

Healthcare

The healthcare industry is highly regulated and extremely complex. Attorneys in the Husch Blackwell Health Law Department have an in-depth knowledge of the rapidly changing issues that impact the healthcare industry. Our attorneys possess extensive experience representing healthcare clients' transactional, operational, regulatory, and administrative matters.

Our clientele includes:

- Hospitals and Health Systems
- Healthcare Professionals
 - Physicians and physician groups
 - Dentists
 - Pharmacists
 - Mental health professionals
- Long Term Care and Nursing Facilities
- Nursing care providers
 - Nursing home districts
 - Assisted living facilities
 - Residential care providers
 - Hospice care providers
 - Home healthcare providers

The Health Law Team

Comprising nearly 20 dedicated healthcare attorneys and a support team of 30+ “adjunct” attorneys, the Health Law team at Husch Blackwell includes specialists in a variety of areas including government investigations, billing and regulatory compliance; hospital/practitioner affiliations; healthcare administrative law; patient care delivery; healthcare operations; healthcare litigation; corporate law; labor and employment law; and white collar criminal defense. Many members of the Health Law team have worked in the healthcare industry as counselors, researchers, administrative coordinators, and academics before joining Husch Blackwell, bringing with them valuable experience as a health industry “insider.”

Our Health Law group’s knowledge base and hands-on experience has resulted in long-lasting relationships with clients in various sectors of the healthcare industry across the country. While the majority of our Health Law attorneys are located in the Midwest, their practices extend nationwide.

Forty-six Husch Blackwell attorneys are members of the American Health Lawyers Association (AHLA) and include current and past members of the AHLA Board of Directors; current AHLA Fellow and Chair of the AHLA Fellows Coordinating Committee; current Vice-Chair of the Physicians and Physician Organizations Practice Group; immediate past Chair of AHLA’s Long Term Care, Senior Housing, In-Home Care and Rehabilitation (LTC-SIR) Practice Group, past Chair of both the Long Term Care and the Law Program and the Long Term Care Practice Group; and past Chair of the Task Force for Considerations for Persons with Disabilities and Their Families. We are active members and leaders in a number of other health industry associations, including the Health Care Advisory Board, the Health Care Compliance Association (HCCA) and the American Health Information Management Association (AHIMA). We frequently publish and speak before all of these associations on a variety of healthcare

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issues. Committed membership in these and other healthcare industry organizations allows us to remain current with emerging legal matters and provides excellent opportunities to interact with government and industry leaders.

Several of our Health Law attorneys are also noted as high achievers by groups including *The Best Lawyers in America*, *Chambers USA*, and *Super Lawyers*.

Supporting the Health Law practice group are more than 650 attorneys in related practices firmwide, including:

- Business Litigation
- Construction
- Employee Benefits & Executive Compensation
- Governmental Affairs
- Government Compliance, Investigations and Litigation
- Intellectual Property
- Mergers & Acquisitions
- Labor & Employment
- Privacy & Data Security
- Real Estate
- Tax

An interdisciplinary approach and expertise in various industries and practices affords our clients comprehensive and strategic representation in all their legal needs.

Hospitals and Health Systems

Having experience representing hospitals and health systems, our Health Law team appreciates our clients' day-to-day challenges in delivering healthcare services. While striving to meet community needs, our clients must also diversify their businesses, embrace new technology, develop effective physician recruitment and integration strategies, and adjust to changing economic forces. Husch Blackwell attorneys understand the current financial and regulatory climate and can provide strategic solutions to meet our clients' objectives.

General Healthcare Matters

Our Health Law team frequently counsels hospitals and health systems in a variety of legal issues including:

- Hospital/Hospital and Hospital/Physician transactions
- Hospital/Hospital and Hospital/Physician joint ventures
- Regulatory compliance
- Physician integration models
- Health information systems and privacy
- Licensing
- Tax and tax exempt finance
- Antitrust
- Managed care contracting
- Patient care and patient rights
- Real estate and construction

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The firm has also represented hospitals and health systems in connection with comprehensive planning matters such as:

- Reimbursement
- Hospital/Medical staff relationships
- Employment matters including employee benefits and labor/management relations

Mergers and Acquisitions

Our attorneys serve as merger and acquisition counsel to many non profit hospitals and health systems and assist them with all aspects of the acquisition or sale process including due diligence, deal structures and tax analysis, contract negotiation and drafting, regulatory approvals, transaction financing and legal opinions required at closing.

Academic Medical Centers

Our healthcare attorneys also advise academic medical centers regarding residency programs, relationships between the faculty and teaching hospitals, and the development of contractual relationships to recruit and retain faculty. Our attorneys routinely assist in the negotiation of affiliation agreements between teaching hospitals for residency training and help our clients navigate issues unique to academic medical centers including direct and indirect graduate medical education reimbursement, teaching physician coverage and payment, and patent and trademark protection for intellectual property developed by faculty.

Research Programs

We also counsel research programs on institutional review board and reimbursement compliance issues including informed consent, accounting for grant funds and compliance with grant limitations, and provide advice on the legal implications of using experimental equipment, drugs and protocols.

Government Investigations

Working closely with attorneys in the Government Compliance, Investigations and Litigation group, our Health Law attorneys also have significant experience representing clients involved in government investigations and in actions brought under federal and state False Claims statutes, including conducting internal investigations, negotiating settlement of civil and criminal charges and allegations, and designing compliance programs. In October 2008, we received a favorable opinion from the U.S. Court of Appeals, Tenth Circuit, in a False Claims Act case, which will help protect hospitals from future claims. Husch Blackwell attorneys also negotiate settlement agreements and corporate integrity agreements with state and federal regulatory and law enforcement agencies, and assist clients in auditing and monitoring compliance programs to ensure their effectiveness.

Healthcare Professionals

Operating a medical practice requires a keen business eye, and our attorneys have years of experience advising physicians and physician groups on the non-clinical aspects of their practices. Our attorneys stay up-to-date on the critical issues affecting our clients by monitoring the latest industry developments, including changes in the countless state and federal healthcare laws and regulations that impact medical practices. Representative clients include:

- Single specialty and multi-specialty physician groups
- Hospital-based physician groups (e.g., pathologists, anesthesiologists and radiologists)
- Physicians employed by institutional healthcare providers

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We routinely serve as general counsel for our physician clients, providing legal advice on general business matters such as:

- Entity selection and formation
- Corporate governance
- Shareholder agreements
- Employment issues
- Risk management
- Regulatory compliance
- Licensure
- Tax strategy
- Real estate matters

Possessing knowledge of the complex healthcare regulatory system, our attorneys counsel physicians concerning the Stark Law, the Federal Anti-Kickback Statute, state fraud and abuse statutes, and HIPAA. Our attorneys use their unique understanding of such laws to assist physician clients with structuring complex joint ventures, such as cardiac catheterization labs, MRIs, lithotripsy partnerships, and ambulatory surgical centers.

Husch Blackwell attorneys also work with a variety of national and state physician associations, such as the Missouri State Medical Association and the Missouri Emergency Medical Services Association, to advocate favorable legislative and regulatory positions.

Long Term Care and Nursing Facilities

Husch Blackwell's long term care practice represents the full spectrum of providers, including skilled nursing care, assisted living, hospice care, residential care facilities, hospice providers, and home healthcare facilities. Representing more than 300 long term care facilities in states from Nevada to Tennessee and Iowa to Texas, our practice covers:

- Licensure
- Reimbursement
- Certification
- Contracting
- Financing
- Certificate of need
- Labor and employment and compliance issues
- Defense of civil and criminal False Claims and Anti-Kickback issues

Husch Blackwell attorneys help long term care facilities in obtaining initial and renewal licensure and Medicare/Medicaid certification. Our Health Law team responds to statements of deficiencies and participates in both federal appeals and informal dispute resolution conferences.

We also routinely challenge administrative and judicial deficiency citations, resident discharges, sanctions and fines. We also have significant experience in Medicare and Medicaid decertification actions. Our attorneys have over 25 years of experience resolving Medicare and Medicaid reimbursement disputes with fiscal intermediaries, state and federal administrative agencies, and state and federal courts.

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We also counsel long term care facilities on Medicare and Medicaid fraud and abuse issues and on responding to subpoenas from a variety of government agencies. Our experienced attorneys also defend administrative, civil and criminal actions brought against our client facilities and their operators. We are well-versed in HIPAA privacy requirements for long term care providers, and our attorneys have given numerous presentations on the topic.

In addition to attorneys in regulatory and litigation matters, Husch Blackwell has transactional attorneys with over 25 years experience; one attorney is a recognized national expert on buying and selling nursing homes. Husch Blackwell attorneys also represent clients in major transactions throughout the country. This includes the purchase and sale of nursing homes and ancillary businesses and drafting and negotiating ancillary service agreements and related transactions. In addition, we are experienced in seeking certificates of need for hospitals, long term care facilities, ambulatory surgical centers and other healthcare providers. We also defend both insured and self-insured nursing facility operations.