



Health Care

Our Health Care Team works across the full continuum of patient care. We use a multidisciplinary approach that combines the breadth and depth of our Team with the resources of other practices, including Corporate, Tax, Employee Benefits, Labor and Employment and Real Estate.

We adapt as the health care industry innovates and changes in areas such as accountable care and outcome-based models. We understand the federal and state regulations that govern health care organizations. We stay versed on the latest developments, potential changes and new applications while maintaining close contacts with government regulators to assist our clients in achieving better outcomes.

Needs and priorities vary greatly among providers, and we take the time to understand your unique perspectives. Our experience encompasses hospitals and health systems, skilled nursing and assisted living facilities, individual health care professionals, home health agencies, mental health providers, physical therapy clinics, multidisciplinary health care joint ventures and managed-care organizations, including TPAs, HMOs, PPOs and limited-service health organizations. When an individual's professional license is at risk, we can guide that individual through the process.

We offer practical and strategic counsel on the following:

Corporate Transactions and Agreements

We counsel health care organizations, vendors and suppliers on all types of transactions and agreements, including mergers and acquisitions, joint ventures, information technology, licenses, financing, employment relationships, management agreements and real estate sales and leases. Our knowledge of health care laws enables us to develop creative strategies to meet your business objectives. We can also assist in finding ways to grow your organization, including raising capital and securing financing, developing new lines of business and expanding current operations.

General Regulatory Compliance

We provide counsel on the full spectrum of issues that health care organizations face, including:

- Corporate compliance and compliance program development
- Fraud and abuse counseling and defense
- Overpayment analysis, investigation and reporting
- Licensure, certification and Medicare enrollment



- Provider employment and other provider relationships
- Vendor, facility and other contracts
- Turn-key legal compliance (e.g., template agreements and policies and procedures)
- Internal investigations and corporate compliance
- Medicare and Medicaid survey issues and appeals
- Federal and state investigations and inquiries
- Reimbursement, including repayments and disclosures
- Civil and administrative proceedings, including actions under the False Claims Act or similar state laws (including qui tam actions)

Government Audit Response

We understand the serious implications of government audits and approach them with a sense of urgency and determination to resolve the issues they present. In situations like these, our decades of experience can make the difference. We respond to and defend organizations in all types of government audits, including Zone Program Integrity Contractor (ZPIC) audits, Medicare Administrative Contractor (MAC) audits and Medicaid audits. Our attorneys have saved health care institutions millions of dollars.

Our success is rooted in our deep understanding of the unique clinical, legal and operational issues of health care organizations and the interrelationship among all types of health care facilities. We partner with our experienced litigators to assist in appealing government audits.

Fraud and Abuse Counseling and Defense

We advise on fraud and abuse matters, including the federal Anti-Kickback Statute, the Stark Law and the False Claims Act. While developing compliant provider arrangements to submitting self-disclosures and negotiating favorable settlement agreements, we understand the serious implications of these issues and offer you creative solutions. We also help identify ways to improve compliance through contracting policies and procedures and template agreements.

HIPAA Compliance

We advise on the full range of HIPAA compliance issues, including handling HIPAA investigations, responding to OCR complaints and investigations, conducting effectiveness reviews, responding to data breaches and other



data security incidents, and medical staff and Board of Director training. We have extensive experience negotiating business associate agreements and various health care vendor agreements that involve the handling of health information. Our attorneys also represent vendors and other business associates regarding HIPAA compliance

Tax-Exempt Counseling

We represent tax-exempt health care organizations, such as hospitals, hospices, skilled nursing facilities and home health agencies. We can assist you with applications for exempt status, property tax exemption, sales tax exemption and compliance with contracting and compensation requirements. We also partner with our experienced tax and banking teams to serve as bond counsel for many of our health care clients.

Governance

We participate in committee discussions and board-level meetings and assist with preparing, revising and filing corporate documents, including articles, bylaws, charters and resolutions.

Medical Staff

We counsel clients on medical staff issues, including:

- Preparing and revising medical staff bylaws, rules and regulations, and policies and procedures
- Credentialing practices
- Assessing potential misconduct
- Fair hearings
- Peer review
- Telemedicine issues
- NPDB Reporting
- Reporting to state licensing boards
- Investigations and administrative proceedings by state licensing boards

Embedded Lawyer Services

We understand that time and resource restrictions can be challenging in the face of increased scrutiny and



regulation. We offer you the opportunity to have one or more experienced attorneys work on-site for a specified number of days each week. Under this model, we can assist during periods of heavy workload and/or address a specific staffing issue.

Clinical Research

We work closely with academic medical centers and understand the legal, regulatory and corporate issues they face. In addition, we assist in clinical research compliance programs, reviewing clinical trial agreements, handling FDA or OHRP audits or reporting, and assisting with human subject protections program policies and procedures.

Hybrid Legal Consulting Services

We collaborate with external industry consultants on a variety of topics, including fair market value opinions, development and implementation of physician compensation programs, and billing and coding audits. Our attorneys are sensitive to privacy and work with outside consultants to take advantage of attorney-client privilege protections. We manage consultants on your behalf, retaining talent to achieve better outcomes.

Services

- Hospitals and Health Systems
- Long Term Care, Assisted Living and Senior Independent Housing Services
- Hospice and Palliative Care
- Health Care Transactions
- Physicians, Physician Groups and other Health Care Professionals
- Health Care Litigation
- Data Privacy and Cybersecurity
- Health Care Technology and Innovation

Matters

- Led complex fraud and abuse investigations on behalf of prominent multi-hospital health system and assisted in designing and implementing new contract management processes and successfully negotiating a settlement agreement with the OIG
- Managed legal issues involving physician recruitment, physician retention and separation, real estate, compliance with federal and state laws and regulations, joint venture development, and mergers and



acquisitions of hospital systems, out-patient facilities and physician practices

- Successfully coordinated the legal functions of a \$20 million, multi-state, out-patient radiology services company
- Secured removal of an extrapolation decision for a hospice resulting in the reduction of the overpayment from approximately \$6 million to approximately \$100,000
- Successfully defended one of the first federal hospice Medicaid Integrity Contractor audits by obtaining the withdrawal of nearly the entire \$3 million overpayment. With our significant experience in both hospice and nursing home regulatory issues, we coordinated with local counsel to challenge the state's ability to recoup Medicaid nursing home room and board dollars on the basis that Medicare hospice services were alleged to have not been medically necessary.
- Successfully defended numerous Wisconsin assisted living and nursing home facilities on appeal regarding regulatory violations and license revocations
- Served as strategic counsel to a multi-hospital system in its assessment and selection of an affiliation partner
- Served as legal counsel to a health system in a governance redesign initiative after its affiliation with another health system
- Served as transaction counsel to a health system in its acquisition of a large multi-specialty clinic
- Routinely assist hospitals in the conduct of physician disciplinary proceedings and fair hearings
- Served as special counsel to a large, multi-hospital system in a medical staff consolidation initiative to establish consistent medical staff by-laws and procedures
- Served as general counsel to a health system with respect to the construction of a \$100 million replacement hospital and supervised the filing of the application for certificate of need with the Illinois Health Facilities and Services Review Board
- Served as strategic counsel to a hospital in obtaining a favorable property tax exemption ruling from the Illinois Department of Revenue in the immediate aftermath of the Provena decisions
- Routinely counsel health care providers and health insurance clients in handling credentialing matters, medical and legal bioethics issues, compliance and billing issues, managed care contracting strategies, patient confidentiality matters, as well as issues involving fraud and abuse, antitrust, tax exemption and Medicare and Medicaid reimbursement
- Represented online benefits enrollment company in its customer license agreements
- Routinely assist clients on designing and implementing corporate compliance programs

- Routinely review and revise HIPAA policies, procedures and forms and analyze potential HIPAA breaches
- Represented numerous licensed health care professionals in getting state investigations into their individual licenses dismissed

Chair



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