



Bernard Miller

Associate

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Bernard is a member of the Health Law Group and concentrates his practice on a broad range of regulatory, transactional, and licensure matters. He is an associate in Baker Donelson's Houston office.

Bernard advises clients on a variety of regulatory, transactional, and licensure matters. He counsels hospitals, health systems, physician groups, clinical laboratories, pharmacies, substance use treatment facilities, federally qualified health centers, ambulatory surgery centers, medical device companies, pharmaceutical companies, management companies, lenders, emerging companies, and other clients in the health care industry, helping them navigate complex health care laws and regulations while achieving their business objectives.

Bernard's regulatory experience includes counseling clients on issues related to health care fraud and abuse, fee-splitting, physician self-referral prohibitions (including the Stark Law), and anti-kickback compliance (including the federal Anti-Kickback Statute and the Eliminating Kickbacks in Recovery Act). He also provides guidance on provider reimbursement; the corporate practice of medicine; Medicare, Medicaid, and TRICARE regulations; health care privacy and security requirements (including HIPAA/HITECH); state telehealth and telemedicine laws; compliance programs and policies; licensure and scope of practice; change of ownership matters; health care facility reporting obligations; and other health care issues involving state and federal law.

His transactional experience includes advising clients on health care regulatory issues in mergers, acquisitions, financing transactions, and joint ventures, as well as drafting and negotiating a wide array of agreements, including management services agreements, professional services agreements, laboratory services agreements, medical director agreements, recruitment agreements, employment agreements, delegation and prescriptive authority agreements, business associate agreements, and other service contracts.

Bernard's provider licensure and disciplinary experience includes representing physicians, nurses, and physician assistants in proceedings before state licensure boards and assisting hospitals in navigating peer review investigations involving physicians.

Bernard holds a Juris Doctor from Duke University School of Law and a Bachelor of Arts in Mathematical Economic Analysis from Rice University. He is a member of the American Health Lawyers Association and the Houston Bar Association.

Professional Honors & Activities

- Listed in *Best Lawyers: Ones to Watch® in America* for Corporate Governance and Compliance Law and Health Care Law (2026)

Publications

- "Recent Judicial Interpretation of EKRA: Key Implications for Laboratories and Other Health Care Providers," Wolters Kluwer's *Journal of Health Care Compliance* (January – February 2026)
- "OIG Issues Guidance on Flexible Bundled Discount Arrangements" (January 2026)
- "EKRA's Application to Marketing Arrangements: Laboratories and Other Providers" (August 2025)
- "OIG Advisory Opinion 25-08: Unfavorable DME – Vendor Payment Arrangement" (July 2025)

- "Relocation of Physician-Owned Hospitals: CMS Advisory Insights" (April 2025)
- "Looking Back at 2024: Key Health Care Regulatory Legal Developments in Fraud and Abuse, Compliance, and Enforcement" (March 2025)



Education

- Duke University School of Law, J.D., 2018
- Rice University, B.A. in Mathematical Economic Analysis, 2014



Admissions

- Texas, 2018