



## Health Care

Healthcare providers and organizations across the U.S. rely on the attorneys at Lippes Mathias to assist them with navigating the increasingly complex federal and state rules governing the delivery, financing, and regulation of health care services. Our health law practice team leaders are former health care general counsels with extensive executive leadership experience and act as outside general counsel to a number of organizations.

Our health law attorneys have extensive experience with a wide range of health care clients, including:

- hospitals and health systems,
- academic medical centers and faculty practice plans,
- multispecialty medical groups,
- skilled nursing facilities,
- assisted living providers,
- home health agencies,
- telehealth providers
- hospices,
- clinics,
- ambulatory surgery centers,
- behavioral health providers,
- independent practice associations
- clinical laboratories,
- pharmacies,
- individual practitioners,
- medical spas
- dental providers and groups,
- research institutes,
- medical device manufacturers,
- software and equipment companies
- pharmaceutical manufacturers,

### TEAM LEADERS



**BRIGID M. MALONEY**  
Partner | Team Co-Leader -  
Health Care



**MARC S. BECKMAN**  
Partner | Team Co-Leader -  
Health Care

- distributors and suppliers,
- managed care organizations,
- health plans,
- labor and insurance trusts,
- insurance producers,
- VEBAs,
- accountable care organizations, and
- specialty service networks.

We work with startup healthcare organizations innovating in a variety of healthcare markets. We represent nonprofit, investor owned, and governmental entities as well as venture capital and private equity funds in healthcare matters. We represent healthcare clients throughout the U.S. and routinely participate in international healthcare transactions.

In addition, we have a deep understanding of the complex and unique New York regulatory landscape, we assist providers with corporate, transactional, regulatory, reimbursement, enforcement, compliance, and litigation matters throughout New York State.

Some of the many services we offer to our healthcare clients include:

- Assisting clients with navigating the legal and regulatory challenges affecting telehealth and telemedicine services.
- Representation in Medicare and Medicaid audits, investigations, and appeals, including Medicare appeals before the Provider Reimbursement Review Board.
- Conducting major internal investigations and self-disclosures on behalf of clients assisting them with addressing non-compliance with the Stark Law, the Anti-Kickback Statute, and the False Claims Act. We represent clients in government investigations and enforcement proceedings before the New York State Department of Health; New York Department of Financial Services; Office of the Medicaid Inspector General; and Medicaid Fraud Control Unit; the HHS Office of Inspector General and Centers for Medicare and Medicaid Services; the U.S. Department of Justice; and the Office of the U.S. Attorney.
- Representation in federal and state court commercial health care litigation, administrative challenges to governmental action, and arbitration proceedings.
- We have successfully represented our clients, including dental practices in mergers, acquisitions, joint ventures, equity investments, divestitures, consolidations and restructurings and routinely assist our clients' new business formations and corporate development activities.
- Providing advice on the application of New York's certificate of need requirements.
- Providing advice on contracting and corporate structuring issues, including the physician self-referral law (Stark) and the anti-kickback statute.
- Assistance with analyzing and negotiating managed care contracts.
- Providing advice on responding to health care reform initiatives, such as the delivery system reform incentive payment (DSRIP) program and accountable care organizations (ACOs), and in accessing reimbursement incentives, such as Medicaid Redesign Team (MRT) initiatives, Medicaid managed care and managed long-term care plans.
- Providing advice and representation of covered entities and business associates on privacy matters under the Health Insurance Portability and Accountability Act (HIPAA), the federal rules governing the confidentiality of substance abuse treatment services, and New York State confidentiality laws, including the negotiation of contractual relationships and management of privacy breaches and breach notifications.
- Representation of skilled nursing facilities seeking to challenge survey deficiencies through the informal dispute resolution (IDR and independent IDR) processes and to pursue administrative appeals to the

Departmental Appeals Board of the U.S. Department of Health and Human Services.

- Advice on Medicare and Medicaid billing and reimbursement issues.
- Providing advice to health care boards or directors on corporate governance and compliance best practices.
- Assistance in developing corporate charters and bylaws, formulating compliance policies, and performing self-assessments.
- Advice on the fiduciary obligations of directors and issues related to executive compensation.
- Assistance in conducting internal investigations relating to potential compliance violations, including whistleblower allegations, and responding to inquiries from governmental agencies.
- Representation of physicians and other licensed health care professionals in disciplinary proceedings before state licensing boards.
- Advice to facility administration, physicians, and other licensed professionals on contract negotiations, third-party payor reimbursement, purchases and sales of assets, and medical staff credentialing and disciplinary issues.
- Guidance in the development, implementation, review, and revision of provider compliance programs, required under Social Services Law § 363-d and 18 NYCRR Part 521.
- Guidance on internal audit and monitoring, risk assessment, and corrective measures, such as self-disclosure, employee discipline, and enhanced training.
- Advise hospital systems on issues related to the 340B Drug Pricing Program, including, providing HRSA audit support and disputing findings when necessary, assisting with manufacturer repayment, advising on script and site eligibility, assisting with TPA relationships and contracting, advising on contract pharmacy and specialty pharmacy arrangements, and assisting with OPA registration of all qualifying sites and yearly certification.

## **Medical Spa**

With the rise in popularity of medical spas, physicians, non-physician providers and other providers need to remain up to date on the various federal and state rules and regulations governing medical spa services and the formation of a practice. Our Health Law attorneys assist clients in this space with everything from formation of a practice to the regulatory and licensing aspects and sale of a practice.

We have assisted clients in this space with the following, among others:

- Formation and structuring
- Collaboration agreements, joint ventures, purchase or sale of a practice
- HIPAA and HITECH
- Anti-kickback laws
- Specific laws and regulations by state
- Contract drafting and review
- Services agreements

## **Telehealth/Telemedicine**

Lippes Mathias attorneys assist a wide range of health care organizations and providers with navigating the legal and regulatory challenges that arise with telehealth and telemedicine services, including:

- Compliance with federal and state laws affecting telehealth/telemedicine practice.
- Corporate structure considerations based on various state and federal laws and regulatory requirements.
- Contract negotiations with providers, payers, and technology/software companies.
- Compliance with health care fraud and abuse laws.

Monitoring state and federal regulations and legislation in order to better assist clients

Specific examples of our experience include:

- Lippes Mathias health law attorneys counseled several telehealth medical consultation providers in the U.S. These companies provide access to U.S. board-certified doctors via phone or video consultations. In addition to corporate and transactional services, our attorneys advise on the Stark law, antikickback statute, corporate practice of medicine, fee splitting, and interstate licensure requirements.
- We have counseled clients on combining telehealth technology with home health services and remote patient monitoring to reduce avoidable emergency room visits and close gaps in care.
- We have assisted in the formation and development of a professional nurse triage call center for the provision of home care triage, DME facilitation, remote patient monitoring, admissions, referrals, pre-screening for tests and procedures, post-operative/procedure follow-up calls, new medication or treatment compliance calls and calls for complex or chronic case management and physician practice triage.

Dentist, Dental Group and Dental Service Organizations

We frequently represent dentists, dental groups and dental service organizations on matters including:

- Formation, purchase and sale of dental practices.
- Shareholder buy-in/buy-out; professional employment agreements.
- Contract negotiations and disputes with equipment and software vendors.
- Real estate leases, purchases, and joint ventures with developers.
- Banking and financial transactions.
- Compliance investigations (coding, documentation, billing) by insurance companies and Medicaid, governmental payors and professional misconduct investigations.
- Advice on HIPAA compliance including policy and forms development and other regulatory matters.
- Dental management service organization and other franchises (we have represented and regularly negotiate with Dental MSOs).

FOCUS AREAS

Academic Health Centers	Health Care Professionals /	Professional Discipline
Ambulatory Surgical Centers	Health Care Practices	Defense
Compliance	Hospitals & Health Systems	Regulatory Compliance / Audit
Dental	Management / Administrative	/ Fraud and Abuse Defense
Health Care Litigation	Service Organizations	Technology & Life Sciences
Health Care Lobbying / Trade	Medical Malpractice Litigation	Telehealth/Telemedicine
Organizations	Defense	Transactional / Private Equity
	Medical Spa	University Faculty Practices
	Nursing Home Negligence	
	Defense	