

HEALTH CARE

Physicians often emphasize the importance of “treating the whole patient.” We believe the same concept holds true for lawyers who advise clients in the health care industry. More than ever, health care businesses need attorney advisers who understand every aspect of this highly regulated and increasingly competitive sector of the economy.

The attorneys in Ballard Spahr’s Health Care Group understand that our clients’ legal needs extend far beyond complying with health laws. The team includes lawyers from our business and finance, litigation, public finance, employee benefits, tax, labor and employment, real estate, and intellectual property practices who recognize the unique needs of health care clients. We serve as general and special counsel to hospitals, medical schools, physician practices, insurance companies, and other health care organizations. We represent self-funded and administered medical plans, third-party payers, and health care coalitions, and serve as borrower’s and lender’s counsel, bond counsel, and underwriter’s counsel in health care facility financings.

REGULATORY, TRANSACTIONAL, AND COMPLIANCE

Our health care lawyers have closed M&A, joint venture, and other transactions in virtually every segment of the health care market and across the country. Our hallmark has been to find solutions for our clients that facilitate their business and clinical objectives without engendering legal and regulatory exposure. We recently served as lead counsel on a major health system’s acquisition of a 350-bed hospital, and the largest independent multispecialty physician practice in the Upper Midwest region, to form a new nonprofit integrated provider. Our attorneys also have been at the forefront of provider-payor integration, including advising, from its inception, a start-up provider of on-demand primary and urgent care services focused on underserved populations that was acquired by a large regional payor.

Our transactional and regulatory clients span the range of health industry participants, from multisite integrated systems, to medical schools and their faculty practices, physician and dental practices (including one of the nation’s largest doctor-owned practices), surgery centers, hospice and home care providers, health plans, and financial investors in health care enterprises, including several prominent health care private equity funds.

We advise on issues related to federal and state health care laws and regulations, including the Affordable Care Act, Medicare and Medicaid false claims, Stark and anti-kickback prohibitions, HIPAA/HITECH, antitrust, value-based purchasing, and a variety of other reform initiatives. We have assisted clients in matters relating to Medicare conditions of participation, graduate medical education reimbursement, Medicaid requirements, and licensure status and accreditation issues. Our work includes developing, updating, and assessing compliance programs and counseling compliance officers on marketing and sales practices, audits, and internal investigations.

FINANCE – PUBLIC AND PRIVATE

We handle public and private financings for community hospitals, specialty hospitals, medical schools, and academic medical centers and their affiliates. Ballard Spahr’s nationally acclaimed public finance practice has been involved in various capacities in nearly a thousand bond issues for health care facilities aggregating more than \$36 billion. We have served as bond counsel, health system counsel, and underwriter’s counsel for leading health care systems across the nation.

LABOR AND EMPLOYMENT

Health care facilities are large employers with concerns ranging from union negotiations to employee handbooks. We serve as labor counsel for health care organizations, including medical schools, with organized labor campaigns and collective bargaining negotiations involving nurses, residents, and other staff; handle discrimination, wage and hour, and ERISA litigation; and provide advice with respect to the day-to-day employment and medical staffing issues that arise in the health care industry. We conduct on-site training programs for managers on labor and employment law topics, and counsel clients on developing, instituting, and enforcing workplace policies and procedures.

EMPLOYEE BENEFITS AND EXECUTIVE COMPENSATION

We advise employers on matters involving qualified and non-qualified retirement plans, health and welfare benefit programs, and a wide variety of executive compensation arrangements. We have a particular focus on employers in the health care industry, including health care systems, hospitals, and medical service organizations. We also offer a series of employee benefits and executive compensation symposia tailored to health care employers, particularly those that are tax exempt.

LITIGATION – ANTITRUST AND ENFORCEMENT ACTIONS

Our attorneys handle internal investigations, government investigations, civil and administrative litigation, and defense of criminal matters for our health care clients, and help avoid these issues by developing and implementing internal compliance and ethics standards. We represent clients during all stages of health care fraud proceedings, from responding to government inquiries, subpoenas, and investigations through trial, if necessary. We have been involved in significant health care antitrust matters and have managed class actions and other health care litigation.

LIFE SCIENCES

In addition to representing health care providers, our practice serves entities engaged in the development and application of new life science technologies. Our clients include public and private biotechnology and pharmaceutical companies as well as many venture capital organizations investing in the life sciences. We typically advise and represent clients on:

FORMATION, FINANCING, AND STRUCTURING OF CORPORATIONS AND OTHER ENTITIES

- Licensing, distribution, and marketing agreements
- Joint ventures
- Strategic alliances
- Sponsored research and collaboration agreements
- Intellectual property protection
- Regulatory compliance
- Technology transfer
- Litigation involving information technology

PRIVACY AND DATA SECURITY

Our health care attorneys work in tandem with our Privacy and Data Security Group on information technology contracting, contracting with electronic medical record vendors, health information exchanges, and other health information technology (HITECH) projects and ventures.

Our HIPAA/HITECH team represents health care providers, health plans, and business associates in implementing HIPAA/HITECH compliance programs, undertaking data security assessments, preparing breach response plans, conducting breach assessments and notifications, and advising on the use of data for research, marketing, and other purposes.

 **CONTACTS**

For more information, please visit us at www.ballardspahr.com/healthcare or contact:

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