

Health Care Services

Health care is one of the most complex and heavily regulated industries in the country. Our experienced attorneys have helped health care clients navigate those complexities in connection with a variety of legal matters and issues.

Health Care Trade Association Representation

We represent trade associations and their members, including hospitals, providers of services to the mentally retarded and developmentally disabled, and providers of behavioral healthcare services. Our lawyers respond to regulatory questions raised by trade association members and litigate matters that are critical to the association and its members.

Medicaid Litigation

Our firm has long represented providers in challenges to the Medicaid system, including litigation on reimbursement, uniform system administration, and statewide access to service delivery. We have represented both individual providers and trade associations in such actions, so that providers may withstand the growing pressures of cost containment and increased governmental oversight.

Regulatory Practice

Our attorneys include former Assistant Attorneys General and General Counsel of state agencies who have firsthand knowledge of the regulatory arena. We represent providers before federal and state agencies, county authorities, local health districts, and accreditation bodies.

Reimbursement Counseling

We advise clients on federal and state reimbursement systems, coding and billing issues, Medicare and Medicaid reimbursement, rate setting, and compliance. In such engagements, our attorneys represent clients before state Medicaid agencies, Medicare intermediaries and carriers, the Centers for Medicare and Medicaid Services, the Office of the Inspector General, and the United States Attorney's Office.

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Fraud and Abuse Compliance

We help clients structure transactions to minimize fraud and abuse implications. Our attorneys also evaluate proposed transactions for compliance with the Medicare and Medicaid fraud and abuse statutes, the Anti-Kickback safe harbor regulations, and the Stark Physician Self-Referral Laws and applicable exceptions. We also assist clients with governmental investigations, provide ongoing consultation regarding compliance with corporate integrity agreements, help clients to identify potential fraud and abuse issues, and assist our clients in developing compliance programs and policies to address those potential fraud and abuse issues.

Joint Ventures/Hospital-Physician Collaborations

We advise clients on business transactions such as structuring joint ventures between hospitals and physicians, forming ambulatory surgery centers, and structuring other ancillary service providers. Our attorneys understand hospital-based and physician-based arrangements and counsel clients on ownership/investment issues, structural and operational considerations, supervision requirements, and reimbursement concerns to ensure compliance with relevant regulatory requirements.

Behavioral Health Care, Mental Retardation and Developmental Disabilities, and Child Welfare Issues

Our firm has broad experience in the behavioral health, MR/DD, and child welfare fields. We have assisted statewide trade groups in connection with systemic regulatory and reimbursement matters and the development and implementation of Medicaid waiver programs. Our attorneys also have represented providers before state agencies, have negotiated contracts with payors, and have provided reimbursement counseling on Medicaid and Medicare reimbursement matters. We understand the institutional side of the behavioral health and MR/DD programs, as well as home and community-based Medicaid waiver programs and other types of community based programs. In the child welfare and foster care arenas, we have represented providers on licensing matters before

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state agencies, have negotiated contracts with local payors, and have addressed the complex funding systems, including Title IV-E and Medicaid.

Academic Medical Centers

We have helped clients – including medical schools, teaching hospitals, faculty practice foundations, and research institutes – to deal with the unique issues faced by academic medical centers. Our attorneys also have assisted academic medical centers on many different legal, regulatory, and corporate issues, including governmental investigations. Additionally, we represent academic medical centers and universities on matters affecting their tax exemptions and in intellectual property and technology transfer matters.

Hospital/Health Care Operations

We often advise institutions and their medical staffs and boards on governance issues. Our attorneys have counseled hospitals and physicians on medical staff by-laws, rules, and regulations, professional and physician credentialing, peer reviews, allied health professionals, institutional review boards, joint commission accreditation, advance directives, medical records, bioethics and other operational issues. We have also assisted in the creation and implementation of professional liability self-insurance plans. As outside counsel for many hospitals, health systems, nursing homes, skilled nursing facilities, and other health care institutional providers, we provide our clients with guidance on the full array of issues facing health care providers, joint ventures, asset purchases and similar transactions involving physician practices, physician employment models and collaborations, provider licensing, and intellectual property, among many others.

Tax Exemptions

We counsel health care clients on federal, state, and local income tax, sales and use tax exemptions, and tax-planning services, including the organizational and operational aspects of obtaining

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and maintaining tax exemption and public charity status, as well as planning for appropriate taxation of unrelated business activities and UBIT.

Privacy and HIPAA Compliance/Health Information Technology Issues

Our attorneys are highly knowledgeable about privacy and confidentiality issues, including the Privacy Rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other federal and state privacy laws. We work with providers to develop their HIPAA/privacy policies and procedures and counsel trade associations and their members on the full range of HIPAA issues. Our attorneys also advise providers and third-party services concerning information systems privacy and the interplay between technology and corporate compliance.

Managed Care

We have assisted health care providers with design and implementation of integrated delivery systems, including physician-hospital organizations and management services organizations. We have created and represented health maintenance organizations (HMOs) and health insuring corporations (HICs). We also have assisted health care clients with contract negotiations with managed care organizations.

State and Federal Legislative Representation

We represent the interests of our health care clients in the state and federal legislative arenas, and also represent those clients at the county, city, and township levels. Our lawyers have extensive knowledge of the legislative process and help to draft bills, amendments to legislation, and testimony.

Antitrust Litigation

Our firm represents corporations and individuals in antitrust actions throughout the United States and has addressed mergers and acquisitions, market allocations, group boycott and price-fixing



Vorys, Sater, Seymour and Pease LLP
Legal Counsel

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conspiracy claims, and claims under the Robinson–Patman Act.