

Calfee's Health and Long-term Care practice is widely recognized for expertise in the competitive and complex health care arena. Our clients include health care systems, hospitals, integrated delivery systems, long-term care and retirement facilities, assisted living facilities, managed care entities, physician-hospital organizations, and professional management organizations. We also represent academic medical centers, physicians, multi-specialty practice clinics, joint venture projects, hospices, ambulatory surgical centers, durable medical equipment manufacturers, pharmaceutical wholesalers, and other types of ancillary health care providers.

Our attorneys have extensive knowledge and experience in the many areas of concern to clients in the health care industry and in counseling clients on sophisticated health care issues and transactions. We regularly present and write on a variety of health care issues, including regulatory compliance, hospital and physician arrangements, tax exemption, antitrust and governance issues. Our attorneys are also active members of various trade associations including American Health Lawyers Association and Health care and Financial Management Association. Members of the firm's major practice areas are well-versed in the complexities of the health care field and are consistently involved with the firm's health care practice.

In addition to our comprehensive health care, corporate and litigation services, Calfee attorneys represent long-term care providers ranging from multi-level retirement communities, to developers interested in establishing hospital-based skilled nursing units to non-profit and proprietary nursing home operators.

Representative Experience

- > Medicare and Medicaid reimbursement
- > Mergers, acquisitions and joint ventures
- > Medicare fraud and abuse, Stark and false claims
- > Long-term care issues
- > Non-profit and tax-exempt status issues
- > Formation of Integrated Delivery Systems
- > HIPAA, confidentiality and consent issues
- > Physician and dental management companies
- > Medical staff bylaws/fair hearings
- > Financing, hospital revenue bonds and HUD Physician/hospital joint ventures
- > PPO, HMO, TPA and managed care organizations
- > Managed care contracts
- > Health care antitrust
- > Health care contracting

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- > State legislative activities
- > Academic/Hospital Medical Centers
- > Public law issues
- > Non-profit/for profit affiliations
- > Physician recruitment, practice organizations
- > Patient and resident rights issues
- > Certificate of need issues
- > EMTALA

Can a nonprofit, tax-exempt health care provider enter into a joint venture with a proprietary corporation?

Yes, however the tax laws applicable to nonprofits must be reviewed when structuring such organizations in order to preserve the tax-exempt status of the charitable entity.

Representative Projects

- > Created several Integrated Delivery Systems by mergers, acquisitions and affiliations.
- > General counseling of Integrated Delivery Systems, hospitals, physicians, and nursing homes in all aspects of health law, including fraud and abuse, Stark, HIPAA, reimbursement, tax issues and corporate restructuring.
- > Acted as counsel to organize, develop, finance, construct and operate a \$40 million continuing care retirement community, including a nursing home, Alzheimer's unit, assisted living and independent living complex and a golf course.
- > Counseling of professional management company in all legal areas, including corporate issues, contracting, acquisitions, compliance, compensation and corporate restructuring.
- > Negotiated and drafted multiple contracts with third party payors for hospitals and physician groups and other managed care providers.
- > Counseled public institutions concerning public law issues arising from affiliations with private tax-exempt organizations.
- > Supervised all the legal details of the transformation of a large proprietary multi-specialty physician practice to a non-profit hospital subsidiary
- > Served as general counsel and special counsel to health care systems concerning tax-exempt matters, and physician credentialing, fair hearing proceedings, preparation and interpretation of medical staff bylaws, governance and operational issues.
- > Counseled clients on Medicare and Medicaid reimbursement and regulatory issues for provider-based facilities, critical access hospitals, physicians, parts A and B billing, and representation in front of the Provider Review Reimbursement Board.
- > Structured joint venture arrangements between hospitals and physicians to address federal statutes and regulations concerning fraud and abuse, the Stark law, the corporate practice of medicine, fee splitting and tax-exempt issues for all of the participants.
- > Drafted and reviewed corporate compliance and HIPAA plans.

- > Counseled numerous health care organizations concerning antitrust issues, including merger analysis, managed care arrangements, exclusive contractual arrangements and joint ventures.
- > Created structures for managing physician recruitment activities, practice acquisitions, and compensation/incentive arrangements.
- > Assisted hospital joint ventures, and other owners to develop, finance and construct medical office buildings, including condominiums, and to structure air-rights leases.
- > Represented health care institutions during work stoppages, and regularly counsel organizations concerning labor and personnel matters.
- > Obtained tax-exempt status for numerous entities, and counseled on various tax issues, including intermediate sanctions, private inurement and private benefit.

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