



## Health Care

PRACTICES

### OVERVIEW

American health care is undergoing an unprecedented transformation, and Smith Anderson's team of experienced health care lawyers are committed to guide medical professionals through the attendant changes and evolving regulatory environment. Our Health Care practice has a long history of counseling health care facilities, practitioners and industry interest groups. We have been integrally involved in launching innovative health care delivery initiatives such as clinically integrated networks, joint ventures between health systems and practitioners, Community Care of North Carolina and accountable care organizations (ACOs) across the country.

We represent a variety of health care organizations and physicians regarding value-based payment and population health strategies, including ACOs, bundled payment and clinically integrated networks. We also advise clients nationwide on health care policy, legislative advocacy, executive strategy, litigation and the complex business requirements of organized medicine. Smith Anderson attorneys have handled a variety of high profile health care litigation matters ranging from hospital governance and financing to certificate of need, health care regulatory, reimbursement, professional malpractice and government investigations. For decades, Smith Anderson has been involved in some of the most important issues facing the health care industry in the courts.

As a result of the strengths noted by our clients and peers, *Chambers USA: America's Leading Lawyers for Business*, and one of the world's leading ranking agencies for the legal profession, has recognized our Health Care practice as a leader in North Carolina. Plus, "Best Law Firms," a joint annual ranking by *U.S. News & World Report* and *Best Lawyers*®, has recognized our Health Care practice since 2011.

It is our goal to create solutions that allow our clients to focus on fulfilling their mission of caring for patients.

### SERVICES

- Health care mergers and acquisitions, including practice buy-ins and buy-outs
- Medicare and Medicaid compliance
- Medicare Shared Savings Programs (MSSP) and other value-based reimbursement initiatives
- Electronic Health Record implementation and related services
- Professional association representation
- **Certificate of Need (CON)**
- HIPAA compliance and other federal and state confidentiality and privacy laws
- Managed care contracting and dispute resolution
- Medicare and Medicaid fraud, waste and abuse defense
- OIG/DOJ investigations

- False Claims Act
- Stark Law / Anti-Kickback Statute
- Resolution of regulatory issues and administrative litigation
- Representation before licensing boards
- Antitrust
- Practice and business entity formation
- Strategic general counsel services, including governance and Board matters
- Medical staff issues
- Provider organizations
- Exclusive contracting
- Employment issues, including covenants not to compete

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## EXPERIENCE

- Formation of accountable care organizations across the country
- Represented buyer in hospital acquisition involving complex public financing regulatory compliance
- Formation and ongoing general counsel representation of a nationally leading collaborative care organization with over 5000 health care providers and facilities
- Assisted and managed Health System HIPAA Compliance Programs
- Represented health care providers and facilities in complex managed care contracting and related disputes, including out-of-network legal compliance
- Represented private equity acquisitions in health care industry
- Drafted and revised HIPAA policies and procedures
- Negotiated and drafted physician and joint venture contracts
- Litigation of health care provider audits across the country
- Negotiation of complex health care agreements and transactions
- Formation of Physician Organizations and Physician Hospital Organizations
- Advised on HIPAA OCR investigations and audits, and handled HIPAA incident and breach investigations
- Experience with corporate practice of medicine issues across the country
- Represented seller in sale of five-location behavioral health treatment facility
- Successful appeal of termination decisions by managed care organizations and Department of Health and Human Services
- Formation of management services organizations

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## PROFESSIONALS

Robert W. Shaw

James (Jim) C. Wrenn, Jr.

Julian D. Bobbitt, Jr.

Amy E. Erwin, NCCP

John W. Gibson

John E. Harris

B. Davis Horne, Jr.

Josiah S. Irvin

John H. Jo

Gerald (Gerry) T. Koinis

Dana E. Simpson

Kimberly Quarles Swintosky

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## RELATED AREAS

Administrative Law

Commercial Contracts

Commercial Real Estate

Corporate Governance

Data Privacy

Employment, Labor and Human Resources

Government Relations

Litigation

Medical Malpractice Defense

Mergers and Acquisitions

Public Companies



Tax

Value-Based Care

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