Tucker Ellis LLP

Health Care

Overview

Our Health Care Group understands the medicine behind the matters. We work with our clients to create a team of professionals to match their needs. We are dedicated to partnering with our clients in order to provide access and ease of communication. The Health Care Group draws on the resources of our employee benefits, intellectual property, labor, tax, corporate, and trial practice groups to address specific client issues.

We bring unparalleled commitment and depth of experience to our representation of health care clients in transactional, compliance, and advocacy matters.

Our attorneys regularly counsel and represent the following types of organizations on health care matters:

- Hospitals and health systems
- Physicians and physician practices
- Long term and post-acute care facilities
- Nursing homes and assisted living facilities
- Health information technology companies
- Dialysis providers
- Ambulance suppliers (ground and air)
- Pharmacies
- Group purchasing organizations
- DME providers
- Health & wellness entrepreneurs
- Pharmaceutical and device manufacturers
- Private equity and investors
- Underwriters and excess carriers
- Group health plans
- Public and private retirement systems
- Industry and professional associations
- Product developers and importers

AREAS OF EMPHASIS

- Bioethics
- Billing, coding & payor disputes
- Contracts

- Corporate and transactional matters
- Corporate governance
- Coverage and reimbursement
- Credentialing and peer review
- Employee benefits
- Employment and labor law
- EMTALA
- Fiduciary and board issues
- Food and Drug Administration
- Fraud and abuse compliance
- Group health plan compliance issues
- Health care legislation and advocacy
- Health information technology
- HIPAA compliance and health information and security
- Intellectual property
- Internal investigations
- Licensing and certification
- Litigation and dispute resolution
- Managed care arrangements
- Medical staff and peer review
- Mergers, sales, acquisitions, and reorganizations
- Patient consent
- Pharmacy benefit management contracts
- Physician organizations
- Private equity financings
- Public health law
- Real estate
- Regulatory compliance
- Tax and tax-exempt issues
- Tax-exempt bond financing
- Telemedicine

REPRESENTATIVE SERVICES

REGULATORY & HEALTH CARE OPERATIONS

Our health care lawyers bring their in-house experience to counsel clients with respect to a full range of health ca
regulatory and operational matters. Having worked in the health care setting, we understand the practicalities and
necessity of providing innovative and patient focused services that achieve operational objectives and comply wit

regulatory mandates at the state and federal levels. We guide clients in matters of corporate governance, bond financings, licensing, accreditation, investigatory, and enforcement actions. We review clients' business practices and operations to ensure compliance with reimbursement rules, licensing requirements, Stark Laws, the Anti-Kickback Statute, False Claims Act, and state equivalents.

FINANCINGS

Our attorneys have served as bond counsel and borrower's counsel for a variety of tax-exempt financings for health care institutions, including bond issues for hospitals and health systems, assisted living and skilled nursing facilities, and hospice facilities. In addition to serving as counsel with respect to tax-exempt debt, our attorneys provide hospital systems and long-term care providers' assistance with other types of financing transactions, including structuring and implementing revolving credit and equipment leasing programs and assisting with the structuring and oversight of debt management programs to maximize the effectiveness of swaps and other interest rate hedges.

Our lawyers have structured and implemented a number of significant financings for hospital systems and other health care providers. These transactions included:

- New money combined with both current and advance refundings of existing debt
- A combination of fixed rate uninsured bonds and insured auction rate bonds
- Related swaps including integrated forward fixed payor swaps and a "rate lock" swap

HIPAA COMPLIANCE

Our attorneys have assisted a wide range of clients, from nationally known institutions to small physician offices, with all matters related to compliance with the HIPAA privacy and security rules. Our services include assessment of privacy procedures and potential risks, drafting and/or review of privacy policies and procedures, review of Business Associate Agreements, and ongoing advice as to HIPAA compliance. We have helped clients respond to breach events and have successfully resolved numerous enforcement actions with the HHS Office for Civil Rights.

GROUP HEALTH PLAN CONTRACTING

Our lawyers serve as outside counsel to several public employment retirement systems with respect to their self-insured and insured health plans. We counsel these plans as to contracting with providers, ASO and PBM agreements, HIPAA, and Medicare Part D issues, such as participation in the retiree drug subsidy program.

Experience

- Represent clients in a wide range of fraud, abuse, and compliance investigations and prosecutions
- Serve as general counsel to start up focused on health care supply chain optimization
- Review and negotiate physician employment and affiliation agreements and practice integration contracts
- Assist social services agencies in contracting and programming compliance with state and federal regulators, including Medicare, Medicaid, and OSHA
- Assist medical-based software start-up with formation, financing and negotiations with software licensors and customers
- Guide physician practice in start-up on physician-owned pharmacy
- Counsel health care administrators, physicians, and nurses on risk management and quality assurance matters
- Represent clients in Medicare appeals to resolve licensing and eligibility disputes
- Counsel clients and assist in resolving reimbursement issues and billing disputes with federal and private payors
- Negotiate affiliation transactions on behalf of hospitals, physicians groups, and long term care facilities
- Monitor committee hearings and agency activities to ensure early knowledge of developments and to assist in proactive planning to advance the client's agenda
- Assist health care clients in preparation for the presentation of testimony and documents before regulatory authorities
- Advise a wide variety of health care entities on medical/legal issues, including HIPAA privacy and security issues, medical records, consent to treat, incident reports, peer review, and regulatory compliance
- Defend physicians, hospitals, dialysis clinics, nursing homes and assisted living facilities, and medical device manufacturers and suppliers in large and complex professional and products liability cases