

HEALTHCARE LITIGATION



Husch Blackwell's healthcare litigation team of attorneys has a long history of representing healthcare clients before juries and judges in state and federal courts, in administrative proceedings, before arbitration panels, and in appellate forums.

Our healthcare litigation attorney team explores creative options for resolving disputes in efficient and cost-effective ways, preferably outside the courtroom. When trial is the best or only option, however, we advocate fiercely for favorable results that minimize disruption and expense to our clients, while advancing their business interests.

Case Study

CoxHealth

In August 2020, the plaintiff filed a defamation suit against CoxHealth and an executive after the executive posted a message on Twitter to clear up any confusion regarding a promotion the hospital system was offering—free telehealth appointments for virtual COVID-19 testing for uninsured individuals, who used the promocode “COVID.” The hospital decided that individuals who were seeking online care during the pandemic were not billed for telehealth services, regardless of the diagnosis. CoxHealth approached Husch Blackwell to defend it in the dispute.

Our guidance to clients in the healthcare litigation sector includes:

The firm possesses a diverse range of expertise and skills, ensuring that we're adequately supported in all facets of healthcare and health law matters.

— Chambers
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Anti-kickback statute

Antitrust and unfair competition

Breach of contract

Certificate of need (CON) requirements

Class action

Corporate governance

Employee Retirement Income Security Act (ERISA)

Fair Debt Collection Practices Act (FDCPA)

False Claims Act (FCA)

Federal Employee Health Benefits Act (FEHBA)

Fiduciary obligations

Government proceedings

Insurance coverage

Intellectual property

Licensure

Managed care

Medical devices

Medical staff

Pharmacy dispensing disputes

Pricing

Racketeer Influenced and Corrupt Organizations Act (RICO)

Reimbursements

Securities

Experience

Award-Winning Collaboration Delivers Greater Value to Client

Physician Group Receives Substantial Reduction in
Overpayment

Husch Blackwell Attorneys Secure Complete Defense Verdict for
Anesthesia Group

Representative Experience

Negotiated favorable settlements for multiple hospital clients in lawsuits involving antitrust allegations. In one case, plaintiffs voluntarily dismissed lawsuit without any payment.

Defended a managed care organization in a federal lawsuit brought by a specialty hospital alleging multiple antitrust violations. After obtaining several favorable rulings from the court, we secured a favorable settlement for our client.

Obtained complete dismissal of class action petition filed against large hospital system involving allegations that the client's balance billing violated state law.

Obtained complete dismissal of class action complaint filed in federal court against a Fortune 500 healthcare services company involving allegations of state data breach notification laws and violations of the Missouri Merchandising Practices Act.

Obtained complete dismissal of class action lawsuit against Medicaid managed care organization challenging liens the

organization asserted on tort recoveries obtained by Medicaid recipients.

Successfully represented multihospital health system in arbitration in which we defended our client's effort to purchase another healthcare entity. We subsequently represented the client in defeating a concerted campaign of opposition to the purchase, including two lawsuits, multiple appeals, and four state legislative proposals.

Obtained voluntary dismissal for a health maintenance organization in an action filed by a large hospital system asserting claims for breach of contract and quantum meruit. We obtained a significant ruling from the court on a discovery dispute and, thereafter, plaintiff voluntarily dismissed our client without any payment;

Won defense verdict in a lawsuit filed by the Centers for Medicare and Medicaid Services alleging that a skilled nursing facility failed to provide appropriate care to seven residents. The district court ruled in favor of our client and ordered that all financial penalties and licensure restrictions be voided.

Obtained summary judgment in favor of hospital and several members of the hospital's peer review committee in a lawsuit filed by a physician whose privileges had been terminated.

Defended hospital's chief medical officer and obtained summary judgment in an action filed by a suspended physician. Plaintiff alleged federal and state constitutional deprivations, antitrust violations, breach of contract, interference with existing and prospective business relationships, and conspiracy.

Successfully represented numerous healthcare providers in administrative hearings in which the providers' Medicare claims were denied.

Negotiated favorable settlement on behalf of a health maintenance organization after incorrect reimbursement by the state.

Represented a PBM in a dispute with a client regarding the alleged wrongful processing and payment of certain compound prescription drugs in federal court in Maryland. After negotiating an agreement to limit discovery, and prior to filing dispositive motions, the parties reached a favorable settlement.

Prevailed for pharmacy benefit manager in massive multi-district litigation, obtaining both a dismissal with prejudice and an important decision defending the use of mail-order pharmacies to deliver medications.

Represented infusion care provider and specialty pharmacy in dispute with insurance company over wrongful denial and underpayment of insurance claims.

Successfully obtained a defense award for a physician practice in arbitration by defending the client against the practice's former employees alleging fraud, breach of contract, and other partnership claims.

Routinely represent clients in payor-provider disputes involving payment disputes over health insurance claims, breach of contract, violations of the Texas Insurance Code, and the Texas Prompt Payment Act.

Represented physician-owned hospitalist practice in a suit for

breach of contract, tortious interference with existing contracts, and conspiracy to tortiously interfere with existing contracts.

Secured a victory before the Missouri Supreme Court in closely watched litigation over the implementation of Amendment 2, a 2020 ballot initiative that Missourians passed and that would expand Medicaid coverage in the state.