

Litigation - Healthcare

Managing Your Needs in a Complex Industry

Buchanan's healthcare litigation group has vast experience representing healthcare providers in professional liability matters, commercial disputes, and regulatory investigations. We are on the forefront of cutting edge litigation defense issues, including aggressively pursuing dispositive motions, objecting and responding to electronic discovery requests and establishing corporate defenses. In addition to our litigation experience, our novel approach to managing risk mitigates against future litigation exposure. Our attorneys are experienced litigators who provide immediate counseling and incident response plans and also litigate through verdict and appeal.

How We Can Help

Our healthcare litigators represent healthcare organizations and licensed practitioners in Pennsylvania, New Jersey, California, Delaware, and Florida in complex and high-exposure matters in state and federal courts. We are aggressive, effective, efficient, and civil. While we are poised to go to trial, we appreciate the value of exploring case resolution on advantageous terms prior to trial.

Buchanan attorneys have litigated medical malpractice and professional liability matters, corporate negligence and corporate veil piercing, and class actions. We have the experience necessary to guide and defend healthcare providers in all types of litigation. Our team has a special focus on defending hospitals and health systems in high exposure matters.

Professional Liability Litigation

The Buchanan team has defended healthcare providers in numerous high-exposure malpractice and professional liability cases in multiple states. Our trial attorneys have decades of experience taking tough cases to verdict. Equally important, we have helped resolve, through mediation and negotiation, hundreds more. Buchanan attorneys are skilled at defending against traditional professional liability claims, as well as sophisticated claims of corporate negligence, acuity-based allegations of understaffing, and piercing the corporate veil. Buchanan's litigators utilize experienced medical and damages experts, courtroom technology and medical record organization systems to present our cases. Our clients have included:

- Hospitals and health systems
- Parent companies, affiliates, and subsidiaries
- Management companies and administrative support service providers
- Behavioral health and addiction treatment facilities
- Physicians and non-physician practitioners
- Urgent care centers
- Post-acute care facilities
- Personal care homes, assisted living facilities, skilled nursing, and continuing care retirement communities
- Licensed providers, including nurses, therapists and pharmacists
- Dialysis centers
- Reference labs

Rated Tier 1 National *U.S. News and World Report Best Law Firms*[®]



Buchanan litigators not only defend cases in court, but we also have experience in a broad array of healthcare matters including: class action matters, regulatory & compliance investigations, and healthcare fraud and abuse matters.

High-Stakes Class Actions

Our class action defense attorneys understand the nuance and strategy associated with managing multidistrict litigation and governmental, and regulatory proceedings related to healthcare providers. More importantly, we understand the impact of these cases on an organization. We are highly experienced in both the procedural rules and substantive law that apply in class action cases, and we take an aggressive approach to defending every case, consistent with the client's ultimate goals.

E-Discovery

Our e-discovery team navigates issues before litigation is threatened and in post-filing matters. We not only understand the technology involved, but the applicable law and its development. We stay abreast on burgeoning e-discovery issues and are thought leaders on e-discovery issues throughout the country.

Regulatory & Compliance Issues

The healthcare industry is heavily regulated, requiring special attention, skill, and diligence to mitigate legal and financial risk. Our years of experience handling the complex legal and regulatory issues unique to healthcare mean that we help clients reduce the risk of noncompliance and respond quickly and effectively to compliance concerns. Our experience includes:

- Representing clients before administrative bodies and courts regarding licensure, certifications, tax assessment, and tax exception issues
- Responding to complaints and investigations under the Emergency Medical Treatment & Labor Act
- Assisting with grand jury, Office of Inspector General (OIG), and Medicare/Medicaid investigations
- Responding to government inquiries and documentation requests such as subpoenas
- Preparing advisory opinion requests for submission to the OIG
- Investigating complaints raised internally through care line calls and audits
- Training operators and service providers to address issues raised by quality assurance assessments

Healthcare Fraud and Abuse

Providers are under increased pressure to guard against allegations of Medicare and Medicaid fraud and abuse. Our attorneys stand ready to provide advice, counseling, and defense against these claims. Whether related to federal/state false claims, Stark and Anti-Kickback laws, or statutory or regulatory violations, we are prepared to aid in every type of investigation. We assist with:

- Developing and implementing corporate compliance plans
- Representing providers in Medicare/Medicaid audits regarding overpayments
- Responding to grand jury investigations, OIG investigations, and Medicaid fraud unit investigations
- Negotiating, settling, and litigating government claims and private claims, including defending False Claims Act cases (both qui tam and government-filed)
- Conducting comprehensive compliance investigations

ADVANCING OUR CLIENTS' GOALS

Serving as National Counsel for a Nonprofit Integrated Health Care Organization

Buchanan serves as national counsel for a nonprofit integrated healthcare organization serving patients in 30 states. Over the course of our long representation, we have handled a wide range of matters including litigation in Pennsylvania, New Jersey, California, and Delaware; healthcare compliance investigations; and all labor negotiations for their unionized facilities. The Buchanan team has also handled complex professional liability litigation; employment counseling and litigation; labor arbitrations; administrative agency proceedings; alternative disputes resolution; class actions; commercial litigation; compliance investigations; criminal litigation; disciplinary actions; healthcare general counseling; healthcare litigation; and regulatory counsel.

A 20-year Partnership Focused on Optimizing Business and Patient Outcomes for a 13-Hospital IDFS

A Buchanan team of over 100 attorneys and government relations professionals has handled more than 100 matters in a broad range of areas for a 13-hospital integrated delivery and finance system, including employment counseling and litigation, negotiating with labor unions, cross-border corporate transactions, antitrust litigation, regulatory compliance, government relations, physician integration strategies and representation of providers before the state's licensing board. Throughout this broad and deep relationship, the Buchanan team works closely with the in-house legal department, c-suite members, medical staff and others to help the client achieve its business goals.

“The attorneys that I have worked with are of the highest caliber; they provide the highest level of service and are very responsive.”

– Healthcare Client
Source: Chambers USA