



**Our Health Care industry group offers sophisticated problem solving for a complex business and regulatory environment.**

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**We provide a broad array of services, delivered in a fully-integrated and team-oriented approach.**

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**Our group serves your organization with experienced counsel, knowledgeable of health industry trends and developments.**

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The complexity of issues presented by today's health care environment can be overwhelming. Your organization requires the assistance of experienced legal counsel to maximize operating results and minimize the risk of undesirable legal exposure. Jackson Kelly's Health Care industry group believes that effective lawyering requires an understanding of emerging health industry trends and developments in order to provide the most effective solutions for your organization.

Our attorneys in the Health Care industry group have a broad range of experience in traditional business fields, including corporate reorganizations, contracts, financings, and mergers and acquisitions. Our group guides hospitals in public-to-private restructurings, in strategic affiliations and consolidations, and in the issuance of hundreds of millions of dollars of tax-exempt bonds to finance state-of-the-art facilities and technology.

In addition to these more traditional business fields, our group has developed a strong regulatory overlay and offers your organization diverse compliance experience under both state and federal laws. Managed care arrangements have also become a point of emphasis within the group as health care evolves from the fee-for-service era to a system more focused on bundled payments, increased quality, risk sharing, and improving population health.

While the ultimate goal of our Health Care industry group is to steer your organization away from trouble spots, if disputes arise, our attorneys are no strangers to the courtroom or the bargaining table. They routinely appear before federal and state regulatory agencies and courts, and represent the interests of health care providers in collective bargaining and union grievances.

Some examples of the Health Care industry group's diverse portfolio of services include the following:

- Certificates of Need
  - Advising on regulatory framework and requirements
  - Administrative hearings

- Administrative appeal briefing
- Appellate oral arguments
- Civil and criminal defense in government investigations
  - Advising and responding to subpoenas
  - On-site interviews with key personnel
  - Document review – physical and electronic documents
  - Reviewing Medicare and Medicaid repayment issues
- Corporate compliance issues
  - Auditing compliance programs
  - Reviewing and analyzing policies and procedures
  - Board compliance training
  - Advising on general compliance inquiries
- Corporate governance issues
  - Drafting organizational documents and resolutions
  - Entity creation, merger, dissolution/cancellation
  - Board meeting and agenda guidance
  - Advising on open meetings laws
- Emergency Medical Treatment and Active Labor Act (EMTALA)
- Fraud and abuse issues (Stark Law, Anti-kickback Law, False Claims Act, etc.)
  - Comprehensive compliance review of physician arrangements
  - Self-disclosure process through CMS/OIG/DOJ and negotiating corresponding settlement agreements
- Health care contracts
  - Physician employment and professional service agreements
  - Vendor agreements
  - Information technology agreements
  - Service line agreements
- HIPAA and privacy-related issues
  - Policy drafting, review, and analysis
  - Breach investigation, notification, and reporting
  - Business Associate Agreement drafting and review
- Labor and employment
  - Executive employment agreements
  - Review of employment manuals
  - Severance agreements
  - Analyzing non-compete arrangements
- Legal independent review organization (IRO)
  - Comprehensive IRO review of policies and physician arrangements
  - Drafting corresponding annual reports to applicable government agency
- Litigation and medical malpractice defense
- Medical records and confidentiality
  - State privacy and retention issues
  - Requests for release of medical information
  - HIPAA
- Information Blocking
  - Policy drafting
  - Compliance review and analysis

- Health Information Exchanges
  - Policy drafting and review
  - Vendor contracting
- Medical staff issues
  - Medical Staff Bylaws
  - Fair Hearing Process
  - State medical board reporting
  - NPDB reporting
- Medical waste issues
  - Policy drafting and review
  - Permitting applications and transfers
  - Citations
- Mergers, acquisitions, and other strategic affiliation arrangements
  - Various acquisitions of community hospitals (asset purchase, member substitutions, long-term operating lease transactions)
  - Private equity transactions
  - Physician practice acquisitions
  - Pharmacy acquisitions
  - Comprehensive due diligence review
  - Review of Clean Team Agreements
  - Regulatory transition
- Academic Medical Center Arrangements
  - Master Academic and Clinical Affiliation Agreement
  - Professional Services Agreements
  - Joint Operating Agreements
- Nonprofit/tax-exempt healthcare organizations
  - IRS Form 1023 filings
  - 501(r) compliance
  - FAP review
  - CHNA report drafting and assistance with implementation plan
- Third-party payer issues
  - Enrollment
  - Contractual/payment disputes
  - Recredentialing issues
- Professional and facility licensing
  - License applications and transfers
  - Assisting with licensing surveys and plans of correction
  - Representing providers before state licensing boards
- Reimbursement issues
  - Claim denials/appeals
  - Billing and coding compliance review and audits
- State and federal tax issues
- Tax exempt and taxable financings
  - Bond financing
  - TIF financing
  - Commercial financing
- Public-Private Partnerships

- Federal and State Grants