

HEALTH CARE

Our multi-disciplinary and collaborative group provides comprehensive legal services to clients in the health care industry. Attorneys use deep knowledge and a practical approach understanding our clients' needs.

Our Health Care group has vast experience in, and a thorough understanding of, the health care industry. We use deep regulatory knowledge and a practical approach to problem-solving with the goal of becoming trusted advisors for our clients. Our clients benefit from the perspectives of our attorneys, including attorneys who practiced in-house at large provider organizations, related to the risks, challenges, and opportunities that exist in the rapidly changing health care industry. We understand that our health care provider clients are called upon to reduce cost, improve quality, and increase access to care while adhering to complex and evolving reimbursement rules and complying with dense regulatory requirements. Additionally, we recognize that our clients who invest in, or provide services to, health care organizations must make risk-intelligent strategic decisions in the face of potential public policy shifts and disruptive technology developments.

We represent a wide spectrum of health care providers, private equity and institutional investors and lenders, and technology and other companies in the health care industry. Our provider clients include hospitals and health care systems, medical groups, long-term care providers, behavioral health providers, medical professional staffing companies, and other inpatient and outpatient service providers who depend on our group's innovative health care attorneys for responsive, knowledgeable legal counsel in transactions, regulatory compliance, and operational and enterprise risk management. We assist our clients in pursuing their strategic objectives, helping assess and mitigate risk related to emerging business models, professional dynamics, and technologies.

Transactions

We have extensive experience in health care mergers, asset and equity sales and acquisitions, joint ventures, strategic alliances, and financings. Our group's combined transactional and regulatory experience enables us to assist our clients to structure, negotiate, and complete transactions effectively and efficiently. Our transactional work includes advice on the optimal structure for a transaction, negotiation of definitive transaction, and ancillary agreements in accordance with health care regulatory requirements, as well as counseling on operational integration. We have also advised clients with respect to structuring management services arrangements with medical, dental, and other professional practice entities in compliance with laws that prohibit or limit the corporate practice of those professions. We also regularly represent borrowers and lenders in health care lending transactions involving health care providers and companies providing services to the health care industry located throughout the United States.

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Regulatory Compliance and Risk Management

We advise clients in all areas of governance, operations, risk management, and regulatory compliance, include the following:

- Stark, Anti-Kickback Statute, False Claims Act and similar state laws;
- enterprise risk management and operational risk management;
- corporate compliance, including development and enhancement of compliance policies and programs and counseling regarding compliance matters;
- reimbursement matters, including payor contracting, audits, recoupments and overpayments, state insurance laws and regulations; negotiation and development of CINs, ACOs, bundled payment and other value-based payor arrangements;
- medical staff bylaws and governance matters, NPDB reporting matters, and serving as counsel in fair hearing proceedings; and
- tax-exempt rules and regulations applicable to 501(c)(3) organizations.

Health Care Data Privacy & Security Compliance & Breach Response

We provide advice and counseling regarding HIPAA and other applicable state and federal laws. Examples include:

- development of policies to comply with HIPAA's privacy and security requirements and advice regarding ongoing day-to-day HIPAA compliance;
- investigating possible breaches and coordinating notices to affected individuals, the media and the Office for Civil Rights;
- negotiation of health care technology and cloud service agreements, including related business associate agreements; and
- diligence related to data privacy and security issues in health care transactions.

Litigation & Investigations

Our Litigation group, which includes our White-Collar, Regulatory Defense and Investigations group, works collaboratively with our Health Care group, representing health care provider clients in criminal and civil investigations, as well as in other litigation involving government agencies, government and commercial third-party payors, and commercial disputes. Our group also provides litigation avoidance counseling and represents clients in a variety of administrative matters, involving licensing agencies, payor audits and disputes, Office for Civil Rights investigations and EMTALA investigations.

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Certificate of Need Counsel & Litigation

Our Health Care group provides advice and counseling with regard to South Carolina Certificate of Need matters, including the following:

- drafting of Certificate of Need applications, exemptions, non-applicability determinations, affected party notices and opposition;
- coordination and collaboration with health care consultants and clients; and
- assistance and representation before the state agency and its governing body and with petitioning and responding to appeals before the Administrative Law Courts and appellate courts.