

Healthcare

From regulatory issues to complex transactional and litigation matters to day-to-day business counseling, today's healthcare industry faces a myriad of legal challenges that require the depth and breadth of a well-rounded and experienced team of professionals. The attorneys in the Healthcare Department at Greenbaum, Rowe, Smith & Davis possess a sophisticated understanding of the unique healthcare business environment, both here in New Jersey and beyond.

The members of the firm's healthcare team counsel a roster of clients that includes many of New Jersey's foremost healthcare systems, hospitals and medical facilities, medical staffs, organized delivery systems (ODSs), clinically integrated networks (CINs), independent practice associations (IPAs), physicians and physician group practices, dentists and dental practices, physician and hospital-physician joint ventures, pharmaceutical companies, managed care organizations, home health agencies, nursing homes, behavioral health organizations, healthcare industry vendors, medical device manufacturers, management service organizations (MSOs), private equity firms, and industry-associated financial and corporate entities. This inclusive representation has propelled the team to statewide and national prominence within the healthcare field.

Our comprehensive healthcare practice encompasses numerous areas of focus. The attorneys in this practice area possess the requisite targeted expertise and hands-on experience to effectively represent a broad range of healthcare industry clients across a spectrum of legal concerns. In addition, the firm publishes "Healthcare Perspectives," a blog covering issues of interest to the healthcare industry.

Regulatory and Compliance

- Regulatory counseling, including compliance issues under federal Stark Law, federal and state anti-kickback laws and self-referral laws
- Federal and state regulatory approvals
- State licensure and certification issues
- State Attorney General, *cy pres* and Community Health Care Assets Protection Act (CHAPA) approvals
- IRS exempt organization applications

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Departments (Cont.)

- Antitrust counseling and Hart-Scott-Rodino pre-merger filings with the Federal Trade Commissions (FTC)
- Fraud and abuse counseling
- Corporate and HIPAA compliance
- Corporate practice of medicine
- Human resources counseling
 - Employee hiring and discharge
 - Human resources training
 - Wage and hour and equal pay audits
 - Internal investigations
 - Litigation avoidance practices
 - Drafting of employee handbooks and general employment policies

Litigation

- Hospital and physician reimbursement cases
 - Read our Healthcare Reimbursement Practice Overview to learn more about the firm's representation in reimbursement matters and claims denial cases on behalf of hospitals and health systems, physicians and physician group practices, ambulatory surgery centers, nursing homes and other healthcare providers.
- State regulatory appeals before the New Jersey Superior Court, Appellate Division
- Antitrust litigation
- Defense of medical malpractice, professional liability, and legal ethics claims
- Representation in state and federal courts and before the Board of Medical Examiners (BME)
- Federal False Claims Act and State insurance fraud defense
- Defense of discrimination, harassment and whistleblowing retaliation claims in state and federal court
- Enforcement of restrictive covenants, including non-compete and non-solicitation agreements

Transactional

- Mergers & acquisitions and joint ventures involving hospitals, healthcare systems, independent physicians and group practices
- Multi-disciplinary due diligence and compliance reviews
- Formation and business counseling of managed care organizations and integrated delivery systems, including IDSs, ODSs, MEWAs, ACOs, PHOs, IPAs, MSOs, PPOs and HMOs

Departments (Cont.)

- Read our [Managed Care Contracting Practice Overview](#) for more information about our experience in representing both providers and payers in managed care contracting negotiations and in the resolution of related disputes.
- Taxable and tax-exempt capital financing and tax counseling
- Matters concerning medical staff, including employee relations and benefits
- Private placements of securities
- Patient-related issues including consents, guardianships and treatment
- Real estate acquisitions, leasing and dispositions
- General corporate representation including the drafting and negotiation of agreements, contracts and leases
- Estate planning and administration
- Healthcare information technology
 - Information privacy and data security issues arising under HIPAA and the Health Information Technology for Economic and Clinical Health Act (HITECH)
 - Assisting in the drafting and enforcement of privacy and security agreements and policies, including recording retention requirements and the physical or electronic storage of medical records
 - Investigation, reporting and remediation of information breaches and the liability such breaches create under information privacy and security laws
- Negotiation of executive compensation, restrictive covenant, and separation agreements

Healthcare Private Equity

- Advisors to private equity clients and portfolio companies on investment and financing activities
 - Growth investments and buy-and-build strategies
 - Control, non-control and minority investments
 - Buy-outs and recapitalizations
 - Auction processes, strategic dispositions and exit strategies
 - Bankruptcy, restructurings and workouts
- General counsel for portfolio companies
 - Advising on a range of issues, from significant transactions to day-to-day legal matters
 - Providing efficiency and continuity for platform acquisitions, bolt-on transactions, operational issues, compliance matters, sales

OF NOTE

"Greenbaum, Rowe, Smith & Davis has a highly regarded team active in the New Jersey healthcare market, acting for a broad client base of providers, pharmaceuticals and those investing in the industry. It has an extensive regulatory practice that includes areas such as Stark Law and HIPAA compliance, as well as certification issues. The firm is also noted for its strong transactional and litigation experience, and for its dedicated private equity practice that advises both sponsors and portfolio companies."

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