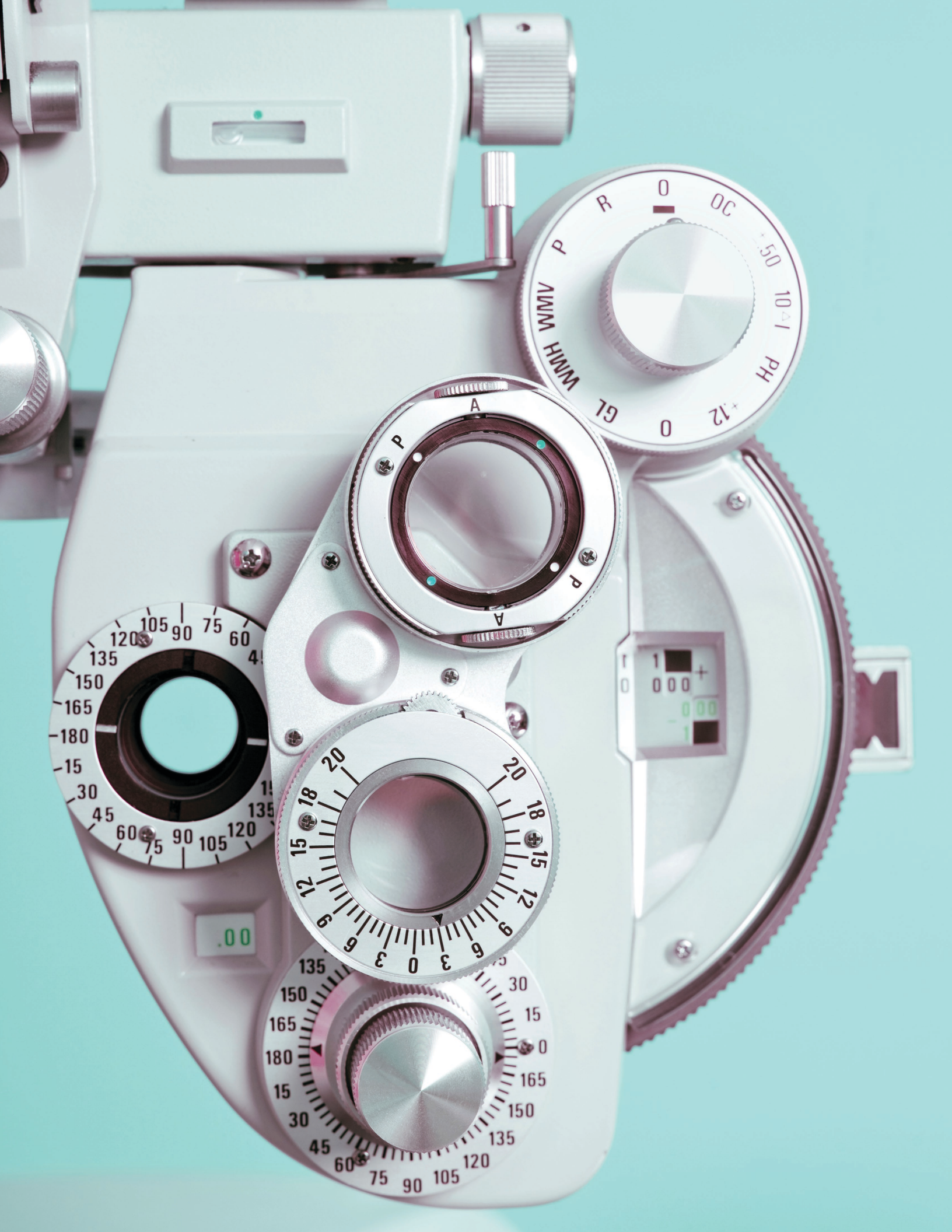


# Health Law Practice





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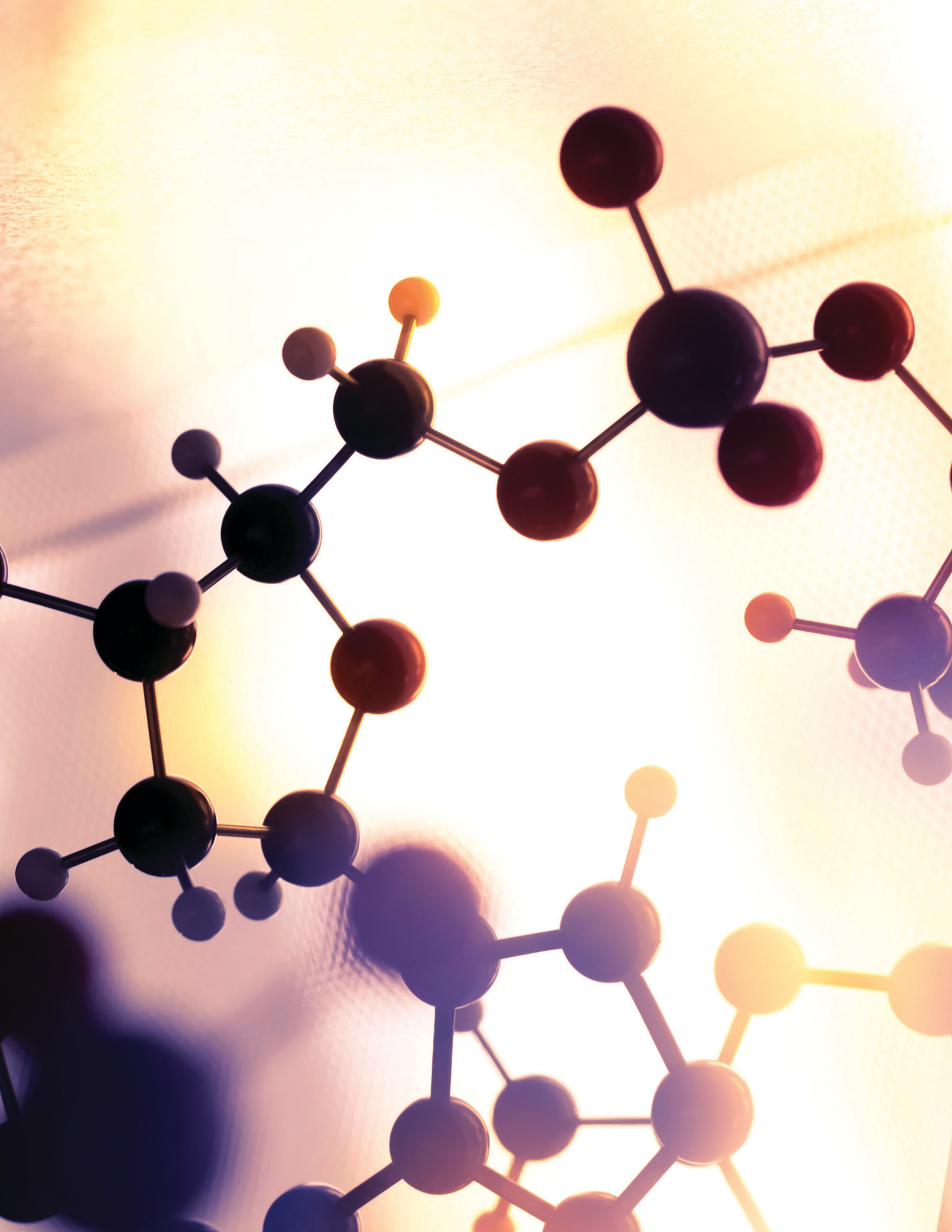
# Transforming your vision into reality requires foresight that's 20/20.

Whether health care is a component of your overall business or its entire reason for existing, the complex, constantly evolving nature of the industry calls for legal insight that is both informed and innovative. At Pillsbury, we know that the difference between anticipating industry shifts and merely reacting to them comes down to just how well one understands all the forces in play. Our lawyers possess an unsurpassed understanding of the health care industry and health policy. We work collaboratively with our clients, taking the time to understand their challenges and their vision as we help them design the best approaches to reach their goals.

**Pillsbury's Health Care Industry team** advises health care providers of all types and sizes, as well as enterprises that serve and support health care providers, third-party payors, medical device and pharmaceutical manufacturers, mobile health and technology developers, and data analytics companies on a broad range of transactional, regulatory and litigation matters. Our work includes the following areas:

- Accountable care
- Advertising and consumer protection
- Fraud and abuse, and physician self-referral
- Antitrust
- Associations and trade groups
- Capital finance
- Cybersecurity, privacy, security and data breach
- Emerging growth
- Employment and benefits, including executive compensation
- Federal health care program reimbursement
- Food and Drug Administration processes
- Fund formation, investment and lending
- Government investigations and enforcement defense
- Government and legislative relations
- Health care regulation, licensing and credentialing
- Health system integration
- Information technology procurement and outsourcing
- Insolvency and restructuring
- Insurance coverage and risk management
- Intellectual property protection, defense and prosecution
- Internal investigations
- Joint ventures, mergers and acquisitions
- Managed care contracting
- Real estate and facility development
- Tax and tax exemption

Pillsbury's dedicated Health Law practice includes the support of a full-service, global law firm. Our clients know that while compliance with the regulated aspects of their health business is vitally important to the success and stability of their organizations, they are still operating businesses—which require a broad range of legal support. Our Health Care Industry team provides a one-stop shop where clients can obtain legal guidance as well as comprehensive, high-quality support in the other facets of their businesses. Whether our clients are looking for outsourcing support, employment, real estate, structured finance and lending, cybersecurity, tax guidance, intellectual property protection and public policy advocacy, or full-service merger and acquisition capabilities, Pillsbury has a world-class team of lawyers with particular experience in each of these practice areas located in offices throughout the United States and globally. Our lawyers work seamlessly together across offices and disciplines to achieve the best results for our clients.



OUR CLIENTS SAY IT BEST

“... advice is direct, to the point and well balanced ...  
judicious about bringing the right effort to each project.”

Source: *U.S. News Best Law Firms*

“They do an outstanding job in the health area, and have  
a great deal of knowledge and experience in all the facets  
of the health sector.”

Source: *U.S. News Best Law Firms*

“... involved in privacy and security work way  
before it was in vogue ... very well known  
and respected in the health  
information world.”

Source: *Law360*

*“... longstanding experience in the health care area, handling a range of corporate and regulatory matters for clients such as hospitals and health information exchanges ... particular expertise in the health information technology space.”*

Source: *Chambers USA*



## Our Capabilities

### Federal Health Care Program Fraud and Abuse Compliance

- Counsel numerous health systems, hospitals and health care providers with respect to their current and historical financial relationships with referring providers, as regards federal health care program fraud and abuse legal compliance
- Represent health care providers in self-disclosures and self-reporting of potential misconduct to DOJ, OIG and CMS
- Represent numerous providers with respect to overpayment considerations when confronted with regulatory noncompliance

### False Claims Act Investigations and Defense

- Represent health systems, hospitals, hospices and other providers and suppliers in fraud and abuse investigations, including *qui tam* and federal and state government-initiated civil False Claims Act investigations and prosecutions
- Represent life sciences company and its founder/CEO in criminal and civil investigations into allegations of fraudulent lab testing results, and environmental and workplace safety issues
- Represent pharmaceutical manufacturer in off-label promotion investigation

### Federal Health Care Program Regulatory Compliance

- Advise health care providers and suppliers regarding development and implementation of compliance programs and provide employee training regarding federal and state regulatory compliance
- Advise with respect to Medicare provider-based, under arrangements, and numerous other reimbursement implications
- Advise with respect to federal and state home health regulatory compliance
- Assist in licensing, certification and accreditation compliance for national behavioral health care provider
- Provide analyses of FDA, FTC, HHS and other implications for mHealth developers
- Advise health systems and hospitals on the development and implementation of telehealth and mobile health programs

- Represent health systems in HRSA 340B drug discount program compliance reviews, HRSA audits and developing plans of correction

### Privacy and Security

- Represent hospitals, laboratories, physician practice groups and group health plans in data breach reporting and Office for Civil Rights investigations
- Advise covered entities and business associates on HIPAA privacy and security compliance, including development and implementation of policies, procedures and compliance programs

### Mergers and Acquisitions, Including Clinical Integration

- Serve as lead counsel in RFP process resulting in successful divestiture of community hospital
- Represent children's hospital in joint venturing neonatal and pediatric services with community hospitals
- Provide counsel in formation of a major academic pediatric medical center's acquisition of 120 pediatric practices

### Technology

- Represent health plan in sale and contract-back of claims administration and beneficiary management functions
- Assist in formation of California Joint Replacement Registry
- Represent association of Medicare providers in development of member-focused analytics
- Serve as lead counsel for Connecting For Health (a project of the Markle Foundation) in development of Model Contract Health Information Exchange and as lead counsel for development of California Office of Health Information Integrity's Model Modular Participants Agreement

### Antitrust and Competition, Including Compliance

- Represent a university research center in an unfair competition and patent infringement case involving the use of canine DNA for certain genetic disorders
- Represent Virginia-based hospital in challenge by physician alleging antitrust and other violations related to termination and revocation of hospital privileges



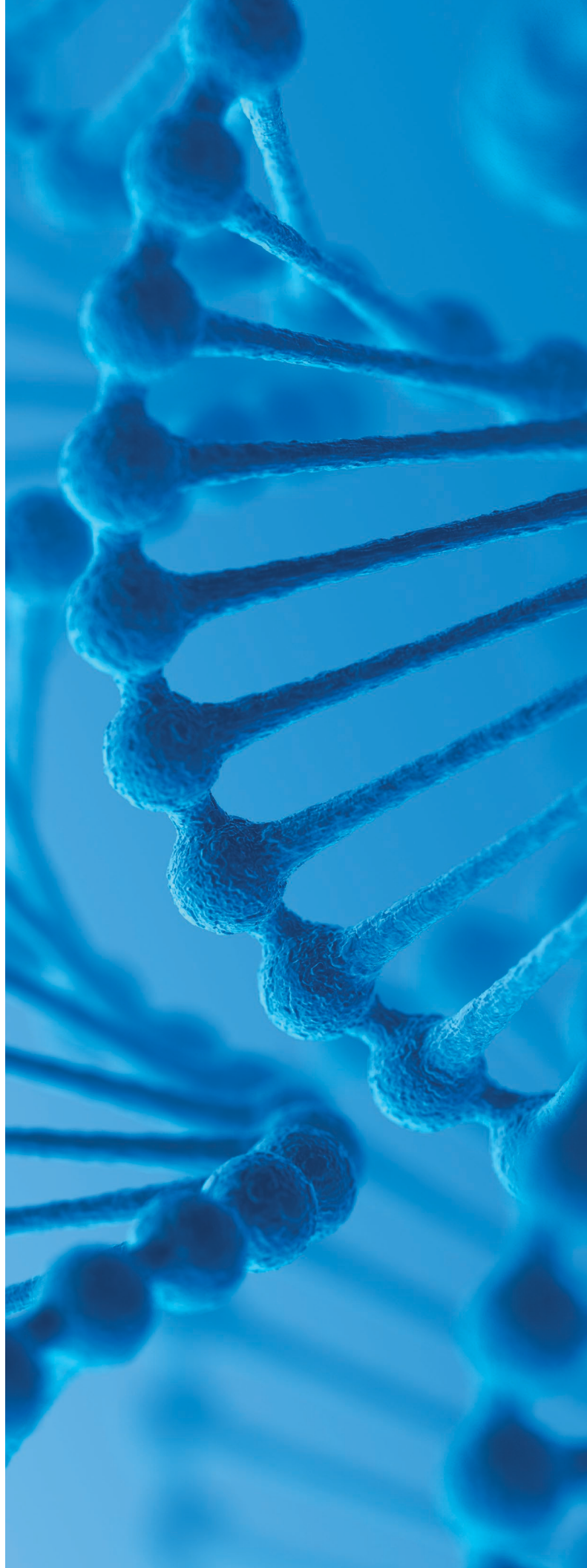
- Serve as lead counsel defending a large specialty benefit management company against a challenge by a specialty radiology provider involving allegations of price fixing, boycott, tying and monopolization under the Sherman Act
- Defend a leading radiotherapy company that distributes medical equipment used for cancer treatment in claims brought by an aftermarket service rival (retained two years after the antitrust counterclaims were filed).
- Represent a leading health care services provider in a lawsuit alleging the defendants disseminated false and misleading advertising and related unlawful conduct in an effort to promote their competing services
- Represent pharmacy benefits manager in consolidated class action proceedings brought by putative class of pharmacies alleging violations of California state statutes and California's Unfair Competition Law

#### **Insolvency and Restructuring**

- Represented debtor Horizons Unlimited, a chain of health care clinics in low income areas in Central Valley, California, in its chapter 11 bankruptcy filing.
- Represented Mark One Corporation, a chain of nursing homes, in its chapter 7 case. Serve as debtors' counsel in bankruptcy of national acute care hospitals and nursing facilities company
- Serve as debtors' counsel in bankruptcy of owner/operator of clinical laboratories company
- Provide restructuring advice to state facilities finance and construction authority
- Advise nonprofit hospital system regarding restructuring options after failed sale to for-profit system

#### **Payment and Managed Care Contracting**

- Assist with managed care contracting for providers with Anthem, Aetna, UnitedHealth Group, Blue Shield of California, Kaiser Foundation Health Plan, Humana, Cigna and many others
- Represent a leading mental health provider in litigation regarding Medicare as secondary payor
- Represent major academic pediatric medical center in disproportionate share settlement with State of California
- Represent providers in Provider Reimbursement Review Board proceedings
- Advise health care providers and suppliers regarding federal, state and commercial payor billing, coding and coverage matters





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# The Pillsbury Difference

## We Understand the Health Care Industry

You can't be innovative without insight. A thorough knowledge of our clients' businesses and the multifaceted health care industry is critical to our success. Team members have worked in hospitals, health care think tanks and government agencies. We have authored articles for legal journals, medical journals, industry publications and textbooks, and are frequently invited to speak on a broad range of legal topics impacting the health care industry. Pillsbury's Health Law practice includes leaders in the health law academic community, with several members teaching health law courses and one member currently serving in a leadership capacity in the prestigious position of Health Law and Policy Fellow in the Program on Law & Government at American University's Washington College of Law.

Our lawyers are deeply involved and have leadership roles in a broad cross-section of health law and industry organizations, including the American Health Lawyers Association, the Health Care Compliance Association, the Health Information Management Systems Society and the American Telemedicine Association. Team members have been recognized by their peers in *Best Lawyers in America*, *Chambers USA* and *Legal 500 US*. Our broad range of experience, perspectives and community involvement uniquely positions us to understand the obstacles faced by our clients and to provide the ingenuity and innovative leadership to structure business models in a manner that is both compliant and profitable.

## A Fully Integrated Team

Just as the health care industry is inextricably intertwined with all manner of other industries, our Health Care Industry team is bolstered by the firm's other top-ranked practices. Our dedicated health law practitioners are supported by a broad array of talented attorneys focusing on areas such as corporate law, global sourcing, real estate, insolvency and restructuring, intellectual property, litigation, financing, government affairs, antitrust, communications, employment, cybersecurity, tax and insurance recovery.

Together, we help clients identify and navigate the competitive opportunities and obstacles on the path to achieving success. For example, our health care technology lawyers and Social Media & Games practice are market leaders in the development of telehealth programs, managing the complex and evolving regulation of mobile health platforms and applications, and advising on the privacy and security implications of big data and health care analytics. A global, full-service law firm, Pillsbury also boasts a strong health care industry regulatory practice—a combination rarely matched by our competitors. This integrated approach allows us to deliver comprehensive, structured and efficient legal services to our clients.

## LEARN MORE

To learn more about our Health Law practice, please visit us at [pillsburylaw.com/health](https://pillsburylaw.com/health).

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## ABOUT PILLSBURY

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with offices around the world, and a particular focus on the technology, energy & natural resources, financial services, real estate & construction, and travel & hospitality sectors. Recognized by legal research firm BTI as one of the top 20 firms for client service, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their unsurpassed commercial awareness.

**ATTORNEY ADVERTISING.** Results depend on a number of factors unique to each matter. Prior results do not guarantee a similar outcome.

Pillsbury Winthrop Shaw Pittman LLP | 31 West 52nd Street | New York, NY 10019 | 212.858.1000

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