

Healthcare



Lathrop & Gage has one of the most respected teams of health care attorneys in the Midwest. We have extensive experience in providing advice and counseling to health care providers regarding regulatory and reimbursement issues, litigation matters and complex transactions. Our health care department includes a former United States Attorney, a past president of the Missouri Society of Health Care Attorneys, attorneys selected for the health care section of *Best Lawyers in America*, and a current Supreme Court Appointee to the Kansas Board of Discipline.

We represent many health care industry clients, including urban and rural hospitals and hospital systems, physician groups, residential care facilities, home care providers, nursing homes and managed care networks and organizations throughout the Midwest. Our attorneys have studied, lectured and written extensively on the unique challenges facing medical providers.

To assist hospitals and other health care providers in evaluating and enhancing the effectiveness of their compliance programs, we perform compliance program audits. We draw on our decades of experience advising providers on a wide variety of issues and our extensive knowledge of government enforcement activities to provide our clients with a proactive and comprehensive look at their programs along with innovative enhancements and solutions.

Consultations, Counseling and Representation

- Certificate of Need
- Patient rights
- Patient care policies
- Joint Commission on Accreditation of Healthcare Organizations, Americans with Disabilities Act and state accreditation issues
- Residency training program accreditation and other resident issues

Contract Analysis, Preparation & Negotiation

- Hospital-physician contracts
- Physician recruitment and employment contracts
- Physician practice acquisition contracts
- Third-party payor and managed care contracts
- Employee contracts for CEOs and their staff

Corporate Governance/Business Transactions

- Consultation and strategic planning for governing boards
- Joint ventures
- Mergers and acquisitions
- Compliance policies
- Corporate bylaws
- Corporate restructuring

Fraud and Abuse

- Consultation regarding government program reimbursement
- False claims (Qui tam)
- Anti-kickback counseling
- Internal investigations
- Defense of clients in grand jury proceedings, enforcement litigation and settlements

Managed Care Organization and Representation

- Design, implement and represent physician/hospital organizations, preferred provider organizations, managed care contracting organizations, physician networks and independent practice associations
- Secure licensing
- Drafting provider contracts
- Development of governance structures
- Payor and subscription contracts
- Developing risk-sharing arrangements
- Advising on the requirements of state insurance laws

- Counseling on antitrust compliance issues and provider managed care relationships

Medical Staff Issues and Litigation

- Bylaws and regulations
- Credentialing and recredentialing policies and procedures
- Fair hearing plans and process
- Physician contract litigation
- Investigations and hearings
- Evaluate and defend medical staff hearing decisions in cases of antitrust, ADA, breach of contract and civil rights violations

Regulatory and Statutory Compliance

- Corporate compliance plans
- Regulatory and statutory compliance policies and audits
- Consultation with clients to structure transactions to avoid noncompliance
- Draft Health Insurance Portability and Accountability Act compliance manuals
- Stark, Emergency Medical Treatment and Active Labor Act, fraud and abuse counseling

Tax Exemption

- Consultations regarding tax exemption implications of transactions
- Preparation of tax exemption applications for hospitals, Health Maintenance Organizations and related companies
- Tax exemption and billing

Representative Experience:

- Developed provider contracts for use in all 50 states that enabled a health insurance client to adjust practices and amend contracts due to changes in state law. We handle a 50 state review and annual legislative update assessing changes in legislation affecting the operations of a national insurer.
- Prepared model medical staff bylaws for the Missouri Hospital Association, which is now the standard for medical staff bylaws in the state. Subsequently, we have collaborated with several hospital medical staffs to update and revise the medical staffs' bylaws to bring them into compliance with Federal, State and Accreditation rules and standards.
- On behalf of the Kansas Independent Pharmacy Service Corp., restructured buying group affiliation with a wholesaler of pharmaceuticals and responded to changes in the average wholesale prices (AWP), which allowed operations to become more profitable and increased value for shareholders.
- Represented a rehabilitation center in defending a claim in front of an administrative law judge concerning an "immediate jeopardy" designation that had been handed down by the U.S. Department of Health and Human Services (DHHS) in conjunction with its review of a long-term care facility in Kansas City, Missouri.
- Handled all financial issues, land use planning, real estate issues and regulatory matters surrounding the construction of a new \$35 million facility for Atchison Hospital. Construction of the new facility had begun when the hospital's financing was jeopardized by changes in the bond market in 2008-09. Our team explored alternative financing and eventually bonds were sold and the new hospital was built, which improved the quality of health care available to the surrounding community and was cited by the Governor of Kansas as an example of economic progress in 2009 notwithstanding the economic downturn.