

ACUTE CARE AND HOSPITALS AND HEALTH SYSTEMS

Acute care providers operate in one of the most highly regulated economic sectors, and are subject to continual legislative and regulatory changes. Pepper helps hospitals and health systems, academic medical centers, specialty hospitals, doctors, physician groups and other acute care providers on commercial transactions and M&A, and navigate the challenges and opportunities presented by this shifting legal and regulatory landscape. We advise acute care providers on the regulatory risk and compliance issues they face, help facilitate strategic transactions to better serve patients, and defend clients facing government investigations or civil litigation. Our team also has significant experience advising nonprofit hospitals and health systems on the unique issues they face, including participation in joint ventures with for-profit entities and other business arrangements.

CONTACT



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Mr. Jones concentrates his practice in corporate, health care and life sciences matters. He has significant experience advising acute care clients in all types of commercial transactions and related regulatory matters. Select acute care representations include:

- *world-renowned heart hospital in connection with joint venture*
- *cancer hospital in disposition of cancer center*
- *regional health system in physician roll-ups*
- *\$100 million+ physician practice management acquisitions and dispositions in OB/GYN, urology and dentistry*
- *major health system in connection with regulatory, quality control, credentialing and structure and formation of foundation*
- *world-renowned consultant surgeons in license arrangement with national medical device companies*
- *national nephrology company in connection with physician joint ventures*
- *national children's hospital GPO in connection with an affiliation with a national buying group.*

NAVIGATING ISSUES WITH EXPERIENCE

Our work for acute care providers covers both traditional areas of hospital/health care law and regulation, and emerging issues such as the continuing revolution of digital health and other technology changes. Areas we handle include:

- mergers and acquisitions (physicians, hospitals and other health-care related organizations and companies), including antitrust compliance, tax and related issues
- regulatory risk and compliance monitoring, including Stark, Anti-Kickback Statute, and Medicare/Medicaid fraud and abuse
- organizational structuring, including Accountable Care Organizations and other clinical integration models

Pepper Hamilton LLP
Attorneys at Law

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BUSINESS TRANSACTIONS

We assist our acute care clients with mergers and acquisitions, joint ventures and partnering arrangements, restructurings and reorganizations, dispositions and carve-outs, and venture capital and other transactions. We also advise clients on a wide range of agreements with vendors, suppliers, purchasing groups, payors (including Medicare and Medicaid), PBMs, PDPs, wholesalers and residents. We are experienced in advising acute clients on the regulatory compliance issues attendant to transactions, including fraud and abuse issues, safe harbor regulations, and regulatory issues impacting relationships with other participants in the continuum care chain.

Frequently, transactions involve such disparate legal areas as health care, tax, antitrust, environmental, real estate, labor and employee benefits. Our transactional lawyers regularly team with lawyers in these and other practice areas to resolve client problems. We have significant experience counseling nonprofit hospitals and other providers on a wide range of issues, including compliance with requirements of the Internal Revenue Service and the Community Health Care Assets Protection Act, as well as other state attorney general requirements and orphan's court procedures. For example, our transactional lawyers work closely with the firm's tax group to employ structures designed to maximize the tax benefits available to our clients and evaluate the impact of UBTI and taxation of for-profit ventures in the post-acute care and senior care context.

REGULATORY COMPLIANCE

We represent acute care clients in dealing with regulatory issues affecting commercial health care transactions, as well as those impacting their operations. These issues generally fall under federal fraud and abuse laws, (including the federal Anti-Kickback Statute and safe harbors), Stark, civil monetary penalties law, the False Claims Act, health care fraud statutes, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Medicare Parts A, B and D and state regulatory requirements concerning operations, facility management, local code requirements and patient issues.

GOVERNMENT INVESTIGATIONS AND LITIGATION

Health care providers increasingly are targeted by the DOJ, HHS OIG, individual U.S. Attorney's Offices, and state attorneys general, all seeking to enforce a wide range of fraud and abuse laws, such as the False Claims Act, the Anti-Kickback Act, Medicare and Medicaid regulations, health care fraud and other criminal statutes. We represent acute care hospitals, academic medical centers, specialty hospitals, doctors and other provider clients facing investigation or prosecution by federal and state authorities seeking to enforce these laws. Pepper also handles a wide range of civil litigation matters for health care clients, including antitrust, class action, medical malpractice, securities/shareholder, and ERISA/employment matters.

- physician/hospital relations
- medical reimbursement
- clinical research
- health care IT (privacy, security, meaningful use, breach, mobile, telehealth)
- labor and employment services
- tax and nonprofit issues.