UNIVERSITY OF NEVADA, LAS VEGAS SCHOOL OF MEDICINE

REQUEST FOR PROPOSALS TO PROVIDE LEGAL SERVICES

I. DESCRIPTION OF UNIVERSITY

The University of Nevada, Las Vegas (UNLV or University) is a comprehensive research university of nearly 28,000 students and more than 2,900 faculty and staff. UNLV has internationally recognized programs in hotel administration and creative writing; professional degrees in law, architecture, and dental medicine; and leading programs in fine arts, sciences and education. UNLV is located on a 332-acre main campus and two satellite campuses in dynamic Southern Nevada. The University is classified in the category of Research Universities (high research activity) by the Carnegie Foundation for the Advancement of Teaching.

II. BACKGROUND

In August 2014, the Board of Regents of the Nevada System of Higher Education (“Board of Regents”) established the University of Nevada, Las Vegas School of Medicine (UNLV SOM). In June 2015, Gov. Brian Sandoval signed the state’s appropriations bill into law funding the school’s start-up.

UNLV SOM is scheduled to welcome its charter class of undergraduate medical students in Fall 2017. Clinical and research operations will begin as early as March 2016. UNLV SOM will include multi-specialty practice with a focus on maximizing access to Medicaid patients, underserved urban and rural communities, and acting as a “convener” of services much as a Federally Qualified Health Center. Approximately 82 percent of Nevada’s children qualify for some form of Medicaid. Moreover, 22 percent of Nevadans receive Medicaid benefits, while 15 percent receive Medicare benefits. Accordingly, UNLV SOM fully anticipates and aspires to improve access to care for Medicaid and Medicare patients.

Caring for these patients will require referrals within UNLV SOM departments and among UNLV SOM community partners. At the same time, the financial viability of the school demands the school receive appropriate and timely funding for its clinical, educational, and research services, some of which will come from community partner contracts.

In connection with its start-up efforts, UNLV SOM will create a faculty practice plan (“FPP”). In this setting, supervising faculty physicians will bill patients for the clinical services they provide. The revenue generated from the practice will provide funding for the FPP entity, which will manage the practice, collect revenue, and provide money for operations, including clinical practice operating expenses (costs for space), salaries and benefits for nursing and other staff, and a large portion of clinical teaching faculty salaries and benefits. The FPP will be designed with the patient experience in mind. UNLV SOM is committed to taking excellent care of entire Medicaid families in a hospitality-like practice setting and will offer a full range of physicians and other health care providers, such as physical and occupational therapists in the practice.
III. SCOPE OF WORK

UNLVSOM is soliciting proposals in response to this Request for Proposal to Provide Legal Services related to legal and regulatory issues outlined below in connection with creation of the FPP. The services herein include a minimum level of summary information and represent information to assist respondents in providing a thorough response to this Request for Proposal.

(a) Advice with respect to critical operational issues such as creation of organizational structure and governance; including but not limited to structuring and creating/drafting the FPP’s articles of incorporation, corporate bylaws and operating agreement;

(b) Advice with respect to an agreement between the FPP and UNLVSOM;

(c) Financial Arrangements: advice with respect to start-up funding arrangements that align with the economic interests of FPP and UNLVSOM’s mission while complying with numerous legal requirements; advice regarding business and legal issues from all perspectives to design financial arrangements that serve the goals of both the FPP and UNLVSOM; and assistance with developing FPP business plan in accordance with legal and regulatory compliance requirements; as well as advising with respect to projection for initial operating costs (i.e. details relative to the start-up), projection for stable operations and initial capitalization until FPP starts to generate revenue;

(d) Employment: advice with respect to FPP structuring of employment benefits (i.e. insurance, retirement, etc.); assistance with development of employment policies relating to leave, benefits, compliance, etc., (i.e. employee handbook); and/review of policies relating to clinical faculty employed by the UNLVSOM and who afford clinical services under the FPP.

(e) Compliance: advice regarding federal and state legal and regulatory issues governing the provision of health care, privacy of medical information, risk management, health care staff issues and employment law for both faculty and staff, including Stark and Anti-Kickback, HIPAA, the federal and state False Claims Act, fraud and abuse laws, and laws related to Medicare/Medicaid;

(f) Agreements: assistance with negotiation of a master affiliation agreement with the University Medical Center, the only county hospital in Las Vegas; assistance with structuring mutually beneficial arrangements with non-academic providers such as community hospitals, clinics and pharmaceutical and medical device manufacturers who are eager to capitalize on cutting edge clinical services as well as the teaching and research missions of the FPP; and assistance with agreements for clinical services, teaching and teaching administrative services, medical director services, space rental, research services and employee leasing;

(g) Advising with respect to creation/structuring of agreements delineated in (f) as well as compensation arrangements generally, for qualifying as an Academic Medical Center under the Stark Law.