

Health Care in the United States

Overview

Global expenditures on health care are approaching seven trillion US dollars a year, or roughly 10 percent of the world's gross domestic product. More than 70 percent of these expenditures occur in North America and Europe alone. Not surprisingly, opportunities are immense and growing in the health and life sciences industry, for businesses that include: pharmaceutical and device manufacturers, research and development organizations, information technology companies, providers, clinicians, insurers and entrepreneurs of every stripe.

These opportunities are local, national and global. A 100-bed community hospital in Kansas City wants to form a joint venture for an ambulatory surgery center with 11 cardiologists from St. Louis. A children's hospital in Abu Dhabi wants to partner with a teaching hospital in Paris. A device manufacturer headquartered in Bonn wishes to market its products in Hong Kong. A Russian pharmaceutical company seeks approval from the US Food and Drug Administration for a new anti-coagulant. An e-health company headquartered in Barcelona wants to license its health records software to an IT consultant in Kampala. The list may be long, but the number of law firms that can handle this range of matters is not.

The firm must have a presence, on the ground and around the world. The firm must have a deep bench of lawyers who have spent decades immersed in the health and life sciences sector, helping organizations navigate continuously evolving political, regulatory and economic landscapes. The firm must understand each jurisdiction's health care delivery system—from manufacturer to distributor to provider to patient to payor to policy maker—and the firm must be able to provide each of these players with the full range of strategic transactional, regulatory and dispute resolution counseling services.

With offices in 79 locations in 52 countries across four continents, and with more than 100 lawyers, consultants and policy professionals who have spent their entire professional careers exclusively counseling health care life sciences organizations, Dentons is proud to be that firm.

Areas of focus include:

- Academic Medical Centers
- Affordable Care Act Implementation
- Clinical Research Compliance
- Coding, Documentation and Reimbursement
- Competition and Antitrust
- Compliance and Integrity
- Congressional Investigations
- Corporate Governance
- Employment and Labor
- Fraud and Abuse Counseling, Investigations and Defense
- Graduate Medical Education
- Health Care Finance
- Health Care Regulation
- Health Care Transactions
- Health Plans
- Health Related Associations
- Information Technology and Telemedicine Companies
- Intellectual Property Transfer and Protection
- Long-Term Care
- Medicaid
- Medicare
- Physicians and Physician Organizations
- Privacy, Security and HIPAA Compliance
- Tax-Exemption Compliance

Representative Experience

- **Academic medical center:** Representing a major academic medical center in its combination with a university faculty practice plan, resulting in a \$1 billion integrated delivery system. Representation included structuring, due diligence, negotiation and implementation of highly complex transaction.
- **Academic medical centers:** Representing multiple private and public academic medical centers (including teaching hospitals, schools of medicine and faculty practice plans) across the United States in connection with a wide variety of regulatory, transactional and fraud

and abuse matters, including, but not limited to, Medicare and Medicaid coverage and reimbursement, clinical research operations and billing, clinical integration, joint ventures, recruitment, employment and other physician alignment strategies, mission support, corporate compliance and governance, and fraud and abuse counseling, investigations (e.g., investigations, audits and subpoenas), self disclosures and defense (e.g., False Claims Act/whistleblower actions).

- **Accountable care organizations:** (ACO) Counseling physician organizations, hospital, insurers and pharmacy companies in the development of ACOs, including fundamental design, corporate organization, contracting among entities, governance issues, financial modeling, application for government contracts and compliance with applicable public policy. Organizing and counseling and providing government relations services to the major trade association for ACOs.
- **Freestanding pediatric hospitals:** Representing several freestanding pediatric hospitals in clinical research, transactional and regulatory challenges, including expansion of one pediatric hospital's services into the UAE, in conjunction with attorneys from our Abu Dhabi and Dubai offices.
- **Health insurance exchanges and Affordable Care Act (ACA) implementation.:** Counseling Covered California, the California Health Insurance Exchange, with regard to various public policy and contractual issues. Represent physician groups, specialty insurers and others in advocating their interests with regard to ACA implementation before the agencies of the Executive Branch and Congress.
- **Health plans:** Counseling a wide variety of health plans, including publicly-traded, privately held and non-profit entities, with regard to compliance with Medicare, Medicaid and other government programs, issues regarding coordination of benefits, and compliance with state licensure laws. Representing plans in litigation and adversarial proceedings with government regulators. And, representing health plans in transactions with health care providers and government and commercial payors.
- **Home health and home infusion supplier:** Representing a home infusion and home health company in its sale to a publicly traded competitor.
- **Hospitals and health systems:** Serving as dedicated compliance and regulatory counsel for several substantial health systems with, collectively, over 200 hospitals, free-standing ambulatory surgery centers, physician practices and clinics covering almost every state in the U.S. regarding a wide variety of fraud and abuse, Stark Law, coverage and reimbursement and other compliance matters. We support these health systems in a wide variety of ongoing investigations, audits and compliance reviews as well as Federal False Claims Act defense matters. In addition to these health systems, we also provide counseling, regulatory and fraud and abuse advice to numerous academic medical centers and freestanding pediatric hospitals.
- **International health care company:** Representing such company in connection with the development of multiple regional accountable care organizations. Representation included structural design, formation, due diligence, governance advice, contracting and operational counsel.
- **Nation's leading drugstore chain:** Representing client in \$225 million acquisition of a retail and specialty pharmacy business.
- **Manufacturers:**
Counseling health care and life sciences manufacturers (e.g., bio-pharmaceuticals, pharmaceuticals and devices) with respect to a wide variety of matters involving clinical research, compliance and corporate integrity, US Foreign Corrupt Practices Act, fraud and abuse counseling, global anti-corruption, litigation (False Claims Act, pricing and product liability), Medicare and Medicaid coverage and reimbursement, Medicare Secondary Payor compliance, product diversion, product marketing, sales and support services, supply chain matters, 340B compliance and diversion and U.S. and global due diligence.
- **Pharmacy:** Advising regional, national and global pharmacy providers with respect to a variety of transactional and regulatory matters including mergers and acquisitions, dispositions, strategic investments, joint ventures and contracting and licensing arrangements, fraud and abuse counseling, 340B contracting and compliance, supply arrangements, privacy and security matters, litigation and general compliance matters.
- **Pharmacy supplier:** Representing leading pharmacy supplier in connection with a joint venture arrangement with a major academic medical center. Transaction involved a highly unique collaboration between academic medical center and for profit provider.
- **Private equity:** Representing a leading private equity firm in its acquisition of a regional hospice provider that was under scrutiny by the Office of the Inspector General of the U.S. Department of Health and Human Services. Representation including counseling on due diligence, regulatory and fraud & abuse issues.
- **Substantial health system:** Serving as lead outside counsel to a substantial, health system with multiple hospitals, facilities, physician practices and clinics located in numerous western and mid western locations in the US regarding wide variety of fraud and abuse, regulatory, coverage and reimbursement and compliance matters. We support the client in a wide variety of ongoing investigations, audits and reviews of potential overpayments and alleged false claims.

Your Key Contacts

United States



Kathryn B. Ashton
Partner, Chicago
D +1 312 876 3157
kathryn.ashton@dentons.com



Bruce Merlin Fried
Partner, Washington, DC
D +1 202 408 9159
bruce.fried@dentons.com



Charles A. Luband
Partner, New York
D +1 212 768 6942
charles.luband@dentons.com



Holley Thames Lutz
Partner, Washington, DC
D +1 202 408 6836
holley.lutz@dentons.com



Eric J. Tanenblatt
Principal, Washington, DC
D +1 202 496 7373
eric.tanenblatt@dentons.com



Gadi Weinreich
Partner, Washington, DC
D +1 202 408 9166
M +1 301 325 5385
gadi.weinreich@dentons.com