



Health Law

# *Health Law*

STRADLEY  
SR  
RONON

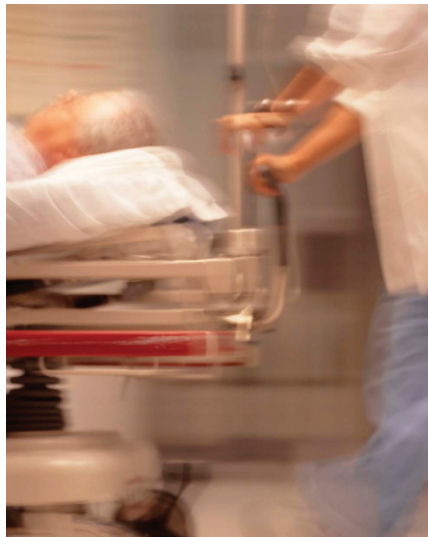
## Our Practice

Stradley Ronon's health law practice represents a broad spectrum of companies in the health sector, including providers, payors, managed care organizations and companies that supply specialized services and products. Our cross-disciplinary practice has substantial experience representing clients in the health sector on transactional, litigation, regulatory, insurance, and investigation and enforcement matters.

Our integrated team helps our health care sector clients execute their strategic plans; assess, manage and mitigate risk; and succeed in litigation by providing sophisticated, solutions-oriented advice that is delivered in a clear and direct manner. Whether advising on a bet-the-company transaction or a more routine matter, we listen carefully to our clients and tailor our representation to best achieve the desired outcome.

### Regulatory Oversight

With a keen understanding of the unique regulatory and oversight requirements, we provide practical advice regarding **compliance** with all significant federal and state statutes and regulations, including the Stark and anti-kickback statutes, Medicare provider enrollment and recertification, health information privacy laws, regulations governing Accountable Care Organizations (ACOs), the Emergency Medical Treatment and Active Labor Act (EMTALA), and state laws governing each of these areas. We can assist companies in obtaining state licenses for a wide variety of facilities, including ambulatory surgical facilities, nursing homes, hospice agencies, urgent care centers, rehabilitation facilities and home care agencies.



### Health Information Privacy & Security

Our attorneys regularly counsel health sector clients on an array of Health Insurance Portability and Accountability Act (HIPAA) and other health information **privacy and security compliance** issues, including guidance to covered entities, business associates, hybrid entities, research organizations and sponsors, and health IT vendors. We have significant experience assisting clients in complying with rules governing electronic storage of protected health information and, where unauthorized access to protected health information is discovered, handling any required dealings with the U.S. Office for Civil Rights. One of our attorneys is an IAPP Certified Information Privacy Professional who can provide advice regarding compliance with U.S. privacy and data protection laws, as well as bolster your compliance and risk mitigation practices.

### Health Care Finance

Our **financial services practice** represents lenders to the health care industry in asset-based, cash flow, term-loan, and real estate single- and multitranche lending transactions. We are regularly involved in transactions including:

- working capital facilities to support the liquidity needs of assisted-living and skilled-nursing facilities, device manufacturers and distributors, and other

providers of health care-related goods and services

- acquisition financing to fund purchases of portfolios of skilled-nursing facilities through operations transfer and management agreements, including associated real estate
- related HUD loan and intercreditor arrangements with health care facility operators, real estate owners, REITs and other landlords
- construction financing for medical office buildings, renovations and refits

In addition, we handle Medicare/Medicaid provider agreements and related audit issues; dual lockbox arrangements; licensing transfers and issuances; and change-of-control triggers and other matters related to change of ownership.

### Transactional Issues

Our team has broad experience managing the unique business, regulatory, reimbursement, tax structuring and risk allocation issues in the health sector such as mergers, acquisitions, financings and dispositions of health care institutions and assets. We also assist in the structuring and formation of joint ventures among hospitals, physicians and other nonprofit and for-profit health care providers. We have handled numerous regulatory filings associated with intercompany insurance transactions, such as "Form A" filings.

### White-Collar and Governmental Investigations

Our **white-collar defense, internal investigations & corporate compliance practice** routinely represents the interests of hospitals and health systems, physicians and physician groups, pharmaceutical companies, and various other health care sector entities before both federal and state regulatory agencies in enforcement investigations, civil and criminal matters involving qui tam/False Claims Act, Foreign Corrupt

Practices Act, Stark Law and other fraud and abuse claims, subpoenas and civil investigative demands, and we are experienced in representing hospitals in connection with audits of payment claims. In addition, whether a situation requires delicate interaction with government investigators, a voluntary disclosure or an aggressive litigation stance, we defend physicians and dentists, nurses, midwives, physical therapists and other licensed health care professionals in investigations and responding to administrative complaints filed by state licensing authorities and professional boards.

### Litigation

Known for our innovative approach to evaluating risk and exposure stemming from compliance and governance concerns, business disputes and government investigations, we set a course for efficient, cost-effective resolution. We defend hospitals, physicians, nurses and various other health care providers and entities faced with medical malpractice and professional liability claims, and handle litigation involving physician compensation arrangements. Our **litigation practice** has a long track record of successfully representing national and regional health insurers, HMOs and other managed care organizations, third-party administrators and self-insured plans in matters involving disputes with in-network and out-of-network providers, involving ERISA, Medicaid, Medicare, fraud and abuse, and affirmative fraud recovery actions.

### Health Insurance Regulatory & Compliance

We represent an array of entities in the health care sector and have substantial experience providing the following:

- advice on provider risk sharing for integrated delivery systems (IDSs), physician-hospital organizations (PHOs), physician organizations (POs), individual practice associations (IPAs) and accountable care organizations (ACOs)
- regulatory guidance to managed care programs (MCOs) for Medical Assistance recipients

- resolution of claims involving insurance regulatory interpretation and offering expert opinions on those matters
- counsel on compliance regarding the constantly shifting regulatory landscape
- advice on asset management and investment strategy for insurance companies, and advising on regulations concerning insurance company investments and drafting investment policies

### Tax-Exempt Structuring

Our attorneys have deep experience addressing the tax structuring, valuation and other needs unique to tax-exempt health organizations. In addition to forming nonprofit medical schools, hospitals, nursing homes and supporting organizations for assisted-living facilities, we apply for federal tax-exempt status for clients and obtain sales and real estate tax exemptions. We assist our **tax-exempt clients** in responding to tax audits and have counseled clients on issues relating to intermediate sanctions, private inurement and private benefit. We have also obtained favorable rulings from the IRS and state and local agencies on the tax consequences of various transactions.

### Day-to-Day Legal Counseling

We regularly advise health sector entities on strategic planning, new service development, risk management, physician recruitment, physician credentialing, peer review, and Medicare and Medicaid billing and reimbursement issues. Our attorneys also counsel clients on a full range of employment and labor law issues, including restrictive covenant issues, physician disputes and employment discrimination complaints, among others. Similarly, our **intellectual property lawyers** regularly assist health care, biotech and pharmaceutical clients with drafting and prosecuting patent and trademark applications, filing copyright registration applications, protecting trade secrets and avoiding infringing the intellectual property rights of others.

### Our Clients

We bring a multidisciplinary approach to our representation of the full range of clients in the health sector, including:

- academic medical centers and teaching hospitals
- acute care community and specialty hospitals
- banks and other health sector lenders, including commercial finance companies
- durable medical equipment and other suppliers
- group purchasing organizations
- health data analytics firms, including health information exchanges (HIEs)
- health plans
- health professional societies and associations
- home health and hospice providers
- hospitals and multi-provider networks
- insurance companies
- long-term health care facilities
- managed care organizations
- medical technology companies
- pharmaceutical companies
- physician group practices
- private debt and credit funds, private equity funds and other entities financing health sector transactions
- provider and medical service organizations
- research compliance services
- retail pharmacies
- senior living and long-term care providers
- specialty finance companies
- specialty providers (e.g., acupuncture, proton therapy, substance-use treatment)

For more information on our Health Law Practice,  
visit [www.stradley.com/healthlaw](http://www.stradley.com/healthlaw).



## CONTACT

**Alycia M. Vivona**  
202.419.8424  
[avivona@stradley.com](mailto:avivona@stradley.com)

## ABOUT STRADLEY RONON

For more than 95 years, Stradley Ronon has helped private and public companies – from small businesses to Fortune 500 corporations – achieve their goals. With eight offices and more than 200 attorneys, Stradley Ronon is proud to help companies manage their legal challenges and grow their businesses.

[www.stradley.com](http://www.stradley.com)

## LOCATIONS

Pennsylvania  
Washington, D.C.  
New York  
New Jersey  
Illinois  
Delaware



This communication is provided as a general informational service to clients and friends of Stradley Ronon Stevens & Young, LLP. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does this message create an attorney-client relationship. The enclosed materials may have been abridged from other sources. They are provided for educational and informational purposes for the use of clients and others who may be interested in the subject matter. This material may be considered attorney advertising in some states. Please note that the prior results discussed in the material do not guarantee similar outcomes.

© 2023 Stradley Ronon Stevens & Young, LLP