



Mark A. Cotter

Shareholder

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Practice Areas

Business Formation, Planning and Transactions
Corporate Finance and Securities Law
Healthcare Law
Intellectual Property
Mergers and Acquisitions
Venture Capital Practice
Winter Sports Practice Group
Qualified Opportunity Zones

Mr. Cotter is a shareholder of Ray Quinney & Nebeker and the former Chair of its Corporate and Securities Section (2008-2017). Mr. Cotter practices business, corporate, securities, intellectual property and health care transactional law. Although Mr. Cotter represents clients in, and draws his experience from, a wide range of industries, a substantial portion of his practice involves two particular industry groups: (1) technology and life sciences businesses and (2) health care providers and suppliers, including physicians, hospitals, and ancillary services providers. Mr. Cotter has advised both entrepreneurs and business entities in all aspects of business formation, growth and development, including corporate structuring, private placements, Rule 144A "public offerings," venture capital financing (both issuer and investor representation), fund formation and SEC compliance, stock options and key employee equity incentive arrangements, mergers, acquisitions and divestitures, intellectual property licenses (e.g., software, database, patent, trade secret and hybrid licenses, including with respect to intellectual property rights under FAR and DFARS), cooperative development arrangements and related matters. Relative to federal and state procurement matters (e.g., DOD, DOE and DARPA procurements, SBIR funded research programs), Mr. Cotter has substantial experience relative to contractual, equity and hybrid joint ventures (e.g., teaming agreements, unpopulated equity joint venture entities, cross-licensing arrangements), bid planning and submissions, bid protests, restricted software identification/legends and termination for convenience/cardinal change disputes. Mr. Cotter's health law practice focuses on physician joint ventures, including physician-hospital joint ventures, mergers and acquisitions and health care fraud and abuse compliance (e.g., Stark Law and Anti-Kickback Statute compliance) and, more particularly, matters related to the formation, development and operation of physician-owned ambulatory surgery centers, imaging facilities, independent diagnostic test facilities, durable medical equipment suppliers, independent physician associations and other health care providers and suppliers.



Mr. Cotter maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. He has been included on the list of The Best Lawyers in America© 2021 in Corporate Law and has also been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in Utah Business Magazine (2007-10, 2013-14).

EDUCATION

University of Florida, J.D., 1991

- With Honors

University of Florida, B.S., Accounting, 1988

- With Honors
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PRIOR PROFESSIONAL EXPERIENCE

- Suitter Axland & Hanson, Salt Lake City, Utah (1995-1998)
 - Bush Ross Gardner Warren & Rudy, Tampa, Florida (1992-1994)
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ADMITTED TO PRACTICE

- Utah State Bar
 - Florida State Bar
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AFFILIATIONS / MEMBERSHIPS

- Utah State Bar, Securities Section
 - American Bar Association, Business Law Section; Federal Regulation of Securities Committee
 - American Health Lawyers Association
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PUBLICATIONS / PRESENTATIONS

- "Migration of Complex Procedures to the ASC Setting (Cardiovascular Interventions, Total Knee Replacement and Extended Recovery Services)," Utah Physician Magazine, (June/July 2020)
- D. Castleton, M. Cotter (Presenters), Utah Business Magazine (Producer), (2019), Provider Health



Law Compliance From an M&A JV Exit Point of View [Video webinar]

- "Fraud and Abuse Updated: Stark, Anti-Kickback and False Claims Act Developments," Utah Physician Magazine (October/November 2018)
- "The Supergroup Strategy: Practice Mergers for Efficiencies and Ancillaries," Utah Medical Association (2016)
- "Provider's Tool Kit: Using Stark and Anti-Kickback Laws Against Competitors and Other Providers," Utah Medical Association (2014)
- "Government Targets Laboratory Relationships With Physicians: OIG Issues "Special Fraud Alert," Utah Medical Association (2013)
- "False Claims Act: How Expanded Liability Affects Provider Compliance," Utah Medical Association (2013)
- "Physician Practice Compliance Audits: Managing Stark, Anti-Kickback and Other Legal Risks," Utah Medical Association (2012)
- Healthcare Contracts/Transactions: Stark, Anti-Kickback & False Claims Act, RQ&N Healthcare Seminar (2016)
- Stark, Anti-Kickback, and False Claims Act Developments, RQ&N Healthcare Reform Seminar (2015)
- Nuts and Bolts of Health Care Entity Formation, Including Buying or Selling, and What Regulations Attorneys Need to Be Aware of While Assisting their Health Care Clients, Utah State Bar Health Law Section (2014)
- Compliance Programs, RQ&N Healthcare Reform Seminar (2014)
- Stark, Anti-Kickback and False Claims Developments, RQ&N Healthcare Seminar (2014)
- Healthcare Reform: Effect on Stark Law, Anti-Kickback Statute and Other Compliance Matters, RQ&N Healthcare Seminar (2013)
- Health Law Primer: Representing Providers in Business Deals, Utah State Bar Annual Convention (2006)
- Fraud and Abuse: Responding to Medicare Investigations & Selected Physician Compliance Issues, Utah Medical Group Management Association (2006)
- Doing Deals In The Health Care Field: Entrepreneurs Beware, RQ&N Healthcare Seminar (2002)
- Raising Capital for the Technology-Based Company, Utah State Bar Mid-Year Convention (2001)
- Health Care Fraud and Abuse in the Context of Medical Compliance Planning, RQ&N Corporate



RAY QUINNEY
& NEBEKER

80 YEARS
1940-2020

Seminar (2001)

- "The Hague Evidence Convention: Selfish U.S. Interpretation Aggravates Foreign Signatories," Vol. 6:2, Florida International Law Journal, Spring 1991