Foster Garvey

Health Care

Committed to enhancing care through provider-focused *solutions*

Increased regulation and rapid change within the health care industry present significant challenges for all health care organizations, from hospitals to medical research institutions to medical device and supply manufacturers and distributors.

Our diverse client base includes hospitals, public hospital districts, academic medical centers, clinical laboratories, physician practices, behavioral health providers, imaging centers and long-term care facilities. We are proud to serve organizations such as the Association of Washington Public Hospital Districts and to act as special counsel to the Washington State Hospital Association.

Consistently recognized as a leading practice by Chambers USA and Best Law Firms, our team is experienced in assisting clients in all areas of health care and life sciences law, including:

- Governance and organization of public and private hospitals
- Human subjects research
- Medical staff issues
- Regulatory compliance
- State and federal tax and tax-exempt issues
- Structuring joint ventures
- Transactions

We have extensive experience representing hospitals through every stage of the certificate of need process, resolving medical staff membership and clinical privilege disputes and advocating for clients in judicial reviews of planning decisions.

Clients turn to us for practical counsel in the following areas:

Fraud and Abuse

Our attorneys deliver comprehensive legal support to providers in connection with federal and state fraud and abuse compliance. We perform legal audits of existing contracts and financial relationships, assist clients with internal investigations and develop internal compliance programs.

Disputes & Litigation

We assist with all types of health care disputes and litigation, including Certificate of Need appeals, payment disputes, billing and reimbursement actions, fraud and abuse self-disclosure and defense, anti-

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trust investigations and litigation, qui tam False Claims Act litigation, HIPAA and HITECH enforcement actions, commercial and contract disputes, licensing actions, medical staffing matters, employment discrimination and wrongful termination actions, and labor disputes.

Health Planning

We represent clients in all stages of the Certificate of Need process. Our attorneys assist clients with background research before an application is submitted and help prepare and file applications with the state agency. We represent clients in public hearings both in support of and in opposition to pending certificate of need applications. Once the state agency has made a planning decision, our attorneys are experienced in representing clients through review of that decision, both at the administrative level in adjudicative proceedings and at the judicial level in the court system.

Hospital - Physician Arrangements

Our attorneys have significant experience helping hospitals and physicians navigate the continually evolving federal and state laws and regulations. We regularly draft and negotiate the transactions between hospitals and physicians, including physician employment contracts, professional services agreements, recruitment agreements, and provider-based physician contracts and leases. We also assist with the purchase and sale of physician practices. Our team also has substantial experience in developing ventures between hospitals and physicians and providing advice on the appropriate structure and documentation.

Labor & Employment

We frequently assist health care providers in a full range of labor and employment matters, including labor and employment counseling, dispute resolution and litigation, labor advice, workplace misconduct and immigration. Our insightful counsel helps clients stay compliant and leads to many costly and disruptive disputes being minimized or avoided completely.

Licensing and Accreditation

We represent health care clients in all aspects of licensing, certification and accreditation. At the state level, we advise clients on compliance with the facility and professional licensing requirements and have extensive experience working directly with state regulators. Our lawyers also assist health care clients in complying with the Medicare and Medicaid conditions of participation and in meeting the standards of national accreditation organizations.

Medical Records and Privacy

Our lawyers advise health care providers regarding compliance with the comprehensive federal privacy and security standards known as HIPAA. These standards apply to providers, health plans and entities with which they do business and require sweeping changes in the way these entities handle health care information. We also assist health care providers in complying with state standards for the disclosure of

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health care information and the additional complexity of public disclosure requirements for public hospital districts.

Public Disclosure

We have experience advising and assisting public entities, including cities, counties, school districts, public utility districts, port districts, public hospital districts and housing authorities, concerning the Open Public Meetings Act ("OPMA") and the Public Records Act ("PRA"). Our attorneys advise on proper use of executive sessions, requirements for meeting notices and minutes, and agency practices to help ensure OPMA compliance. We routinely assist clients in maintaining compliance with the PRA. Our range of services in this area includes developing policies on disclosure, management and retention of public records, advising on responses to public records requests, evaluating applicability of exemptions and providing litigation counsel when needed.

Medical Staff

We assist facilities of all sizes in addressing medical staff issues. We know that a one-size-fits-all approach is not appropriate, as the needs of small or rural facilities vary greatly from larger, urban institutions. We regularly draft, review and interpret medical staff bylaws, rules and regulations, policies and related documents. We also draft credentialing, peer review and quality improvement standards and represent clients in the fair hearing process.

Public Entity Representation

Our attorneys have deep experience in the legal requirements affecting the state of Washington’s public hospital districts and we understand that these institutions face a challenging environment, marked by budget reductions and ever-changing government regulations. To help administrators, commissioners and staff members better understand this environment, our attorneys drafted portions of the Association of Washington Public Hospital Districts' legal manual. We have also long served as outside general counsel to the Association of Washington Public Hospital Districts and have served as special counsel to the Washington State Hospital Association. We are experienced in the law specific to operating a public hospital district and we routinely advise clients in areas such as public meetings and public records, conflicts of interest, tax levies and voter approval as well as labor and employment matters.

Reimbursement

We have extensive experience in reimbursement and regulatory issues for the Medicare and Medicaid programs and private payers. Our attorneys are experienced in structuring deals to maximize reimbursement while complying with other areas of law such as fraud and abuse, licensing and tax exemption.

Transactions

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Labor, Employment & Immigration

Public Finance

Health Care Litigation

Privacy, Data Protection & Cybersecurity

Our team has structured and reorganized many types of health care entities. We have been involved in numerous health care acquisitions, affiliations and joint ventures. Our attorneys partner with our health care clients to understand their objectives and structure, organize, negotiate and document complex transactions to achieve their business goals. We work collaboratively with other attorneys across the firm to provide all of the necessary legal support for these transactions, including attorneys in our business, labor and employment, public finance, real estate, tax and white-collar criminal defense practices.

Contact

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