawyers Association Physicians and Hospitals Law Institute, New Orleans, LA, Feb. 5-7, 2018
- “Metrics and MACRA – Value-Based Contracting,” presenter, ICLE 24th Annual Health Law Institute presentation, Plymouth, MI, Mar 8, 2018
- “Payer - Provider Contracting in 2017 and Beyond,” 17<sup>th</sup> Annual APMA National Joint CAC-PIAC Meeting, presenter, Baltimore Renaissance Harborplace, Baltimore, MD, Nov. 10, 2017
- “Current Issues in Health Care Law: Reflections on Risks and Rewards,” presenter, Ferris State University, MOHA 580 health care Administrative Law, Big Rapids, MI, Oct. 3, 2017
- “Bridging the Gap: Strategic Plan – Provider Collaboration in the Transition to VBP,” presenter, American Health Lawyers Association’s Annual Meeting, San Francisco, California, June 26 - 28, 2017
- “PA Employment: Contracts and Consequences,” presenter, University of Detroit Mercy Physician Assistant Program, Detroit, MI, May 25, 2017
- “Provider Contracting Issues from the Plan and Provider Perspectives.” presenter, AHLA Institute on Medicare and Medicaid Payment Issues, Baltimore, MD, March 30, 2017
- “Multi-Product Managed Care Contracts and More: A Deep Dive For Experienced Hospital and Physician Managed Care Counsel,” presenter, AHLA Physicians and Hospitals Law Institute, Orlando, FL, February 1-3, 2017
- “Experience Dealing with Employed Physicians,” presenter, Practice Management Summit, Society of Thoracic Surgeons, 53rd Annual Meeting, Houston, TX, Jan. 22, 2017

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- "Landmines and Lifesavers In Your Managed Care Contract," presenter, AHLA Physicians and Hospitals Law Institute, Austin, TX, Feb. 8-10, 2016
- "Negotiating Managed Care Contracts," presenter, American Bar Association Health Law Section Physician Legal Issues Conference, Chicago, IL, June 10-12, 2015
- "The Top Four Trends in Health Care," presenter, Ferris State University, Health Care Systems Administration Program, Big Rapids, MI, April 23, 2015
- "The Deal That Affects You Every Day: Negotiating Employment and Corporate Contracts," presenter, University of Detroit Mercy Physician Assistant Program, Detroit, MI, April 15, 2015
- "Clinically Integrated Networks: Their Impact on Physicians and Payors," presenter, 21<sup>st</sup> Annual ICLE Health Law Institute, Plymouth, MI, March 13, 2015
- "Collaboration Meets Negotiation: Current Tensions in Plan-Provider Contracting," presenter, AHLA Physicians and Hospital Law Institute, Las Vegas, NV, Feb. 2-4, 2015
- "Your Career in Black and White: Negotiating Employment and Corporate Contracts," presenter, University of Detroit Mercy Physician Assistant Program, 2014
- Planning Committee Member, AHLA Institute for Health Plan Counsel, Nashville, TN April 9, 2014
- "Health Plans Contracting Handbook: A Guide for Providers and Payors," chapter author, Seventh Edition, American Health Lawyers Association, 2014
- 20th Annual ICLE Health Law Institute, moderator, Plymouth, MI, March 7, 2014
- "Health Insurance Exchanges - The Physician's Perspective," presenter, 19th Annual ICLE Health Law Institute, Plymouth, MI, March 8, 2013
- "Affordable Care Act - Penalties, Timelines and the Impact on You & Your Clients," presenter, MACPA Mega Conference, Ann Arbor, MI, Dec. 5, 2012
- "Affordable Care Act - Penalties, Timelines and the Impact on You & Your Clients," presenter, MACPA Fall Accounting Conference, Troy, MI, Oct. 30, 2012
- "Perplexing Problems: Payor – Provider Contracting in the Post-PPACA Era," presenter, American Health Lawyers Association Payors, Plans and Managed Care Law Institute, Swissotel Chicago, Boston, MA, Dec. 6-7, 2011
- "Bedeviled by Details: Managed Care Contracting in the Post-reform Era," Chapter author, Health Law Handbook, 2011 Edition, Thomson/West, 2011
- "Health Care Reform – Where Are We Now?," presenter, Michigan Association of CPAs Mega Conference, Bavarian Inn Lodge, Frankenmuth, MI, Oct. 27, 2011
- "Health Plans Contracting Handbook: A Guide for Providers and Payors," chapter author, Sixth Edition, American Health Lawyers Association, 2011
- "Overview of Legal Issues In International Medical Tourism," Presenter, MediTour Expo – Pioneering The Future In Global Health Care, South Point Hotel, Las Vegas, NV, May 23-24, 2011

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- "Hot Topics in Managed Care Contracting and Their Financial Impact," Michigan Association of CPAs Health Care Conference, presenter, Laurel Manor, Livonia, Thursday, April 28, 2011
- "Square Peg – Round Hole: Challenges in Post-Reform Managed Care Contracting," Presenter, American Health Lawyers Association Annual Meeting, Seattle, Wash., June 28-30, 2010
- "Key Issues in Physician Assistant Employment Agreements," Presenter, Michigan Academy of Physician Assistants' 6<sup>th</sup> Annual Professional Issues Symposium, Motor City Casino Hotel, Detroit, April 17, 2010
- "Legal Landmines In Pain Management," Health Care Weekly Review, Vol. 26, No. 11, April 1, 2010
- Medical Tourism: Implications for Providers and Plans, J. Health & Life Sci. L., at 147, January 2010
- Representing Physicians Handbook: Reimbursement of Physician Services, Second Edition, American Health Lawyers Association, 2009 (chapter co-author)
- "Medical Tourism: Implications For Providers and Plans," presented at the AHLA Annual Meeting, Washington Marriott Wardman Park, Washington, D.C., June 29 - July 1, 2009
- "Never Say Never - CMS Extends "Never Event" Nonpayment Policy to Physician Services," MD News, April 2009
- "Competition-Sauce for the Goose? Feds Continue to Target Physician Groups for Antitrust Violations," MD News, December 2008
- Managed Care Contracting Handbook: A Guide for Providers and Payors, Fifth Edition, American Health Lawyers Association, 2008 (chapter author)
- "Health Plan Contracting: Hot Topics and Contracting Strategies for Payors and Providers," panelist, AHLA Teleconferences, Oct. 30 and Nov. 14, 2008
- "The CMS Five-Star Rating System," and "The OIG's Supplemental Compliance Program Guidance for Nursing Facilities," presented at the Plunkett Cooney Extended Care Seminar, Troy Marriott Hotel, Troy, Michigan; Oct. 24, 2008
- "Advanced Issues In Payer/Provider Contracting," presented at the AHLA Payors, Plans and Managed Care Law Conference, Westin Boston Waterfront, Boston, Massachusetts; Oct. 13-14, 2008
- "It's 2008 – Do You Know Where Your Payor Contracts Are?" MD News, September 2008
- "What You Need to Know Before Signing that Contract," presented at the Michigan State University College of Osteopathic Medicine Statewide Campus System Family Medicine Education Day, Okemos Michigan; Sept. 3, 2008
- "Pay-for-Performance and Provider Performance Ratings – How To Improve Their Impact On Your Bottom Line," MD News, July 2008
- "Economic Credentialing: What, Why and How," presented at the Michigan Podiatric Medical Association Great Lakes Conference XXII; Northfield Hilton, Troy, Michigan; March 14, 2008

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- ICLE 14th Annual Health Law Institute; The Inn at St. John's, Plymouth, Michigan; March 7, 2008
- "Who Stole My Plan' and 'Pray for Performance': Current Bestsellers for Contracting Physicians," presented at the AHLA 2008 Physicians and Physician Organizations Law Institute, Loews Portofino Bay Hotel at Universal Orlando, Orlando, Florida; Feb. 13–14, 2008
- Health Law Practice Guide, Thomson/West, 2007 (co-author Chapter 23, "Managed Care Contracting In 2007")
- "Current Issues In Payor Contracting," presented at the American Podiatric Medical Association Seventh Annual Joint National Podiatric Carrier Advisory Committee and Private Insurance Advisory Committee Representatives' Meeting; Marriott Key Bridge, Arlington, Virginia; Oct. 19- 20, 2007
- "Contractual Negotiations Between Payors and Providers," presented at the AHLA/AHIP 2007 Law Conference for Health Plans, Insurers and Providers; The Westin Diplomat Resort, Hollywood, Florida; May 9-11, 2007
- "Physician Assistant Contracting – Requirements and Key Terms," presented at the Michigan Academy of Physician Assistants; Sheraton Hotel, Lansing, Michigan; April 14-15, 2007
- "Good News and Bad News for Physicians: Compliance Enforcement Developments," Principal Health PHO Newsletter, July 2006
- "Reimbursement of Physician Services," Representing Physicians Handbook, Chapter Editor, American Health Lawyers Association, 2005
- "Application of Federal Antitrust Laws to Health Care Providers," Laches, September 2005
- "health care Antitrust Update," Principal Health PHO Newsletter, September 2005
- "Good News from the Government...No, Really," Principal Health PHO Newsletter, May 2004
- "Avoid Antitrust Violation When Determining Payment for On-Call Coverage," Credentialing & Peer Review Legal Insider; January 2004 (contributing consultant)
- "Hot Issues in Recent PO and PHO Managed Care Negotiations," Health Care Weekly Review, March 6, 2002
- "Six Steps to a Successful Practice Buy-in," Medical Economics, Feb. 24, 1997 (contributing consultant)

### **Honors & Recognitions**

- State Bar of Michigan Health Care Law Section, Fellow, 2019
- Best Lawyers in America® for Health Care Law, 2014 - 2024
- Martindale-Hubbell's highest rating-AV Preeminent™ Peer Review Rated
- Michigan Super Lawyer in Health Care; Michigan Super Lawyers, 2014 - 2023



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- Michigan Super Lawyer, Top 100 Lawyers in Michigan, 2023
- Leading Lawyer in Health Law, Leading Lawyers Magazine Michigan, 2015 - 2021
- Top Lawyer in Health Care Law, Dbusiness Magazine, 2014 - 2015, 2018, 2020, 2022 - 2024
- President's Scholar
- Dean's Scholar
- Frank Murphy Honor Society
- Insignis Academic Scholar
- Alpha Sigma Nu Honor Society
- American Jurisprudence Book Awards: Contracts, Torts, Bills and Notes, Constitutional Law