

Legal Wellness for the Healthcare Industry

Healthcare comprises one-sixth of the economy in the United States. With the aging population and the projected increase in healthcare utilization, coupled with the transition towards quality-based payment mechanisms, technological advances and the ever-increasing regulatory environment, the need for skilled legal counsel and government relations services across many disciplines is greater than ever. Buchanan Ingersoll & Rooney is one of the first firms to establish a dedicated healthcare practice, and we have been a leader in comprehensive healthcare legal services for more than 30 years.

How We Help Our Healthcare Clients

Managed Care Contracting and Reimbursement Disputes

We assist providers of all types, from multi-hospital systems and large physician groups to individual treatment facilities, to negotiate a wide variety of services agreements with payors and vendors, including value-based care arrangements. We also represent those same providers in seeking to recover unpaid claims and in responding to refund demands and attempted recoupments by commercial and government health plans, including in arbitration proceedings and federal and state court actions.

Healthcare Transactions

Our multidisciplinary team counsels and represents clients on the most complex healthcare transactions, including entity formation, mergers and acquisitions, joint ventures, innovative delivery systems, corporate finance, tax-exempt status and tax liability issues, bankruptcy and payor alliances. In just the past few years, Buchanan has represented healthcare providers in more than 60 major transactions valued in excess of \$14 billion.

Data Security and Cybersecurity

Buchanan's cybersecurity team helps healthcare organizations craft strategies and policies to minimize risk and keep data safe. Our nationally recognized team of attorneys, government relations professionals, and cybersecurity engineers integrates unmatched legal counsel with technical expertise. A NetDiligence Authorized Breach Coach[®] law firm, we offer a comprehensive approach to incident response readiness and compliance, digital risk advisory, and cybersecurity guidance.

Innovative Healthcare Delivery & Payment

Our healthcare attorneys, several of whom formerly represented state Medicaid programs, fully understand the complexities of obtaining coverage, the necessity for proper documentation and coding and the requirements for obtaining appropriate reimbursement. We are also well versed in population health strategies and the formation of Clinically Integrated Networks and Accountable Care Organizations (ACOs). In fact, Buchanan assisted a major health system in establishing one of the first ACOs ever approved for participation in the Medicare Shared Savings Program.

Regulatory & Compliance

Our attorneys are experienced and highly skilled in handling the complex legal and regulatory issues unique to healthcare clients. We have assisted clients with negotiation of corporate integrity agreements; self-disclosure of noncompliance to the fiscal intermediary, OIG, or state agencies; and billing audits, documentation and coding audits and other reimbursement practices. In addition, Buchanan's healthcare attorneys have counseled clients regarding Stark, Anti-Kickback, False Claims Act, EMTALA and other federal and state laws; reviewed compliance with safe harbor regulations; represented hospitals in licensing matters before state boards; and advised clients on compliance with the technical, privacy and security requirements of HIPAA.

Healthcare Litigation

Buchanan's healthcare litigation team has represented clients in anti-trust and trade regulation issues; fraud and abuse claims and false claims actions; contract litigation arising from mergers, acquisitions, and physician employment agreements; licensure, certifications, tax assessment and tax exemption issues; litigation pertaining to facility expansion including land use, zoning, environmental issues and construction-related disputes; and corporate governance issues.

Healthcare Technology Transactions

Our healthcare clients rely heavily on hardware, software and information technology to operate, compete and advance. We provide clients with effective and efficient counsel because we understand the "business" of technology in the healthcare industry and can assist with financing, selection, acquisition, disposition and use of technology. Our attorneys have negotiated agreements between healthcare clients and EHR vendors, revenue cycle management companies and medical device manufacturers.

Immigration

Our team handles complex matters unique to healthcare, including J-1 waivers, O-1 petitions and other immigration matters specific to physicians and other healthcare workers, with an average approval rate for visas and green cards of more than 95%. We also provide guidance on physician recruitment and retention strategies, the recruitment of international nurses and other healthcare workers and legislative changes that may impact our clients' businesses.

Employee Relations

We provide assistance on every aspect of labor, employment and employee benefits matters throughout the lifecycle of the employment relationship. Using a variety of tools, we coach, counsel and train staff on best practices and help our clients mitigate risk.

Traditional Labor

Buchanan attorneys regularly train healthcare employers in remaining union-free and in managing their workforce effectively if a collective bargaining agreement is in place. We have represented multiple healthcare employers during union organizing drives; represented employers in labor contract negotiations, unfair labor practice proceedings, union organizing drives and arbitrations; and advised major health systems on union avoidance involving both professional and non-professional employees.

Employment Litigation

While we focus on minimizing the potential for disputes, Buchanan is well-prepared to defend in the event of employment litigation, including class- and collective-actions and agency proceedings. We have successfully defended our clients in ADA and Title XII discrimination cases, FMLA and FLSA statutory violation matters, wage and hour disputes, defamation and age discrimination claims and whistleblower actions.

Government Relations & Public Policy

Buchanan offers a Federal Government Relations team experienced in the healthcare industry and adept at navigating relationships with Congress and the Executive Branch, including the Department of Health and Human Services, Centers for Medicare and Medicaid Services, the Food and Drug Administration, Homeland Security and the Drug Enforcement Agency. Our team includes former senior policy advisors to House and Senate members; a former chief of staff to a current high-ranking U.S. Senator; a former 20-year veteran of federal healthcare lobbying, who also served as the head of federal lobbying for a state hospital association and the former executive deputy secretary for a state Medicaid agency. This experience gives us an in-depth understanding of the administrative and congressional policy process.

The result: we help our clients overcome challenges and seize opportunities presented by the federal government.

