

HEALTH CARE INDUSTRY OVERVIEW

BOCA RATON / DESTIN / FT. LAUDERDALE / MIAMI / ORLANDO / TALLAHASSEE / TAMPA / WEST PALM BEACH

INDUSTRY KNOWLEDGE AND EXPERIENCE

Broad and Cassel's Health Care attorneys are intimately aware of the complex issues facing health providers, suppliers and consumers. This industry experience enables our attorneys to provide exceptional legal counsel. For more than 30 years, our attorneys have served as advisors and counselors to clients in this challenging industry and have successfully handled matters in virtually every area of health care.

The health care industry group is interdisciplinary, bringing together all of the regulatory, transactional, finance, real estate, restructuring and tax knowledge necessary to deliver effective, efficient and focused services to our public health care companies, hospitals and health systems, physicians and physician groups, hospices and home health agencies, nursing homes, and medical equipment company clients.

Broad and Cassel's knowledge has enabled the health care team to advise clients on a variety of issues including, but not limited to government relations, legislative and regulatory advocacy, including monitoring existing and proposed legislation and representation before State and Federal agencies; fraud, abuse, compliance counseling and representation, and stark; mergers, acquisitions, affiliations, divestitures, dispositions and restructurings/integrated delivery systems; provider operations; managed care organizations; health law litigation and dispute resolution; establishing physician groups; public and private third party reimbursements; HIPAA compliance; and licensure and Certificate of Need.

AREAS OF EXPERTISE

The health care industry requires legal advice on a variety of issues. As a full-service law firm, Broad and Cassel has the resources to establish a team of attorneys, which reflects the individual needs of the client, giving them access to attorneys uniquely qualified in areas of business beyond health law. Broad and Cassel is nationally recognized for excellence in addressing the non-health law issues facing such providers, including:

- Commercial Litigation
- Construction Law and Litigation
- Corporate and Securities
- Environmental Law
- Government Relations
- Intellectual Property
- Labor and Employment Law
- Public Finance and Capital Projects
- Real Estate
- White Collar Criminal and Civil Fraud

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FIRST-HAND INDUSTRY INVOLVEMENT

COMPLIANCE

Our Firm is uniquely qualified to serve the legal needs of all types and sizes of health care clients due to the seamless integration of our Health Law and White Collar and Criminal and Civil Fraud Defense Practice Groups.

Broad and Cassel's attorneys also offer clients the tools they need to proactively avoid criminal and civil exposure and protect their businesses, property, and liberty. Our attorneys have extensive experience representing those accused of:

- Medicare, Medicaid and health insurance fraud
- Pharmaceutical fraud
- Securities fraud
- General insurance fraud
- Bank fraud
- Bribery/kickbacks
- Government procurement and contract fraud
- Criminal and civil forfeitures
- Mail and wire fraud
- Embezzlement/theft
- Tax fraud
- Criminal and civil RICO
- Bankruptcy fraud
- Money laundering
- Perjury
- Obstruction of justice

In the area of Corporate Compliance, our team has proven expertise in the development, implementation and maintenance of corporate compliance plans and corporate integrity agreements for health care providers and suppliers. Many of our clients ask us to conduct both comprehensive and risk-specific compliance audits. Such audits typically involve data collection and analysis of clients' existing policies, standards and practices, as well as the organization's effectiveness in monitoring, auditing and enforcing the standards. Our audits compare the clients' compliance programs against the requirements of the Federal Sentencing Guidelines for organizations.

In addition, we have extensive experience counseling health care companies on corporate governance and compliance matters and making recommendations based on the results of compliance audits. We provide hands-on assistance for our clients to develop and implement corporate compliance programs tailored to the size and complexity of the organization, as well as to address the risks specific to the particular provider type. Our knowledge and experience dealing with corporate governance and compliance is particularly useful to our clients in formulating an action plan in response to audit findings and recommendations.

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In the area of Fraud and Abuse, our White Collar Criminal and Civil Fraud Defense attorneys have a sophisticated understanding of how government investigators work at every level as well as our clients' operations and workforce. We believe in litigation prevention, with our health care team's experience and proven success in the informal resolution of investigations, without formal criminal or civil fraud enforcement action. We also have unsurpassed experience in dealing with fraud matters in its many forms (criminal, civil and administrative) and with all its collateral consequences, such as Federal and State sanctions and disciplinary matters and government debarment and exclusions and contractual relationships.

Our Firm has been deeply involved on a continuing basis in advising and representing clients in Medicare and Medicaid fraud and abuse criminal, civil and administrative matters. We have been involved in leading national cases in this area of the law for many years. We have dealt with a large number of issues, including, among others, DRG up-coding, hospital global billing for medically unnecessary physician services, cost report, and related party fraud, billing for experimental medical devices, billing by teaching hospitals for physician Part B services rendered by Part A interns and residents, physician subsidy programs, hospital-physician joint marketing arrangements, and a variety of hospital-physician related arrangements. We have also handled a variety of criminal and civil enforcement actions for international and national dialysis providers. We have extensive experience in dealing with the Department of Justice, the Federal Bureau of Investigation, Office of Inspector General, and other Federal agencies investigating fraud and abuse issues and state Medicaid fraud investigation agencies. The members of the Firm practicing in this area of the law not only provide a full range of compliance advice, but also are very experienced in managing and resolving federal and state criminal and civil investigations of health care fraud.

In the area of regulatory issues, Broad and Cassel assists providers, suppliers and practitioners in modifying operations and systems to comply with the Health Insurance Portability and Accountability Act (HIPAA) rules and regulations concerning health information privacy protections, standard electronic data requirements and electronic security standards. One of our health care attorneys has significant experience in structuring all varieties of joint venture transactions, keeping in mind the various regulatory issues.

CONTRACTING

The Firm's attorneys have extensive experience in a wide range of operational matters for a wide range of health care providers and suppliers and in drafting and negotiating health care vendor and professional service contracts and leases for various types of products, equipment and services. The vendor contracts cover the gamut from the purchase of products, the purchase and maintenance of equipment (medical and office), to contracting pre-employment screening and durable medical equipment services. The professional service contracts are also varied and include, among others, perfusion services, code-validation review services, employee assistance program services, and physician services. We also handle leases of real and personal property, including equipment that may or may not have a maintenance service component. Our attorney's also has extensive experience in negotiating and drafting agreements with managed care organizations and other third party payors on behalf of providers.

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GOVERNMENT RELATIONS

Broad and Cassel attorneys have represented health care clients before the Florida Legislature for many years. Our legislative team has experience in representing clients in both monitoring and changing Florida law through the legislative process. Broad and Cassel's registered lobbyists are available to assist clients in making sure that their interests are protected and voices heard in this important forum. An example of our attorney's representation of clients in the Florida Legislature is for the Health Care District of Palm Beach County in the 2005 Florida Legislative Session where they provided information regarding Medicaid health care reform.

REIMBURSEMENT ISSUES

Broad and Cassel's health care attorneys provide a wide range of services in connection with reimbursement from private payors, as well as from governmental payors, their related carriers and fiscal intermediaries. They have also handled numerous reimbursement and payment disputes with private commercial third party payors of health care goods and services in arbitration and administrative and judicial proceedings. Our attorneys have applied their considerable litigation skills and experience with Medicare and Medicaid reimbursement matters in these disputes with private commercial health insurance payors.

CONSTRUCTION PROJECTS

Our attorneys advise hospitals on all its construction projects and serve as liaisons to their in-house counsel. We also advise the client on purchasing, architectural and construction matters, and provide guidance on handling project disputes. Broad and Cassel has maintained this relationship with this particular hospital for three years.

Broad and Cassel attorneys have also provided another hospital system with advice and counsel on many of their construction contracts. With Broad and Cassel's advice, the hospitals have successfully negotiated owner/contractor agreements as well as owner/architect agreements.

LICENSURE AND CERTIFICATE OF NEED (CON)

Broad and Cassel attorneys are experienced in assisting clients with both health care licensure and CON matters. Our attorneys can help individual and corporate clients with the often complicated problems faced in the interaction with the Agency for Health Care Administration, the Center for Medicare and Medicaid Services, and other state and federal agencies. Our attorneys have extensive experience in working with health care planners to provide strategic advice in this highly competitive field. For example, one of our partners helped gain more than 40 CON resulting in \$80 million in new healthcare facilities and nearly 3,000 new patient beds for various clients.



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MERGERS & ACQUISITIONS

Recently, Broad and Cassel attorneys from separate practice areas and offices collaborated to counsel a client who purchased a South Florida hospital out of bankruptcy for \$34 million. With the court allowing only 65 days for our client to obtain all Florida and Federal licenses and to close, our attorneys worked swiftly and efficiently with their expert knowledge of AHCA to procure all the necessary licenses on time. The new hospital owners have now retained Broad and Cassel for continued representation, due to the successful outcome of this matter.

WHO WE REPRESENT

Our Health Law Practice Group represents a wide range of institutions and organizations as general counsel. We also provide a select group of clients with services on highly specialized matters. To view a representative sample of our clients, [click here](#).