

# Snell & Wilmer

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## **Eric L. Kintner**

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## **Main Bio**

Eric focuses on providing clients with practical and business-centric legal advice. With more than a decade of experience across a broad range of industries, he is able to combine industry-specific knowledge with innovative solutions to help clients address challenges with complex legal and business issues across their local, regional and global operations.

From startups and emerging businesses to established companies, Eric represents clients in a variety of sectors, including:

- Healthcare Services and Digital Health
- Blockchain and Digital Currency
- Corporate Transactions and Securities Offerings
- Internet Gaming, Sweepstakes, Contests, Raffles and Social Media Promotions

## **Healthcare and Digital Health**

Eric Kintner regularly represents various healthcare organizations, including hospitals, physicians, surgery centers, assisted living facilities, home health agencies and commercial insurers, as well as digital health and telehealth companies looking to innovate the healthcare industry. His experience encompasses executing and managing complex healthcare transactions and providing advice on:

- Mergers and acquisitions
- Joint ventures
- Co-management arrangements
- Physician buy-sell transactions
- Reimbursement in the Medicare and Medicaid programs
- HIPAA and HITECH compliance
- Fraud and abuse compliance (including Stark and Anti-Kickback)
- Health IT and EHR contracts
- Provider and facility licensure
- Impact of healthcare reform, including narrow networks and value-based payment models

## **Blockchain and Digital Currency**

As co-chair of the Snell & Wilmer blockchain and digital currency group, Eric helps clients fund, develop, protect and commercialize blockchain technology. Such representation includes:

- Business operations and corporate formations
- Cryptocurrency investments and fund formations
- Token offerings and capital raising activities
- Digital asset exchanges and derivatives platforms
- Cryptocurrency mining and co-location solutions
- Enterprise blockchain solutions, including in healthcare, supply chain, Internet of Things and insurance
- Public-private consortiums regarding blockchain
- Government regulatory advice

## **Corporate and Securities**

Eric often works with management to ensure that a company's various legal needs are met, regularly providing advice on:

- Entity formations
- Capital raising activities
- Broker dealer and finder regulations
- Shareholder relations and buy-sell disputes
- Employment and contractor agreements
- Manufacturing and distribution agreements
- Licensing and commercialization of intellectual property
- Corporate governance and compliance, including risk management and cybersecurity
- Corporate asset protection and succession planning
- Mergers and acquisitions

## **Internet Gaming, Sweepstakes, Raffles and Promotions**

Eric's practice also includes advising clients in various aspects of internet gaming and promotions, including:

- No purchase necessary sweepstakes
- Skill contests
- Charitable raffles
- Social media promotions
- CAN-SPAM Act compliance
- FTC and FCC compliance

## **Representative Transactions**

### ***Healthcare***

- Represented telehealth consumer engagement technology platform in multi-million dollar sale to publicly traded telehealth platform
- Represented physician practice and surgery center in partial sale to private equity backed surgical management company

- Represented commercial insurer in its Medicare/Medicaid joint venture with regional healthcare system
- Represented buyers of several dialysis clinics in connection with required divestiture in merger of national dialysis companies
- Represented children's hospital in its pediatric services affiliation with regional healthcare system
- Represented healthcare system in its acquisition of a majority control of several physician-owned ambulatory surgical centers
- Represented healthcare system in its joint venture investment in imaging-core laboratory facility
- Represented multi-disciplinary physician group in its exclusive provider agreement/IPA with national commercial insurer and contracted Medicaid children's rehabilitative services plan
- Represented trauma surgeon practice in its call-coverage arrangement with hospital system
- Represented seller of medical billing and management company to private equity buyer
- Represented telemedicine manufacturer in various healthcare IT purchase and sale agreements
- Represented heart center in reviewing licensure issues
- Represented dermatology clinic in connection with employment dispute
- Represented imaging center in reviewing Medicare compliance requirements
- Represented nursing home, assisted living, home health and outpatient treatment centers in securing governmental licenses and permits

### ***Blockchain and Digital Technology***

- Represented investors and funds in raising capital to purchase digital assets
- Represented several issuers in planning, preparing and executing initial coin offerings
- Represented blockchain consortium working to develop public-private blockchain project with major U.S. municipality, including digital identity and tokenized public services
- Assisted several national-level and state-level politicians and government administrators with advice on blockchain-based legislation and public policy initiatives
- Represented publicly-traded company building a token-based remittances network, including assistance in complying with SEC regulations
- Represented cryptocurrency exchanges in reviewing and complying with various FinCEN, CFTC and SEC regulations
- Represented company building currency exchange, settlement and remittance network based on cryptocurrency between United States and several foreign countries
- Represented cryptocurrency mining businesses on various operational and regulatory issues, including co-location and hosting agreements and software licensing.

### ***Business Transactions***

- Represented fast food franchisee in multi-million dollar acquisition and financing of over 40 franchise restaurants
- Represented infrastructure-as-a-services company in multiple venture capital financings totaling more than \$45 million
- Represented litigation services company in roll-up transaction with large private equity fund
- Represented start-up organic frozen food producer in multiple venture capital financings

- Represented start-up ultrasound technology developer in multiple venture capital financings totaling more than \$30 million
- Represented publicly traded corporation in sale of a power system division to competitor
- Represented shareholders in sale of roofing systems manufacturer to publicly traded competitor
- Represented shareholders in sale of electronic storage device company to publicly traded competitor
- Represented charitable housing developer in merger with affiliated chapter

### ***Sweepstakes and Promotions***

- Represented lottery software vendor in negotiations with state lottery to offer intrastate sale of lottery tickets
- Represented charitable sweepstakes platform vendor in connection with international sweepstakes promotion
- Represented buyer of Las Vegas casino from publicly traded competitor
- Represented gaming device manufacturers in various transactions with tribal gaming enterprises

### **Education**

- The University of Iowa College of Law (J.D., with distinction)
  - Articles Editor, Iowa Law Review
- The University of Iowa (B.A., English, with distinction and honors)
  - Dean's Scholar

### **Professional Memberships & Activities**

- Colorado Bar Association
- Colorado Council for the Advancement of Blockchain Technology Use
- Denver Bar Association
- State Bar of Arizona
- American Health Lawyers Association

### **Representative Presentations & Publications**

- "[FTC Challenges Private Equity Roll-Up Acquisition Strategy](#)," Co-Author, Snell & Wilmer Legal Alert (September 22, 2023)
- "[U.S. District Court Issues Decision on Crypto Currency Regulation](#)," Co-Author, Snell & Wilmer Legal Alert (July 25, 2023)
- "[HHS Proposed Changes To Part 2 Rules To Align With HIPAA Privacy Rules](#)," Co-Author, Snell & Wilmer Legal Alert (January 20, 2023)
- "Medical Device Symposium MedTech Panel," Moderator, Colorado BioScience Association (August 25, 2021)
- "The ABCs of NFTs," Co-Presenter, CBCA Colorado Attorneys for the Arts Webinar (April 30, 2021)
- "[Arizona Legislation Expands Gaming to Include Sports Betting, Fantasy Sports, Keno and Mobile Lottery Games](#)," Co-Author, Snell & Wilmer Legal Alert (April 21, 2021)

- "Key Corporate and Tax Issues Every Startup Should Consider at Formation" Co-Presenter, Denver Emerging Business Seminar Series (April 21, 2021)
- ["New COVID-19 Relief Bill Includes Targeted Relief for Restaurants and Other Hard-Hit Small Businesses and Nonprofits,"](#) Co-Author, Snell & Wilmer Legal Alert (March 12, 2021)
- ["A Big Win for Small Businesses: Biden Administration Announces Further Changes to Distribution of PPP,"](#) Co-Author, Snell & Wilmer Legal Alert (March 4, 2021)
- ["FDA Issues New Action Plan on Artificial Intelligence/Machine Learning-Based Software as a Medical Device,"](#) Host, CalCurrent Podcast (February 18, 2021)
- "Details on PPP 'Second Draw,' Shuttered Venue Grants and Emergency Loans in COVID-19 Relief Bill," Presenter, Denver Emerging Business Seminar Series (January 20, 2021)
- ["SBA Issues Interim Final Rules for PPP 'Second Draw' Loans and Existing PPP Loans,"](#) Co-Author, Snell & Wilmer Legal Alert (January 8, 2021)
- ["New COVID-19 Relief Bill Adds PPP 'Second Draw' Loans and Modifications to Original PPP,"](#) Co-Author, Snell & Wilmer Legal Alert (December 29, 2020)
- "How to Build and Protect Your Brand," Moderator, Colorado Small Business Development Center Webinar (November 12, 2020)
- "Distressed Mergers & Acquisitions," Co-Presenter, Snell & Wilmer 2020 Year-End CLE Series (August 26, 2020)
- ["Successor Liability Considerations When Buying or Selling Colorado Distressed Entities,"](#) Co-Author, Snell & Wilmer Legal Alert (August 14, 2020)
- "The 'State' of Blockchain and Its IP Impact," Presenter, 18th Annual Rocky Mountain Intellectual Property & Technology Institute, CBA-CLE (August 6, 2020)
- ["SBA Publishes PPP Flexibility Loan Forgiveness Interim Final Rule and Updated Applications,"](#) Co-Author, Snell & Wilmer Legal Alert (June 23, 2020)
- "Managing Business Needs During (and Beyond) a Pandemic," Moderator, Snell & Wilmer Teleconference (June 17, 2020)
- "The Paycheck Protection Program Revisited: The PPP Flexibility Act and How It May Impact You," Co-Presenter, Downtown Denver Partnership Webinar (June 16, 2020)
- ["SBA Publishes Loan Forgiveness Interim Final Rule,"](#) Co-Author, Snell & Wilmer Legal Alert (May 27, 2020)
- "Managing Business Needs During (and Beyond) a Pandemic," Co-Presenter, Snell & Wilmer Teleconference (May 20, 2020)
- ["SBA Publishes Loan Forgiveness Application for Paycheck Protection Program,"](#) Co-Author, Snell & Wilmer Legal Alert (May 18, 2020)
- "Managing Business Needs During (and Beyond) a Pandemic," Co-Presenter, Snell & Wilmer Teleconference (May 11, 2020)
- "Reopening or Resuming Business During a Pandemic: What Employers Need to Know," Moderator, Snell & Wilmer Webinar (May 7, 2020)
- "Managing Business Needs During (and Beyond) a Pandemic," Co-Presenter, Snell & Wilmer Teleconference (May 4, 2020)
- ["Federal Reserve Expands Main Street Lending Program; New Affiliate Rules May Impact Some Borrowers,"](#) Co-Author, Snell & Wilmer Legal Alert (May 1, 2020)

- "[New Paycheck Protection Program and Health Care Enhancement Act Adds Billions to PPP and EIDL Programs](#)," Co-Author, Snell & Wilmer Legal Alert (April 24, 2020)
- "[SBA Issues Second Interim Final Rule for Paycheck Protection Program Loans](#)," Co-Author, Snell & Wilmer Legal Alert (April 17, 2020)
- "Managing Business Needs During a Pandemic (Artists and Arts Organizations)," Co-Presenter, Colorado Business Committee for the Arts Webinar (April 16, 2020)
- "[Federal Reserve Announces \\$600B Loan Terms Under New Main Street Loan Facility](#)," Co-Author, Snell & Wilmer Legal Alert (April 9, 2020)
- "[SBA Issues Interim Final Rule for Paycheck Protection Program Loans](#)," Co-Author, Snell & Wilmer Legal Alert (April 3, 2020)
- "[COVID-19 Stimulus Bill Includes Small Business Loan Programs](#)," Co-Author, Snell & Wilmer Legal Alert (March 27, 2020)
- "Managing Business Needs During a Pandemic," Co-Presenter, Snell & Wilmer Teleconference (March 24, 2020)
- "[Commercial Impact From the Coronavirus Outbreak – Review Force Majeure and Material Adverse Change Clauses, and Potential Insurance Coverage](#)," Co-Author, Snell & Wilmer Legal Alert (March 4, 2020)
- "[Colorado Could Be Next in the Race to Bank Crypto \(and Cannabis\)](#)," Quoted, CoinDesk (October 24, 2019)
- "Best Practices for Nonprofit Directors," Presenter, Colorado Business Committee for the Arts (Presented annually 2014-2019)
- "'Cryptorado': The Hub for Blockchain Innovation," Panelist, Denver Startup Week (September 19, 2019)
- "Lessons from Davos and Public-Private Partnerships," Panelist, Denver Startup Week, Denver, CO (September 19, 2019)
- "[Updating Old Regulations for New Technology](#)," Quoted, Law Week Colorado (August 26, 2019)
- "[Colorado Could Carve Smoother Path for Digital Tokens](#)," Quoted, Law360 (February 1, 2019)
- "[Another Push for Colorado Blockchain Law Has More Than Token Support](#)," Quoted, The Colorado Sun (January 4, 2019)
- "[Colorado Wants to be an Epicenter of Blockchain Technology. Can it Succeed?](#)," Quoted, Denver Business Journal (December 6, 2018)
- "[Colorado Blockchain Council Drafting Two Bills, Considering Fintech Regulatory Sandbox](#)," Quoted, Denver Business Journal (November 5, 2018)
- "[What the Senate Hearing Means for the Cryptocurrency Industry](#)," Quoted, Corporate Counsel (October 16, 2018)
- "[The Blockchain Moment](#)," Author, Colorado Lawyer (October 2018)
- "Blockchain, an Emerging Technology," Presenter, Intel Corporation (May 16, 2018)
- "Blockchain and Digital Currencies," Presenter, Snell & Wilmer Seminar (May 9, 2018)
- Social Impact Panel, Panelist, Global Blockchain Summit (April 19, 2018)
- "[Cryptocurrency issuers clean up, shun U.S. investors as SEC gets tough](#)," Quoted, Reuters (March 21, 2018)

- Fiduciary Responsibility/Governance Panel, Panelist, Rocky Mountain Nonprofit Conference (March 14, 2018)
- "Discovering Prospects of Blockchain - Beyond Bitcoin," Panelist, Denver Press Club (February 28, 2018)
- "[Do write a white paper. Don't write a prospectus.](#)," The Blockchain Law Blog (February 26, 2018)
- "[Building Blocks for Cybersecurity](#)," Quoted, Law Week Colorado (February 8, 2018)
- Congressional Blockchain Caucus Token Sales Briefing, Panelist, Washington, D.C. (October 11, 2017)
- "[HIPAA and the Cloud's Shared Responsibility Models](#)," Author, Snell & Wilmer Health Law Checkup (April 21, 2017)
- "[Arizona Authorizes Smart Contracts on a Blockchain](#)," Author, S&W Cybersecurity and Data Privacy Law Blog (April 4, 2017)
- "How to Raise Capital to Grow Your Business (and Not Lose Your Shirt)," Co-Presenter, Emerging Business Seminar Series (March 29, 2017)
- "Cybersecurity in the Age of Corporate Governance," Presenter, Rocky Mountain Nonprofit Conference (March 16, 2017)
- "[Blockchain Can Transform Healthcare, But Legal Hurdles Remain](#)," Author, CyberMed News (March 5, 2017)
- "[Beyond Bitcoin: The Next Killer Blockchain App May Be For Healthcare](#)," Author, CyberMed News (February 27, 2017)
- "[The MACRA Final Rule: In Search of the 'Goldilocks' Model](#)," Author, Snell & Wilmer Health Law Checkup (January 16, 2017)
- "[If Obamacare's Days are Numbered, What's Next? Trumpcare](#)," Author, Snell & Wilmer Health Law Checkup (November 11, 2016)
- "[Pick Your Pace](#)" for MACRA Rollout (But Don't Be Too Slow)," Author, Snell & Wilmer Health Law Checkup (September 13, 2016)
- "[More \(MACRA\) Data Analysis, Please](#)," Author, Snell & Wilmer Health Law Checkup (July 6, 2016)
- "Bridging the Gap Between Payors and Providers to Achieve Value-Based Care," Co-Presenter, American Health Lawyers Association In-House Counsel Program (June 2016)
- "[New HIPAA Audits Have Begun. Time to Prepare for the 'Audit Lottery.'](#)" Author, S&W Cybersecurity and Data Privacy Law Blog (March 22, 2016)
- "[Colorado Medical Board Adopts New Telehealth Policies](#)," Author, Snell & Wilmer Health Law Checkup (August 27, 2015)
- "Narrow Networks from the Payors' and Providers' Perspectives," Co-Presenter, American Health Lawyers Association In-House Counsel Program (June 2015)
- "[Health Law Checkup - Colorado Passes 'Full Parity' Telemedicine Law, Although Some Gaps Remain](#)," Author, Snell & Wilmer Health Law Checkup (March 27, 2015)
- "[For-Profit Hospitals and Management Companies May Enjoy New Tax Benefits](#)," Co-Author, Snell & Wilmer Health Law Checkup (January 21, 2015)

## Professional Recognition & Awards

- The Best Lawyers in America®, Corporate Law (2024)

- Colorado Super Lawyers<sup>®</sup>, Rising Stars Edition, Health Care (2015-2019)
- Barrister's Best: Health Care Lawyer, Law Week Colorado (2014)
- Southwest Super Lawyers<sup>®</sup>, Rising Stars Edition, Health Care (2013), Business/Corporate (2012)

## **Community Involvement**

- Colorado Health Network, Board of Directors (Present)
- Prime Health, Board of Directors (Present)
- Mi Casa Legal Night, Volunteer
- 21st Judicial District Self Help Line, Volunteer

## **Bar Admissions**

- Arizona
- Colorado

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of Colorado