HEALTH CARE

Challenge accompanies opportunity in today’s regulated health care industry. Clients turn to us for value-conscious solutions that keep their focus on health care while we target the legal obstacles that stand between them and their business objectives.

We represent clients across the broad landscape of health care, all of whom seek business-minded counsel to understand both the opportunities and challenges of the industry. Our attorneys find ways to position you for financial and operational success, regardless of your health care area of service:

- Ambulance services,
- Billing companies,
- Care management companies,
- Collection companies,
- Dentists,
- Diagnostic centers,
- Equipment suppliers and manufacturers,
- Hospitals,
- Insurers,
- Laboratories,
- Medical practices of all sizes and specialties,
- Nursing homes,
- Pharmaceutical companies,
- Pharmacies,
- Security companies,
- Sleep centers and other clinics,
- Software companies,
- Surgery centers,
- Urgent care facilities, and
- Wellness providers.

If your business involves any aspect of health care, we have experience dealing with the regulatory, transactional, compliance, litigation, technology, employment and other legal elements of your business issues to guide you toward your business goal quickly and with an eye on value.

Our lawyers have served in government and in the C-suites of national and international health care companies. This hands-on experience is the highest value our firm brings to you. Our team includes: the former outside general counsel for one of Atlanta’s largest hospitals, the former general counsel for a health care services company and a publicly traded health care software company, the former in-house counsel for a publicly traded medical billing and software technology company, and an attorney who has worked with a state hospital association and other industry groups, just to name a few. Our team is also recognized nationally by providers, device manufacturers and medical equipment suppliers in chronic disease health fields such as pulmonary disease and sleep apnea. Our attorneys have decades of experience in health care.
transactions while here at Taylor English, at nationally recognized health care companies or at some of America’s biggest law firms.

BILLING AUDIT AND RECOUPMENT DEFENSE

Our attorneys have successfully appealed and represented physician practices and other suppliers in billing audits and recoupment demands. We have established a network of resources to review documentation, billing and extrapolation methods and to represent the client with the goal of a quick and positive resolution.

COMPLIANCE AND REGULATORY

Health care is defined by ever-more complicated rules and regulations, for both governmental and private payors. We provide expertise on how to comply with the regulatory environment while preparing for the inevitable payor and regulatory changes. Our attorneys have a long-term working knowledge of the Stark and state-law self-referral restrictions, federal and state anti-kickback laws, Medicare and Medicaid reimbursement rules, licensure, HIPAA and the sea of other rules and regulations that impact health care companies. We also provide advice to employers on compliance with the Affordable Care Act.

CORPORATE, M&A AND TAX

We are the go-to resource for our clients in all stages of their businesses as they grow and succeed, from the initial business formation, to capital raising, to working through operational and contracting matters, and mergers and acquisitions. Our corporate health care, lending, real estate, and tax teams understand health care and have experience helping health care companies with their business needs. We partner with you on strategic planning so that you can maximize return on investment.

EMPLOYEE BENEFITS AND EXECUTIVE COMPENSATION

Our Employee Benefits and Executive Compensation team has experience providing strategic counsel to hospitals and large health systems on employment, change in control and separation arrangements for senior executives as well as on all types of cash and equity-based compensation arrangements and provides clients with well-seasoned guidance on the advantages and disadvantages to a broad spectrum of benefit plan designs for employees.

EMPLOYMENT

Staffing is a major cost center for most of our health care clients. Our health care and employment attorneys work closely to advise on hiring and termination issues, as well as other traditional employment issues such as Equal Employment Opportunity Commission (EEOC) complaints and discrimination claims, harassment, wage and hour laws, workers compensation and employment agreements and how such issues may be different for employers in the health care industry.

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INTERNAL INVESTIGATIONS

Clients call on our attorneys when they seek assistance in defining the scope of a sensitive internal matter, negotiating with the enforcement arm of a government regulatory agency or ensuring preservation of the attorney-client privilege while facts are gathered. We have successfully represented clients in government enforcement investigations, employment claims involving discrimination and fiduciary malfeasance.

LITIGATION

Our goal is to give you advice and counsel that will help to keep you out of health care litigation. If disputes escalate to the courtroom, however, we have the experience and resources to achieve positive outcomes. We have successfully defended hospitals, doctors and clinics against claims of medical malpractice, licensure suspensions, health care employment matters, in addition to other disputes that arise in the course of doing business.

PRIVACY AND SECURITY

Privacy and security are top of mind for almost everyone in health care. We work closely with our clients to develop a deep understanding of their businesses so that we can prevent problems and deal with issues if they occur. Recent experience includes client issues regarding disposition of patient records in the course of dissolving or merging businesses, electronic records management services and agreements, and analysis of the applicable privacy laws and duties of notification following loss of patient or other legally protected information.

TECHNOLOGY AND LICENSING

Every aspect of health care is impacted by technology. We partner with developers, distributors and users every step of the way. We have in-depth knowledge of the underlying operational and intellectual property issues involved in technology development and transactions, particularly with how they affect health care providers and companies. We routinely advise our health care clients on licensing and use of technology products, procurement and outsourcing of IT services.

PRACTICE HIGHLIGHTS

Collins v. The Medical Center of Central Georgia. Summary judgment obtained for hospital in a “trip and fall” premises liability case based on contributory negligence.

Privacy Policies. Creation and review of privacy policies and procedures for media, healthcare, retail, service, and other clients in conjunction with findings from security audits and pursuant to emerging regulations such as the CCPA.

Patient Health Information. Advise and counsel on protection of PHI and other personal patient information in connection with sale of practice, disposition of records, distribution of consumer and commercial healthcare apps and devices, and in daily operations under the CCPA. Oversee response to healthcare technology data breaches.
Business associate agreements. Advise covered entities on business associate agreements to manage risk.

Data disposal following sale of healthcare practices. Advice on data disposal following sale/wind-down of healthcare practices.

Successful defense of patent case involving claimed method to detect autism. Led defense of patent infringement case involving claimed method to detect autism by analyzing bodily fluids. After we filed two motions for summary judgment, the parties reached a confidential settlement. Great Plains Laboratory, Inc. v. Metametrix Clinical Laboratory.

Defense of patent infringement claims involving medical device technology. Handled two cases for separate defendants, Ascendx Spine and Sintea Plustek, LLC, in the District of Delaware. Both cases were brought by Orthophoenix, LLC, a non-practicing entity, and involved claims of infringement of certain patents involving medical device technology. The parties in both cases reached confidential settlements. Orthophoenix, LLC v. Ascendx Spine; Orthophoenix, LLC v. Sintea Plustek.

Pre-trial resolution of discrimination litigation. Achieved favorable confidential settlement at mediation on behalf of healthcare provider resolving litigation concerning race and national origin discrimination and retaliation claims in the Northern District of Georgia.

Williams v. Kids Avenue Pediatrics. Premises liability case against pediatrics practice involving allegations of magazine racks falling and causing neurological damage on 17-year-old boy. Following a week-long trial, jury delivered a defense verdict in 19 minutes.

Cumming Orthopedics, v. Whirlpool Corporation. Fire loss, allegedly caused by washing machine which caught on fire after hours, resulting in substantial damage to a large orthopedics practice. Matter settled for confidential amount, covering entire loss.