



## Healthcare

The healthcare industry around the world is intricate and evolving. Healthcare laws and regulations affect all companies at some level. The healthcare industry is among the most highly regulated in the world, and all employers must comply with the medical privacy protections and healthcare benefits afforded their employees. Multinational companies must navigate sometimes quite divergent payment and reimbursement regimes and the pharmaceutical and medical device approval rules of multiple national governments, as well as regional and international requirements. Healthcare providers are subject to the licensing and oversight rules of every jurisdiction in which they do business.

### BRANCHER

- Digital Health

Our lawyers represent healthcare clients all around the world. We live and work where our clients live and work. And we work together across our offices throughout Asia Pacific, Europe, the Middle East and the United States, combining global strategy with local implementation.

We counsel the healthcare industry in these areas:

- Antitrust and competition
- Project finance
- Healthcare transactional
- Healthcare fraud and compliance
- Health insurance and managed care
- Healthcare regulatory
- Healthcare technology
- Employment
- Payment reimbursement disputes
- Pensions
- Personal injury and product liability litigation
- Privacy
- Professional liability and litigation
- Restructuring

# Enforcement and Compliance

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DLA Piper's Healthcare Enforcement and Compliance practice is a multi-disciplinary team that provides services in the areas of **prevention, compliance and advocacy** to members of the Healthcare community.

## PREVENTION

- Providing "ready reference" compliance advice
- Assessing, building and strengthening compliance programs
- Anticipating and preventing legal and reputational risks
- Performing due diligence in healthcare transactions

## COMPLIANCE

- Clarifying applicable standards, often in novel or esoteric areas
- Achieving compliance when it is in question
- Investigating potential non-compliance with applicable standards
- Taking appropriate remedial measures

## ADVOCACY

- Defending lawsuits and investigations initiated by state and federal regulators and enforcers
- Defending whistleblower cases
- Responding rapidly when there is a government request for information
- Advocating in Recovery Audit Contractor (RAC), Medicare, Medicaid and payer audits
- Assisting with the defense, appeals and litigation of denied claims for reimbursement

## OUR TEAM

We have lawyers across the United States and around the globe who have dedicated their careers to helping clients establish and maintain legal and regulatory compliance, and defend against government enforcement actions. Ten of our lawyers are Certified in Compliance, which we believe is more than any other law firm in the world.

## OUR APPROACH

As we serve members of the healthcare industry in the current challenging environment, we provide value by using:

- Diverse teams that are best suited for the specific issue
- Diligent and focused assessments
- Rigorous, collaborative planning and execution
- Techniques to diminish internal client disruption and distraction from core activities
- Advice that provides clarity in the ever-changing healthcare climate
- Fresh perspectives and innovative strategies

## WHAT WE DO

- Assess and enhance compliance program effectiveness
- Focus on industry-provider relationships and transparency
- Emphasize compliant physician-hospital relationships
- Assist with troublesome Medicaid issues, which are more prevalent in the post-reform environment
- Perform compliance due diligence in transactions
- Defend against regulatory enforcement and whistleblower actions and investigations
- Provide comprehensive privacy and security counseling

- Handle claims audits and reimbursement disputes

## OUR CLIENTS

- Hospitals and health systems
- Academic medical centers
- Hospice, durable medical equipment, home health and long-term-care providers
- Physician groups
- Allied healthcare professionals
- Ancillary service providers

## THE KINDS OF MATTERS WE HANDLE

- Government investigations and False Claims Act cases
- Internal investigations
- Whistleblower cases
- Stark Law and Anti-Kickback concerns
- Medicare and Medicaid issues
- Reimbursement disputes
- Exclusion proceedings
- Voluntary disclosures
- RAC and other government audits
- Privacy and security
- Drug Enforcement Agency (DEA) issues
- Clinical trials

## OUR EXPERIENCES

A sampling of clients and matters:

- Hospitals, healthcare providers and physician groups in several investigations by the Department of Health and Human Services-Office of Inspector General (OIG) and the Department of Justice
- Health systems in the DOJ's national Implantable Cardioverter Defibrillator (ICD) investigation.
- Defense of whistleblower suits brought by disgruntled third parties
- Defense of allegations that hospitals' services were medically unnecessary and therefore not reimbursable
- A hospital in a dispute with former third-party billing and management companies related to alleged improprieties by those companies
- The operator of long-term-care facilities in parallel state and federal investigations
- A large academic medical center in government investigations relating to billings to federal healthcare programs
- Various clients in False Claims Act lawsuits alleging false billings to federal healthcare programs
- Allied health providers embroiled in parallel state and federal administrative, civil and criminal investigations into alleged billing for medically unnecessary services
- A public hospital regarding its voluntary disclosure of potential billing deficiencies
- A health system in a putative class action brought by former patients and an employee alleging improper billings to commercial payers
- A pharmacy provider in an investigation by the DOJ and the DEA
- Hospital systems in defending against RAC and other third-party payer audits
- A major children's hospital in regulatory, reimbursement and fraud and abuse counseling. The hospital ultimately refined its compliance program
- Stark and Anti-Kickback counseling for health providers

# KEY CONTACT



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