

# Healthcare *Litigation*

Staying on top of and surviving the ever-changing climate of the U.S. healthcare system can be a daunting task for any provider. By being a national law firm with a specialized focus on healthcare, Frier Levitt is uniquely positioned to offer a broad and deep understanding of not only Federal and State healthcare laws and regulations, but the direction of the industry as a whole.

Our clients include large physician group practices, hospitals, hospital medical staffs, ambulatory surgery centers, laboratory companies, as well as the complete panoply of ancillary service providers. Frier Levitt also provides counsel to a variety of national and regional provider organizations and associations.

## Regulatory

Nearly every healthcare transaction comes with potential federal and state fraud and abuse issues. Frier Levitt has handled hundreds of fraud and abuse cases involving anything from: a practice subleasing space from a referral source, investing in an ambulatory surgical center, entering a joint venture agreement with a hospital, or investing in a new healthcare modality. Frier Levitt provides counsel to ensure compliance with applicable fraud and abuse laws, including:

- Federal and State Anti-Kickback Laws and Regulations
- Federal and State Self-Referral Prohibitions (Stark Law)
- False Claims Act
- Federal Healthcare Fraud Statute
- State and Federal Insurance Fraud
- State Commercial Bribery Criminal Statutes

In addition to providing prospective regulatory guidance, Frier Levitt manages civil and criminal investigation at both the federal and state level. Frier Levitt has achieved dozens of successful outcomes for our clients, including self-disclosure settlements with the Office of the Inspector General.

## Transactional

Frier Levitt has almost 20 years of experience counseling healthcare providers, medical practices and other professional healthcare practices, on issues such as:

### Managed Care Contracting

- Employee Matters
- Vendor Agreements (including EHR, billing, supplies)
- GPO arrangements
- Breakups between medical practices and hospital systems
- Medical Practice Purchase and Sales by Hospitals
- Clinical Integration with physicians: ACOs and Clinically Integrated Networks

## Professional Practice Representation

Medical practices are unique businesses that require specialized representation. They have all the legal challenges of ordinary businesses, with the additional and formidable challenges of a player in a hyper-regulated industry. Frier Levitt provides counsel on issues such as:

- Shareholder agreements
- Hospital relations
- Managed Care contracting
- Employee matters
- Vendor agreements (including EHR, billing)
- Breakups
- Practice purchase and sales
- Telemedicine

Continued

## Medical Practice Mergers and Super Groups

In order for small, private medical practices to survive and thrive in the current healthcare environment, with the increased emphasis on cost, quality and compliance, most physicians will likely need to become part of larger networks of physicians able to engage in alternative payment relationships with commercial insurers or self-insured employer plans as a group. Super Groups, in which physicians from multiple practices consolidate under a single Taxpayer Identification Number, have proliferated over the past several years because, if formed properly, they provide many advantages over traditional practice structures.

Frier Levitt has been on the forefront of forming and representing single and multi-specialty Super Groups throughout the country for over 20 years. We are aware of the budgetary constraints that newly-formed groups face, and we are able to provide substantially all of the pre-“go live” legal services on a flat fee basis.

## Litigation and Malpractice

Frier Levitt’s litigation department is comprised of attorneys with decades of experience defending criminal, civil and administrative proceedings. Our litigators handle everything from Board of Medicine complaints filed by patients to complex criminal white-collar defense. We assist clients with matters including:

- Medical negligence and malpractice matters
- Credentialing, risk management, and medical ethics
- License defense including investigations and proceedings before the Office of Professional Medical Conduct (OPMC) and other governmental agencies
- Terminations, suspensions and other privilege matters at hospitals, nursing homes, etc.

In addition to concerns with the Board, state and federal governmental agencies continue to over-regulate the healthcare industry and promulgate poorly conceived legislation that leaves providers in flux. We have represented many large practices facing investigations concerning alleged violations of Stark, the Anti-Kickback Statute and, most recently, DEA investigations and audits concerning opioid practices.