

SERVING THE SPECIAL NEEDS OF CHILDREN'S HOSPITALS

Children's hospitals face a unique set of challenges – from HIPAA and privacy issues, to patient consent and guardianship matters, to clinical research and beyond. Buchanan's nationally recognized healthcare team has deep experience working with numerous children's hospitals and nonprofit organizations across the U.S.

Below are just a few ways in which we have partnered with children's hospitals:

Successfully Guiding a Children's Hospital through a Myriad of Complex Legal Issues

Since 2012, Buchanan has served as legal counsel to a well-known children's hospital with two hospitals and locations in four states. During that time, we have provided counsel on credentialing issues, medical staff matters, HIPAA and privacy issues, and provided advice regarding regulatory and contractual issues related to telehealth programs with local schools. We have also counseled on various transactional matters, including the sale of a retail pharmacy, lease of space, and regulatory issues regarding the 340B program; a joint venture to create a women and children's hospital; and the acquisition of pediatric physician practices. Other matters on which we have counseled this client have included review of a series of agreements on the use of a new drug to treat pediatric cancers; counseling on a product pricing agreement and consignment agreement with a major pharmaceutical company; a government investigation of a compounding pharmacy; counseling on regulatory considerations associated with the purchase of equipment for clinical research; and reviewing purchase agreements with medical device companies.

Buchanan attorneys have also assisted with various healthcare reimbursement issues and a review of billing practices. Buchanan's government relations team has also assisted this children's hospital in various state-related matters.

A 55-year Partnership with a Children's Organization Focused on Strategic Growth and Patient Outcomes

Since 1966, Buchanan has served as legal counsel to a nonprofit organization dedicated to children with special needs. As outside general counsel, the firm has advised on medical staff and physician contract matters, conflicts of interest, regulatory compliance (including licensure, reimbursement, HIPAA and FERPA matters, governance matters, as well as compliance plan and policies and procedures), regulatory and internal investigations, transactions and contracting.

More recently, Buchanan represented the organization in its acquisitions of a pediatric rehabilitation hospital and early intervention services organization, and a significant, comprehensive corporate restructuring.

The Firm's Government Relations team also assisted the organization in securing \$4.75 million in state grants for a capital budget program and expansion of services.

Below are just a few additional ways in which we have assisted children's hospitals across the U.S.:

Transactional

- Represented a children's hospital in its affiliation with an academic medical center.
- Negotiated expanded neonatology and pediatric services for a children's hospital.
- Assisted a for-profit health system in the sale of a children's hospital.
- Advised a children's hospital on the availability of the whole hospital exception in the sale of a hospital.

Regulatory

- Assisted a children's health system with various telehealth projects, including:
 - Evaluating the risks associated with a live video telemedicine program for diagnosis and treatment of low-acuity conditions
 - Reviewing applicable law and developing robust informed consent forms for expansion of telehealth products to international locations
 - Assessing risk within various telehealth scenarios involving complex patients in various states
- Represented a children's hospital in False Claims Act qui tam litigation.
- Assisted a nationally recognized pediatric treatment and research hospital with negotiation of research support services agreements with major university sponsors and advised on related potential healthcare fraud and abuse risks.
- Advised a children's hospital on regulatory issues related to an ambulatory surgical facility.
- Assisted a children's hospital medical day care center with a Medicaid provider status application.

Commercial Contracting, Employment and Data Security Matters

- Assisted a children's hospital in various matters, including:
 - Amendment of regulatory and other filings in connection with the hospital's restructuring
 - The formation of an LLC, property lease, and management agreement
 - Review of fee-splitting issues associated with the treatment of international patients
 - Review of helicopter air ambulance and services agreements
- Counseled multiple children's hospital on employment matters.
- Assisted children's hospitals in various malware investigations and possible data security incidents.



DALE S. WEBBER

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As Chair of Buchanan's Healthcare Section, Dale focuses his practice on helping clients achieve their strategic goals. He has served as lead transaction counsel in numerous mergers, acquisitions, and other significant transactions, including those that resulted in the formation of some of the nation's largest nonprofit health systems. One such transaction involved the formation of a major provider-insurer health system and was described by the Wall Street Journal as an industry "game changer."

He routinely negotiates, structures and completes acquisitions, divestitures, mergers, joint operating agreements and financings involving significant health systems. Dale is skilled in handling the legal implications of these transactions, including business structures and liability protection, regulatory approvals, antitrust clearance, and bond and other debt financings.



MICHELLE GARVEY BRENNFLECK

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Michelle helps healthcare providers, suppliers and innovators achieve their operational and business goals in a challenging regulatory environment. Michelle frequently advises clients regarding major strategic transactions and, with recent developments in virtual healthcare, counsels clients in implementation of telehealth and other digital health initiatives.

Michelle enjoys helping clients add value to their organizations through integration and alignment strategies, including the formation of clinically integrated networks (CINs) and accountable care organizations (ACOs), and a proactive approach toward regulatory compliance. When compliance efforts fall short, Michelle works with clients to navigate the Anti-Kickback Statute, Stark Law, False Claims Act, HIPAA and state privacy laws to mitigate associated risk.

Michelle has a special interest in children's hospitals, having represented numerous throughout her career, and having served as data privacy and security counsel to a large children's hospital in the Midwest.