We skillfully counsel health care providers confronting increasingly challenging regulatory scrutiny and contemplating new business opportunities driven by health care transformation and consolidation. Our health care attorneys advise hospitals, clinics, physicians, physician groups, long-term care providers, health care systems and other providers in complex transactions, health care-specific contracts, patient care legal issues, credentialing and other medical staff issues, regulatory compliance, tax exemption and governance.

**HEALTH CARE FINANCE**

In the transactional arena, we provide strategic support for critical health care business needs. We structure innovative joint ventures, execute affiliations, mergers, acquisitions and dispositions, navigate distressed financings and workouts, and advise on the formation, purchase, sale and licensing of healthcare businesses. Acutely aware of the unique business issues facing health care providers, we have extensive experience with physician recruitment and employment contracts, ancillary service arrangements, and physician and medical practice business matters for hospitals, physicians, dentists, pharmacists and other health care entities.

**HEALTH CARE PROFESSIONALS**

Our comprehensive experience with licensing, medical staff and professional liability issues springs from our in-depth familiarity with the exacting standards that govern health care professionals. We advise hospitals on medical staff bylaws, credentialing, peer review corrective action, and fair hearing matters, as well as frequently representing health care professionals before licensing boards.

**REGULATORY**

Our health care provider clients rely on our regulatory advice and representation on Medicare and Medicaid laws and regulations, the False Claims Act, the Anti-Kickback Statute and its safe harbors, the Stark Law, the HIPAA Privacy Rule, and a variety of other state and federal laws. Attuned to critical issues of governance and tax exemption, we counsel non-profit healthcare entities on governance issues and advise on tax exemption issues including 501(r) compliance.
Health Care Providers

LITIGATION

When disputes arise, we draw on the strengths of our health care litigation attorneys, known for delivering winning strategies for health care providers nationwide. We manage antitrust investigations of acquisitions, achieve favorable resolutions to IRS tax-exempt audits, represent hospitals on medical staff and hospital governance matters, and defend claims of alleged fraud, waste and abuse. Whatever the case, we help clients manage potential liability and avoid negative and potentially damaging media exposure.

CAPABILITIES

HEALTHCARE TRANSACTIONS AND CORPORATE

- Strategic transactions (party counsel or deal counsel):
  - Mergers
  - Acquisitions
  - Divestitures
  - Joint ventures
- Professional Service Agreements (PSAs)
- Ancillary service arrangements (such as imaging)
- Physician recruitment, employment agreements and other provider contracts
- Entity formation, structuring and re-structuring
- Corporate bylaws, organizational documents and amendments
- Corporate governance
- Health-care specific contracting (e.g., Health IT)

MEDICAL STAFF, LICENSING AND GENERAL HEALTH MATTERS

- Medical staff bylaws
- Peer review/credentialing disputes
- Medical staff investigations
- Provider licensing board issues
- Health facility licensure
- Hearing officer services
- Behavioral health and substance abuse issues
Health Care Providers

- Treatment of minors
- Informed consent

REGULATORY COMPLIANCE

- Compliance plan development and implementation
- Audits and/or investigations
- Remediation of regulatory violations
- Reimbursement and billing
- Medicare Conditions of Participation (including critical access hospital)
- Joint Commission accreditation
- HIPAA and state records release issues
- Hospital nonprofit tax exemption issues, including 501(r) compliance
- Corporate practice of medicine
- Public hospital issues

EXPERIENCE

- Designed a creative joint venture that permitted unrelated hospitals to collaborate on a clinical center of excellence
- Represented critical access hospitals in affiliations with larger health systems
- Assisted hospitals in integration transactions with physician groups, involving both professional services agreements (PSAs) and clinic acquisitions
- Provided governance education and support to newly-formed non-profit healthcare entities
- Worked with multiple parties in a community to redesign the delivery of healthcare services and align their interests
- Represented a post-acute care provider in an innovative joint venture to bring post-acute skilled nursing services to a hospital campus
- Multiple engagements with hospital medical staffs in medical staff governance, bylaw peer review, credentialing, corrective action, and fair hearing matters.
- Represented several providers in medical staff matters.
- Represented a critical access hospital in response to EMTALA, length of stay, pharmacy, physical plant and other violations
- Prepared and filed a Stark Self-Referral Disclosure Protocol submission following internal investigation of Stark law violation
Health Care Providers

- Represented Minnesota hospital district in conversion to nonprofit hospital organization
- Represented physicians in the formation of professional firms and negotiation of professional services agreements
- Advised hospitals and health plans on obtaining and maintaining tax exempt status and structuring supporting organizations to achieve business goals

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**TEAM**

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**RELATED CAPABILITIES**

Health Care & Life Sciences
Health Care Litigation

**PUBLICATIONS**

Minnesota Passes Assisted Living Licensure and Elder Care Protection Reform
05.24.2019