

## Timothy C. Gutwald

MEMBER

Grand Rapids

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Tim Gutwald is a member of Miller Johnson and chairs the firm's Health Care Providers practice group. He counsels health care clients including hospitals, long term care providers, labs, pharmacies, mental health care providers and large and small multi-specialty physician groups. Mr. Gutwald represents health care clients in a wide variety of matters in state and federal courts and in administrative hearings.

### Health Law

His work involves day-to-day counsel and representation of health care providers regarding such issues as HIPAA, data breaches, telemedicine, medical staff and peer review matters, licensing issues, risk management and regulatory compliance including Stark and Anti-Kickback analysis.

Mr. Gutwald is a member of the firm's Health Care Providers practice group. He has spent his entire career representing health care providers and has developed significant knowledge and experience in health care law, a wide body of federal and state law and regulations extending to all aspects of medical related services. He represents hospitals, physician groups and other medical service providers in

### Practice Areas

- [Employment - Health Care](#)
- [Health Care Providers](#)
- [Health Care Reimbursement](#)
- [Employment Litigation](#)
- [Privacy and Cybersecurity](#)
- [Health Care Professional Licensing, Regulatory Compliance and Accreditation](#)
- [Mental Health Law](#)

### Education

- J.D. magna cum laude, Michigan State University College of Law, 2006
- B.A., Kalamazoo College, 2002

### Bar Admissions

- Michigan, 2006

### Court Admissions

- U. S. District Court for the Eastern District of Michigan
- U.S. Court of Appeals for the Sixth Circuit



matters pertaining to medical staff matters, regulatory compliance and contractual arrangements. The clients that he represents include some of the largest health systems and physician practices in Michigan.

Mr. Gutwald is a member of the firm's Health Care Reform Team. Because of the complexity and ambiguity of Patient Protection and Affordable Care Act (commonly referred to as ACA) and the Health Care and Education Affordability Reconciliation Act of 2010, the two acts that make-up the health care reform legislation, he is committed to informing clients of new regulations as they are released in order to ensure compliance.

### **Privacy and Cybersecurity**

Mr. Gutwald is a member of the firm's Privacy and Cybersecurity practice group. With this massive amount of data available and data breaches increasingly making the news headlines, it is more important than ever to have standards and safeguards for collecting, processing, transferring and retaining this information to protect all parties involved. Mr. Gutwald assists clients with the development and implementation of comprehensive, HIPAA and HITECH compliant, privacy policies and data protection programs. He counsels clients on investigating and responding to data breaches. Mr. Gutwald's expertise extends to defending clients in courts and responding to government investigations.

### **Health Care Reimbursement**

Mr. Gutwald counsels and represents hospitals and physician groups in recovering payment for medical services from insurance companies, ERISA health



benefit plans, and other payers. Mr. Gutwald is a member of Miller Johnson's Health Care Provider Reimbursement Practice Group. His expertise is in obtaining insurance reimbursement for patient accounts.

He has successfully litigated numerous cases against insurance companies on issues such as intentional-act exclusions, priority disputes, medical necessity, and the reasonableness of medical charges. In addition to recovering unpaid and overdue medical charges on behalf of his health care provider clients, Mr. Gutwald has recovered penalties, including attorney fees and interest, many times. The penalties that he's collected have often exceeded the amount of the underlying claim.

#### **Professional Affiliations, Activities and Honors**

Mr. Gutwald is a member of the State Bar of Michigan, the American Health Lawyers Association (AHLA) and the American Bar Association. Mr. Gutwald is active with the Health Care Law Section of the State Bar of Michigan where he is the Chair-elect and previously served as the Chair of the Substantive Law Committee.

Mr. Gutwald has given several presentations for the State Bar of Michigan addressing such topics as HIPAA and the Michigan Peer Review Privilege and has written articles for their publications. He has published several articles for the AHLA. He co-authored Chapter 22 addressing EMTALA in "Representing Hospitals & Health Systems" being published in 2016 through the American Health Lawyers Association.

Mr. Gutwald was selected for inclusion in "Super



Lawyers–Rising Stars” for Health Care Law.

## **Education**

Mr. Gutwald received his law degree, *magna cum laude*, in 2006 from Michigan State University College of Law. He also received a bachelor’s degree in 2002 from Kalamazoo College. He is admitted to practice in the Federal Courts for the Western and Eastern District of Michigan and the Sixth Circuit Court of Appeals.

