

Health Care Providers

We skillfully counsel health care providers confronting intense regulatory scrutiny and contemplating new business opportunities driven by health care transformation and consolidation. Our health care attorneys advise hospitals, clinics, physicians, physician groups, long-term care providers, health care systems and other providers in complex transactions, health care-specific contracts, regulatory compliance, patient care legal issues, credentialing and other medical staff issues, tax exemption and governance.

HEALTH CARE TRANSACTIONS

In the transactional arena, we provide strategic support for critical health care business needs, combining business acumen with regulatory awareness. We structure innovative joint ventures, execute affiliations, mergers, acquisitions and dispositions, navigate distressed financings and workouts, and advise on the formation, purchase, sale and licensing of health care businesses. Acutely aware of the unique business issues facing health care providers, we have extensive experience with physician recruitment and employment contracts, ancillary service arrangements, and physician and medical practice business matters for hospitals, ambulatory surgery centers, nursing homes, home health care and hospice providers, urgent care clinics, physicians, dentists, pharmacists and other health care entities.

HEALTH CARE PROFESSIONALS

We provide a full array of legal services to health care professionals, from handling practice buy-ins and buy-outs, to reviewing and negotiating employment agreements for physicians and health care executives, to serving as outside general counsel to specialty provider practices in more than twenty specialty areas. Our comprehensive experience with licensing, medical staff and professional liability issues springs from our in-depth familiarity with the exacting standards that govern health care professionals. We advise hospitals on medical staff bylaws, credentialing, peer review corrective action, and fair hearing matters, as well as frequently representing health care professionals before licensing boards.

REGULATORY

Our health care provider clients rely on our regulatory advice and representation on Medicare and Medicaid laws and regulations, the False Claims Act, the Anti-Kickback Statute and its safe harbors, the Stark Law, the HIPAA Privacy Rule, and a variety of other state and federal laws. Attuned to critical issues of

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governance and tax exemption, we counsel non-profit health care entities on governance issues and advise on tax exemption issues including 501(r) compliance.

LITIGATION

When disputes arise, we draw on the strengths of our health care litigation attorneys, known for delivering winning strategies for health care providers nationwide. We manage antitrust investigations of acquisitions, achieve favorable resolutions to IRS tax-exempt audits, represent hospitals on medical staff and hospital governance matters, and defend claims of alleged fraud, waste and abuse, including *qui tam*, suspension and exclusion proceedings. Whatever the case, we help clients manage potential liability and avoid negative and potentially damaging media exposure.

CAPABILITIES

HEALTH CARE TRANSACTIONS AND CORPORATE

Strategic transactions (party counsel or deal counsel):

- Mergers
- Acquisitions (including medical practice acquisitions)
- Divestitures
- Joint ventures

Professional Service Agreements (PSAs)

Development of physician compensation plans

Development of ambulatory surgery centers

Ancillary service arrangements (such as imaging)

Physician recruitment, employment agreements and other provider contracts

Entity formation, structuring and re-structuring, equity buy-ins and buy-outs

Corporate bylaws, organizational documents and amendments

Corporate governance

Health-care specific contracting (e.g., Health IT)

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MEDICAL STAFF, LICENSING AND GENERAL HEALTH MATTERS

Medical staff bylaws

Peer review/credentialing disputes

Medical staff investigations

Provider licensing board issues

Health facility licensure

Hearing officer services

Behavioral health and substance abuse issues

Treatment of minors

Informed consent

REGULATORY COMPLIANCE

Compliance plan development and implementation

Audits and/or investigations

Defense of False Claims Act whistleblower claims

Remediation of regulatory violations

Reimbursement and billing

Defense of immediate jeopardy findings under the Medicare Conditions of Participation (including critical access hospital)

Joint Commission accreditation

HIPAA and state records release issues

Hospital nonprofit tax exemption issues, including 501(r) compliance

Corporate practice of medicine

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Public hospital issues

EXPERIENCE

Designed a creative joint venture that permitted unrelated hospitals to collaborate on a clinical center of excellence.

Represented critical access hospitals in affiliations with larger health systems.

Assisted hospitals in integration transactions with physician groups, involving both professional services agreements (PSAs) and clinic acquisitions.

Represented developer and operator of critical access hospitals operating facilities in five states including corporate structure, financing, CON, acquisition of existing facilities, construction of new hospitals, licensing and recruitment of physicians.

Served as outside general counsel on a transitional basis for hospital groups and clinics.

Organized joint ventures between not for profit hospitals and physician practice groups to provide medical oncology and radiation oncology services.

Provided governance education and support to newly-formed non-profit health care entities.

Worked with multiple parties in a community to redesign the delivery of health care services and align their interests.

Represented a post-acute care provider in an innovative joint venture to bring post-acute skilled nursing services to a hospital campus.

Multiple engagements with hospital medical staffs in medical staff governance, bylaw peer review, credentialing, corrective action, and fair hearing matters.

Represented several providers in medical staff matters.

Represented a critical access hospital in response to EMTALA, length of stay, pharmacy, physical plant and other violations.

Prepared and filed a Stark Self-Referral Disclosure Protocol submission following internal investigation of Stark law violation.

Represented Minnesota hospital district in conversion to nonprofit hospital organization.

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Represented physicians in the formation of professional firms and negotiation of professional services agreements.

Advised hospitals and health plans on obtaining and maintaining tax exempt status and structuring supporting organizations to achieve business goals.

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TEAM

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RELATED CAPABILITIES

Health Care & Life Sciences

Health Care Litigation

NEWS

Kirk Doan Recognized as Leading Health Care Attorney by Missouri Lawyers Media

03.13.2024

Kracl Featured in *Minnesota Lawyer's* Breaking the Ice Series

12.28.2023

Doan, Hatfield Recognized by Missouri Lawyers Media as Top 100 Attorneys in the State

12.15.2023

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Health Care Attorney Kracl Returns to Stinson in Minneapolis

11.29.2022

Dowling Provides Comments About Health Plan Coverage Post-*Dobbs* to *Kansas City Business Journal*

07.29.2022

Stinson Partners Laura Nelson and Iain Johnson Recognized as Up & Coming Attorneys by *Minnesota Lawyer*

07.16.2021

Stinson Partners Jason Engelhart and Sharon Markowitz Recognized as Up & Coming Attorneys by *Minnesota Lawyer*

07.10.2020

PUBLICATIONS

Paycheck Protection Program - What Has Changed?

02.03.2021

DOL FFCRA Rule Revising “Health Care Provider” Definition

09.21.2020

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