

GEORGE F. INDEST III
Board Certified Health Law Attorney

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The Health Law Firm
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EDUCATION

GEORGE WASHINGTON UNIVERSITY, NATIONAL LAW CENTER WASHINGTON, D.C.
Master of Laws (with highest honors), September 1986.
Course emphasis in Health Care Law (Legal Medicine) and International Law.

UNIVERSITY OF WEST FLORIDA GRADUATE SCHOOL PENSACOLA, FLORIDA
Master of Public Administration, August 1982. G.P.A. 3.85/4.00.
Course emphasis in public personnel management and administration.

TULANE UNIVERSITY LAW SCHOOL NEW ORLEANS, LOUISIANA
Juris Doctor (cum laude). Class Rank: 22/179.
Course emphasis in Admiralty and International Law.

TULANE UNIVERSITY NEW ORLEANS, LOUISIANA
Bachelor of Arts.
Majored in Political Science with strong background in Computer Science.

JURISDICTIONS IN WHICH ADMITTED

- Louisiana: Admitted to practice in Louisiana
- Florida: Admitted to practice in Florida
- District of Columbia: Admitted to practice in District of Columbia
- List of all courts to which admitted available on request.

LEGAL EXPERIENCE

1999 - Present: President & Managing Partner of The Health Law Firm. Firm represents primarily healthcare professionals in business, contractual, administrative, licensing and litigation matters. Clients include physicians, nurses, dentists, medical groups, nursing homes, hospital chains, and other health care professionals and facilities. Offices in Altamonte Springs, Orlando and Pensacola.

1997 - 1999: Shareholder, Partner, Head of Business and Health Law Department, Unger, Swartwood, Indest & Acree, P.A. Business, corporate, transactional, regulatory and administrative practice for physicians, hospitals, nursing homes, home health care agencies, managed care organizations and insurers. Professional liability and business

defense litigation. Supervised work of two other attorneys and two paralegals in this medium sized Central Florida firm with offices in Orlando and Jacksonville.

1995 - 1997: Health Care Attorney, Baker & Hostetler, Orlando, Florida. Member of Business Department, Firmwide Health Care Industry Group, and Mergers and Acquisitions Team in large, national firm. All aspects of business, corporate, transactional, regulatory and administrative law practice for physicians, hospitals, nursing homes, home health care agencies, managed care organizations and insurers. Formation of all types of business entities and not-for-profit corporations, professional associations and IPAs; drafted health-related business contracts of all types. Litigation involving defense of medical personnel, professional licenses, nursing home liability and administrative hearings.

1993 - 1995: Litigation and Health Care Attorney, Taraska, Grower & Ketcham, P.A., Orlando, Florida. Associate in medium size Central Florida defense firm representing large number of hospitals, medical malpractice carriers, physicians, IPAs and medical associations among its major clients. Practice concentrated in medical malpractice defense, personal injury and insurance defense litigation; health care law; appellate practice. Advised clients on self-referral prohibitions, fraud and abuse laws, federal antitrust policies, and other regulatory initiatives. Represented institutional providers with respect to medical staff issues, emergency room patient transfers (COBRA), physician contracting, medical staff bylaws, Medicare/Medicaid issues, risk management and general operational matters. Represented physicians and nurses in professional disciplinary actions, patient self-referral limitations and medical practice issues. Prepared opinions in healthcare antitrust law and other complex areas of health care law.

1990 - 1993: Medico-Legal Advisor/Assistant Staff Judge Advocate, Chief of Naval Education and Training (CNET). Primary assistant in supervising and monitoring CNET's legal program and overseeing all CNET attorneys. CNET's annual budget exceeded \$1.2 billion and had 40,500 permanent staff. CNET provided all formal education and training for the U.S. Navy. Assisted in formulating policy, drafting and analyzing proposed legislation and regulations on following subjects: health care, legal assistance (consumer protection), management of legal assets, education, charitable organizations, military justice and other matters. Reviewed, researched and prepared recommendations on all medical malpractice claims investigations; claims averaged in excess of \$120 million per year. Provided advice and assistance on all health care law issues relating to eleven major medical and dental commands.

1987 - 1989: Staff Judge Advocate (Counsel), Naval Medical Command, Mid-Atlantic Region Headquarters, Norfolk, Virginia. Counsel for regional health care system that included Virginia; North Carolina; South Carolina; Guantanamo Bay, Cuba; Puerto Rico; Bermuda; and Iceland; included eight hospitals, five major dental facilities and numerous widely dispersed branch medical and dental clinics, including legal offices staffed by attorneys at three of the major hospitals.

1986 - 1987: Staff Judge Advocate (In House Counsel), Naval Hospital Portsmouth, Virginia, one of the U.S. Navy's largest teaching hospitals. Only attorney for teaching hospital of approximately 750 bed capacity (approx. 440 active beds), 400 doctors, 17

buildings and several thousand nursing and support staff personnel.

1983 - 1985: Staff Judge Advocate for the USS MIDWAY (CV-41), the United States' only aircraft carrier permanently stationed overseas (in Yokosuka, Japan). Legal advisor for commanding officer and crew of approximately 4,500 men. Prepared all criminal cases for prosecution at courts-martial including direction of government investigators. Advised on various international law and admiralty issues including interpretation of status of forces agreements, laws of armed conflict (including Geneva Conventions) and treaty interpretation. Advised and acted in numerous administrative law matters including claims for and against the government. As Foreign Claims Commissioner, adjudicated and paid foreign claims filed against the United States. Established liaison with judicial, legal, police and diplomatic authorities in foreign ports including Pattaya Beach, Thailand; Pusan, Korea; Manila, Republic of the Philippines; Hong Kong; Singapore; and Sasebo, Japan. Supervised legal office staff of one other attorney, three paralegals and four clerk-typists. Provided personal legal assistance including: domestic relations, wills and estates, paternity, contract disputes, landlord-tenant matters, and consumer protection problems. As Force Judge Advocate for Commander, Carrier Group FIVE provided similar services to the Admiral, his staff and a naval battle group consisting of over 30 ships during the same period.

1980 - 1983: Military attorney at Naval Legal Service Office (NLSO), Naval Air Station, Pensacola, Florida. One of sixteen attorneys in office providing legal services to military organizations. Positions held:

--Senior Trial Counsel (Prosecuting Attorney) October 1980 to June 1981. Prosecuted criminal cases at special and general court-martial trials. Supervised other prosecutors and legal support personnel.

--Senior Defense Counsel, June 1981 to November 1981. Represented military clients accused of committing criminal offenses at special and general court-martial trials and at various administrative proceedings. Supervised other attorneys and legal support personnel in this office.

--Head, Administrative Law Department, November 1981 to October 1982. Supervised two other attorneys and up to five other personnel pursuing claims against third parties and investigating/defending claims against the Navy. Issued administrative law opinions and advised area commanders on investigations and administrative proceedings. Prepared litigation reports and conducted other activities in defense of U.S. Navy on Federal Tort Claims Act cases which included: airplane crashes, fires, environmental/hazardous waste claims, accidents and medical malpractice claims.

--Head, Legal Assistance Department, October 1982 to July 1983. Primary duties were to supervise the attorneys and other legal personnel assigned and to provide personal legal services to military and civilians.

--Head Military Magistrate, a part-time quasi-judicial authority appointed by CNET, November 1981 to July 1983. Conducted probable cause/pretrial confinement hearings for military criminal defendants.

OTHER MILITARY SERVICE

Upon graduation from Tulane University, commissioned as Ensign in U.S. Navy. Graduated from Aviation Flight School. Served as search and rescue pilot and instructor pilot in Helicopter Combat Support Squadron SIXTEEN, 1974 to 1977. Qualified as Helicopter Aircraft Commander.

BOARDS OF DIRECTORS

Board of Directors, Guardian Care Convalescent Center, a nonprofit nursing home
Board of Trustees, National Kidney Foundation of Florida, Inc. (1997-2003)
- Chairman, 2000 & 2002 U.S. Transplant Games Committee
Board of Advisors, Barry University Law School, Orlando, Florida (1998-2007)
Board of Directors, Seminole County Bar Association (2005-2007)

OTHER LICENSES, SKILLS AND QUALIFICATIONS

Certified by the Florida Bar as a specialist in the area of Health Law (Board certified August 1, 1996). Recognized as a specialist by U.S. Navy in Health Law/Forensic Science (P-Code) and International Law (G-Code). Certified as a Medical Risk Manager by the American Board of Risk Management, Inc. Commercial Pilot's License (fixed wing and helicopters), instrument rating. Computer literate. Served as Arbitrator on Florida Attorney General's Lemon Law Arbitration Panel 1994-1996.

OTHER EXPERIENCE

-- Adjunct Professor: Barry University of Orlando School of Law, 2000 to present; University of St. Francis, Graduate School, 1996 to present; Webster University Graduate School, 2002 to present; Southern Adventist University, 2001; Andrews University, 1996; University of Central Florida, College of Health & Public Affairs, 1995-1996; Troy State University; Golden Gate Univ.; Pensacola Jr. Coll.

-- U.S. Senate Internship. Appointed by U.S. Senator Charles E. Grassley (R.-Iowa), Chairman of the Administrative Practice and Procedure Subcommittee of the Senate Judiciary Committee to intern in 1986.

-- Congressional Internship. Served as Congressional intern to U.S. Congresswoman Lindy C. (Mrs. Hale) Boggs (D.-Louisiana), 1976.

-- Appointed by Attorney General of Florida as Arbitrator on the Florida New Motor Vehicle Arbitration Board ("Lemon Law Board"), 1994 - 1995.

-- Member of Advisory Council on Graduate and Undergraduate Programs,

Department of Health Services Administration, University of Central Florida.

PROFESSIONAL ORGANIZATIONS

American Health Lawyers Association (Former Vice-Chair of SISLIC on Long Term Care)

American Society for Healthcare Risk Management (ASHRM) of the Am. Hospital Association (AHA)

American Association for Justice (formerly American Trial Lawyers Association)

Association of Military Surgeons of the United States (AMSUS)

Escambia-Santa Rosa County Bar Association

Florida Bar (Executive Council of Health Law Section (HLS); Business Law Sect.)

Florida Society of Healthcare Risk Managers (FSHRM), subdivision of FHA

International Legal Society of Japan (honorary)

Louisiana Hospital Association

Orange County Bar Association (Chair of Medical-Legal Committee (1996-1998)

Seminole County Bar Association

The American Association of Nurse Attorneys (TAANA)

And many others

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SELECTED PUBLICATIONS

G. Indest, The Florida Nursing Law Manual (The Health Law Foundation, Altamonte Springs, Fla., 2008).

G. Indest, et al., "Legal Ethics: Part I," in Journal of Nursing Law, Vol. 10, No. 1 (Spring 2005), pp. 21-34.

G. Indest, et al., "Legal Ethics: Part II," in Journal of Nursing Law, Vol. 10, No. 1 (Spring 2005), pp. 35-46.

J. Taraska and G. Indest (editors), The Florida Healthcare Professionals' Medico-Legal Guide (DC Press, Sanford, Fla., 2003). Edited this two volume major legal treatise and personally wrote 13 chapters.

G. Indest, Legal Ethics for the Health Care Lawyer, Chap. 3 in Fla. Bar Health Law Section, Health Law Handbook (2003).

G. Indest and L. Weis, Ethics, Chap. 13 in Fla. Bar, 2003 Health Law Certification Review Course (Apr. 2003).

G. Indest, et al., Confidentiality of Medical Records in Florida, (Lorman Education Services, Eau Claire, Wisc., Dec. 2003)

G. Indest and J. Hammond, Overview of the New HIPAA Privacy Requirements, The FOMA Journal, 12-13 (Fla. Osteopathic Med. Assoc., Winter 2002).

G. Indest and J. Hammond, Medical Records in Florida: Duty to Keep Medical Records Confidential (and other chapters), in Legalities of Utilizing and Maintaining Computerized Medical Records in Florida (Lorman Education Services, Eau Claire, Wisc., May 2002)

G. Indest and J. Urbanowicz, Ethics, Chap. 14 in Fla. Bar, 2002 Health Law Certification Review Course (Apr. 2002).

G. Indest and J. Hammond, Legal Ethics for the Health Care Lawyer: Guidance and Update, Chap. 13 in Fla. Bar, 2001 Health Law Certification Review Course (Apr. 2001).

G. Indest, History, Sources and Overview of Medical Information Confidentiality and Documentation Requirements; Risk Management Issues Relating to Medical Records; Medical Records and Litigation; Electronic Medical Records and Computer Age Concerns; chapters in Confidentiality of Medical Records in Florida (Lorman Education Services, Eau Claire, Wisc., Dec. 2000)

G. Indest & J. Hammond, Representing the .Coms and Health Care Providers: Ethical Issues, Sec. 4 in Fla. Bar, e-Medicine: Legal and Regulatory Issues for Health Care in the Electronic Age (Sept. 2000).

G. Indest, Legal Ethics for the Health Care Lawyer: Guidance and Update, Chap. 13 in Fla. Bar, 2000 Health Law Certification Review Course (Apr. 2000).

G. Indest & M. Lowe, Legal Ethics for the Health Care Lawyer, Chap. 14 in Fla. Bar, 1999 Health Law Certification Review Course (Apr. 1999).

G. Indest, Subpoenas and Court Orders; Retention and Risk Management; Chapters in Medical Records in Florida: Confidentiality & Health Information Practices (Medical Education Services, Inc., Altoona, Wisc. Aug. 1999).

G. Indest, Confidentiality and Record Keeping Requirements -- Historical and Professional Perspectives; Electronic Medical Records and Related Issues: Computerized Records, E-mails, Privacy and Confidentiality; Protecting Electronic Medical Records; Litigation Issues for Mental Health Records; Chapters in Florida Confidentiality of Medical Records for Mental Health Providers (Lorman Education Services, Eau Claire, Wisc., Jul. 1999).

G. Indest & L. Kowalczyk, Home Health Care Mergers and Acquisitions, in 10 Home Health Care Management and Practice 6 (Oct. 1998).

G. Indest & M. Lowe, The Use of Technology in the Practice of Law: Ethical Problems and Solutions, in Fla. Bar, Health Care in the 21st Century: Legal Implications of Technology and Medicine in the Future -- Progress, Problems, Dilemmas and Solutions (Sept. 1998).

G. Indest & M. Lowe, Drug and Alcohol Abuse, Testing and Treatment Records; Medical Records in Litigation; Risk Management Issues Relating To Medical Records; chapters in Confidentiality of Medical Records (Lorman Education Services, Eau Claire, Wisc., Jul. 1998).

G. Indest, Applying Informed Consent to the Home Health Care Industry, 9 Home Health Care Management and Practice 17-30 (Oct. 1997).

G. Indest & B. Egolf, Is Medicine Headed for an Assembly Line? Exploring the Doctrine of the Unauthorized Practice of Medicine, in 6 ABA Business Law Today 32 (July/August 1997).

G. Indest & L. Levin, Credentialing Liability and Managed Care, in Topics in Managed Care: Recent Developments in the Regulation of Health Care Providers and Managed Care Organizations 11-44 (Lorman Education Services, Eau Claire, Wisc., June 18, 1997).

G. Indest & L. Levin, Discontinuation of Home Care Services: Patient Abandonment by Any Other Name, 5 Aspen's Health Care Law Bulletin 1, (Aspen, May 1997)

G. Indest, Tax Benefits for Donations of Stock to Expire, to be published in Hosp. News & Fla. Health Care Rep. (Mar. 1997).

I. Rothschild, G. Indest, et al., Recent Developments in Managed Care, Tort & Insurance Law Journal, Vol. 32, p.463 (Winter 1997).

G. Indest & L. Levin, Credentialing Liability and the Managed Care Organization, in Fla. Bar, Managed Care: Emerging Opportunities, Complexities and Liabilities. (Feb. 1997).

G. Indest, Strategies and Advantages in Managed Care Contracting for Home Health Providers, Baker & Hostetler Seminar Managed Care Contracting for Home Health Agencies (Jan. 1997).

G. Indest, Patient Care Issues in Home Health Care, Chap. 1 in M. Nathanson, Home Health Law Manual (Aspen Publishers Oct. 1996).

G. Indest & R. Siehl, Antitrust and Other Regulatory Concerns Impacting the Formation and Operation of Provider Networks, in Fla. Bar, Networks in Health Care: PHOs, MSOs, Etc. (Sept. 1996).

G. Indest & L. Levin, Credentialing Liability and the Managed Care Organization, in Tort and Ins. Practice Sect., Am. Bar Ass'n, Liability Issues in Managed Care: A Guide for Litigators, Corporate Counsel and Risk Managers (May 1996).

G. Indest, New Year Brings Radical Restrictions on Lobbying Efforts for Some Hospitals: (Federal Lobbying Disclosure Act), Hosp. News & Fla. Health Care Rep. (Feb. 1996).

G. Indest, Physicians in Group Practices to Feel Impact of Stark I Regulations, Hosp. News & Fla. Health Care Rep. 29 (Dec. 1995).

G. Indest, Medico-Legal Issues in Detecting and Proving the Sexual Abuse of Children,

15 J. Sex & Marital Therapy 141-60 (Summer 1989).

G. Indest, Medico-Legal Issues in Detecting and Proving the Sexual Abuse of Children, in Legal Medicine 1990 31-52 (C. H. Wecht ed. 1991) (republishing of article above).

G. Indest, Handbook for Conducting . . . Investigations Involving Allegations of Medical Negligence (Naval Medical Command, Mid-Atlantic Region, Norfolk, Virg., Sept. 1989).

G. Indest, . . . Investigator's Handbook for . . . Vehicle Accidents . . . and other Nonmedical Incidents in Medical and Dental Treatment Facilities (Naval Medical Command, Mid-Atlantic Region, Norfolk, Virg., Aug. 1989).

G. Indest, Legal Aspects of HCFA's Decision to Allow Recovery from Children for Medicaid Benefits Delivered to their Parents through State Financial Responsibility Statutes, 15 S.U.L. Rev. (Southern University Law Review) 225-352 (1988).

G. Indest, Legal Aspects of HCFA's Decision to Allow Recovery from Children for Medicaid Benefits Delivered to their Parents through State Financial Responsibility Statutes, 28 Soc.Sec.Rep.Ser. 3 (West 1990) (republishing of article above).

W. D'Zurilla, G. Indest, et al., Case Concerning Multinational Space Operations in the International Court of Justice between PAU and the Federation of Celestial States, in 1980 Phillip C. Jessup International Law Moot Court Competition, Part II (1981).

Checklist for Conducting Inspections of Medico-Legal and Risk Management Functions of Navy Medical and Dental Treatment Facilities, section in Chief of Naval Education and Training Instruction 5040.3 series.

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JURISDICTIONS AND COURTS IN WHICH ADMITTED TO PRACTICE

<u>JURISDICTION</u>	<u>DATE</u>
<u>Louisiana</u> (note: Louisiana Bar Exam taken and passed July 1980). Admitted to practice in Louisiana Louisianan State Bar Association 601 St. Charles Avenue, New Orleans, Louisiana 70130-3404	October 30, 1980
<u>Florida</u> (note: Florida Bar Exam/Multistate Bar Exam, taken and passed January 1983). Admitted to practice in Florida The Florida Bar 650 Apalachee Parkway Tallahassee, FL 32301	December 29, 1983
<u>District of Columbia</u> (note: admitted on motion). Admitted to practice in District of Columbia. The Bar Association of the District of Columbia 1819 H Street, N.W., Suite 1250 Washington, D.C. 20006	June 26, 1987
<u>COURT AND LOCATION</u>	<u>DATE</u>
United States Supreme Court, Washington, D.C. 20543	February 21, 1984
United States Court of Military Appeals, Washington, D.C. 20442	June 6, 1983
United States Tax Court, Washington, D.C. 20217	June 15, 1983
United States Fifth Circuit Court of Appeals (Old), 600 Camp Street New Orleans, Louisiana 70130	Approx. May 1981 (Court no longer exists)

United States Fifth Circuit Court of Appeals (New), 600 Camp Street New Orleans, Louisiana	October 5, 1981
United States Eleventh Circuit Court of Appeals, 56 Forsyth Street, N.W. Atlanta, Georgia 30303	October 5, 1981
United States District Court for Eastern District of Louisiana, 500 Camp Street New Orleans, Louisiana 70130	October 30, 1980
United States District Court for the Middle District of Florida 80 North Hughey Avenue Orlando, Florida 32801	July 26, 1994
Louisiana Supreme Court, 301 Loyola Avenue New Orleans, Louisiana 70112-1886	October 30, 1980
Florida Supreme Court, Tallahassee, Florida 32301	December 29, 1983
District of Columbia Court of Appeals, 500 Indiana Avenue, N.W. Washington, D.C. 20001 (No longer active)	June 26, 1987
United States District Court for the Southern District of Florida Federal Courthouse Square 301 North Miami Avenue, Suite 150 Miami, Florida 33128	April 27, 1995
United States Court of Federal Claims 717 Madison Place, N.W. Washington, D.C. 2005-6740	March 16, 1995
United States Court of Appeals for Veterans Claims 625 Indiana Avenue, NW, Suite 900 Washington, DC 2004-2950	December 27, 2001