

Overview

StepToe & Johnson's health care attorneys have extensive experience helping health care providers achieve their goals. Our health care lawyers work closely with administrators, chief executives, financial officers, boards, physicians, and staff to provide the resources they need to make effective decisions and find cost-effective solutions tailored to the needs of their organizations.

Areas of Focus

- **Corporate and Transactional Group** members work with clients to write bylaws and facility policies, form entities, and solve governance and management issues. Lawyers help clients navigate the maze of regulatory approvals, as well as contractual arrangements with physicians, managed-care providers, and service and equipment suppliers. The group structures acquisitions and sales of hospital networks, private physician practices, health care facilities and programs, affiliations, managed care arrangements, and group practices, and addresses related tax issues.
- **Medical Staff** The health care group's work involves medical staff bylaws preparation and review, physician credentialing and privileges, physician professional disciplinary hearings, and judicial dispute resolution involving the foregoing.
- **Medical/Ethical Issues** Lawyers provide counsel on ethical issues related to informed consent, drafting policies, confidentiality, medical records, advance directives, do-not-resuscitate issues, withdrawal of life-support systems, and health care surrogate decision-making.
- **Financing** Team members represent health care facilities in financing and refinancing through private and public lenders and tax-exempt bonds.
- **Regulatory Matters** The firm has taken an active approach to educating our clients on Health Insurance Portability and Accountability Act (HIPAA) issues and compliance. Lawyers regularly advise our clients on antitrust considerations relating to business transactions, provider relations, and privilege disputes, and represent them in antitrust litigation. The firm provides guidance in obtaining and maintaining licenses. The firm represents health care providers in certificate of need proceedings, rate making and

licensure surveys, and preparing plans of correction for survey deficiencies and appeals. Lawyers are experienced with Medicare and Medicaid fraud and abuse issues, self-referral limitations (Stark) and Medicaid audits.

- **Related Practices** The firm's labor, professional liability, and government relations teams provide services to health care providers such as review and drafting of employment policies and handbooks, advice on ERISA and other benefits, insurance coverage issues, union campaigns, defense of labor and employment litigation, malpractice defense, quality assurance, workers' compensation, risk management, and management of issues through the legislative process.

Representative Experience

- Review arrangements for compliance with state and federal health care laws and regulations, including HIPAA, the Stark Law, the Anti-Kickback Statute, the HITECH Act, licensure, and state certificate of need
- Assist hospitals with state certificate of need matters, including applications for expansion of services
- Represent hospitals in peer review proceedings and assist with updating hospital Medical Staff Bylaws to include proper peer review procedures
- Experience with public finance matters relating to health care facilities, including handling of continuing disclosure matters and tax increment financing bond issues to finance infrastructure needs of local hospital
- Extensive experience in preparing employment, leasing, service, recruitment, donation of electronic medical record software and other agreements with physicians, as well as practice acquisitions, including addressing related Stark Law, Anti-Kickback Statute, and other fraud and abuse issues



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