

PRACTICE AREA

Healthcare



ATTORNEYS

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OVERVIEW

Our Healthcare Law Team provides a broad scope of services to healthcare providers. Our lawyers combine experience in health law issues with involvement in the healthcare industry.

We bring an interdisciplinary approach to our client's matters assigning the team with the best combination of skills and experience to achieve the desired result. We also plan for the most efficient use of resources to deliver excellent service cost effectively.

Provider-Payer Litigation

We represent providers in their contract disputes with payers. Also, we represent providers in Medicare and Medi-Cal reimbursement appeals.

Corporate, Partnership and Securities

We have a substantial practice on behalf of numerous for profit and tax exempt entities, both in and out of the healthcare industry. Incorporation, partnership and limited liability company formation, tax planning, mergers, acquisitions, dissolutions, public and private capital development, securities, and numerous similar business issues are routinely handled by the attorneys in our firm. We have special expertise in advising providers on matters related to insolvency.

Tax

We handle the range of services from planning through controversy engagements in the areas of income, estate and gift, property and sales tax. Our experience includes tax exempt determinations and operations, intermediate sanctions, and property tax exemptions.

Civil Litigation

Healthcare providers, like other businesses, sometimes become involved in business litigation with suppliers, tenants, contractors, governmental agencies, third party

payers, business associates, physicians, competitors and other parties. We have seasoned trial lawyers at our firm who focus on these areas.

Labor and Employment Law

We have a substantial labor law and employment law practice representing management in many industries, including the healthcare industry. Our practice includes dealing with unions, the National Labor Relations Board, wrongful terminations, EEOC and similar discrimination complaints, OSHA, and similar employment law concerns.

Antitrust

We are experienced in the application of the antitrust laws to the healthcare industry. A healthcare provider confronts antitrust issues when it subjects a physician to disciplinary proceedings, considers merging with a competitor, enters into alliances or joint ventures that will affect referral patterns, enters into exclusive contracts with hospital-based physicians or third party payers, structures PPOs involving a significant segment of the provider community, or if it possesses a unique market advantage and desires to exploit it. In each case it needs to clearly understand the antitrust issues, and to avoid potentially costly violations. It also needs to have answers quickly so that market-driven opportunities are not lost to intractable analysis.

Facility Construction

Completing a construction project on time and in full compliance with the Seismic Safety Act, Life Safety Codes, Uniform Building Codes and the California Administrative Code can be a very challenging and frustrating process. We are experienced in all phases of construction law, can advise you on construction contracts and financing, on how to deal with contractors and sub-contractors when things start to go wrong, and can effectively represent your interests if litigation arises.

Tax Exempt Financing

We have represented hospitals and other providers in numerous tax exempt bond financings and refinancings. We are familiar with the underwriters and insurers interested in tax exempt bonds, bond counsel and the government officials involved in the issuance and insurance of tax exempt bonds. We are familiar with how bond covenants can affect a healthcare institution and have negotiated successfully various of the standard covenant terms, as well as restructured hospital corporations to remove certain activities from the application of these covenants. We have represented hospitals that were concerned about defaults under their bond covenants. We are familiar with the various consequences of such defaults, can advise facilities and lenders on alternative courses of action.

Real Estate Development

We have represented hospitals and hospital affiliates in the development of numerous medical office buildings, outpatient diagnostic and treatment facilities,

psychiatric facilities, skilled nursing facilities, and general acute care hospitals. Legal vehicles include simple development, joint ventures, condominiums, limited partnerships, leasing and management arrangements. We are very familiar with all of the legal documents and issues presented by such projects both from the perspective of representing real estate developers, construction firms, land owners, and lenders to the building industry, and from the perspective of the non-profit hospital in need of development vehicles that will maximize return, provide integration opportunities with medical staff members or assist in physician recruiting, and comply with and take advantage of licensing and reimbursement rules, but that will avoid inurement, private benefit and unrelated business taxable income problems as well as kickback and self-referral prohibitions.