Health care has been rapidly changing for many years, and our attorneys have been advising health care providers to help them succeed in navigating these changes while addressing the shifting and expanding risks they face. Advising health care clients in this legal and regulatory landscape requires a familiarity with the organization’s mission and operations as well as the technicalities of changing laws and enforcement practices.

Our health care attorneys have been working closely with providers across the care continuum for over thirty years. We have worked with hospitals, long term care providers, physicians, mental health centers and a variety of other providers and ancillary vendors to our health care system. As a result, we understand the important role played by different providers, and this provides a deeper appreciation for the business objectives as well as legal landscape for each health care client.

**BUSINESS & REGULATORY COMPLIANCE SERVICES**

We work with our health care clients and other professional advisors to handle complicated corporate transactions as well as more routine employment and commercial contracting. We advise and represent our clients in serious survey or enforcement investigations or audit appeals as well as the development and implementation of effective compliance programs. Our health care clients view us as valued business as well as legal advisors. They recognize that our goal is to bring our breadth of experience to assist our clients in navigating the legal, regulatory, and reimbursement challenges so that they can reach their goals.

**HEALTH CARE PROVIDER CLIENTS**

- Hospitals (General Acute and Specialty)
- Mental Health (Hospitals and Community Mental Health Centers)
- Long Term Care (Nursing, Assisted Living and Independent Living Facilities)
- Medical Groups and Individual Physicians
Health Care Industry

- Home Health and Hospice
- Substance Abuse Treatment Centers
- Federal Qualified Health Centers
- Managed Care Networks
- Credentialing Organizations
- Dialysis Service Providers

**BUSINESS AND REGULATORY REPRESENTATIVE SERVICES**

- Compliance with federal and state regulations (e.g., FCA, Stark, Anti-Kickback, EMTALA)
- Assisting with regulatory investigations (e.g., MFCU)
- Internal investigations and self-reporting
- Federal and state licensure and certification surveys (preparing, responding and appealing)
- Compliance Program development and support
- Third party payer audits and appeals
- Medical group organization and operations
- Mergers, joint ventures and special partnering agreements
- Labor, employment, and employee benefits
- Physician recruitment, employment and contracting
- Patient privacy and confidentiality (e.g., HIPAA, HITECH, and Health IT)
- Medical staff credentialing, privileges, and governance
- Drug and alcohol treatment confidentiality
- Medical ethics and legal liability (e.g., informed consent, end of life, clinical trials, and IRB)
- Advising on duties to report adverse incidents

**LITIGATION**

SmithAmundsen has a proven track record of high caliber representation of health care entities and professionals in litigation and prelitigation matters. We regularly advise health care clients regarding risk avoidance strategies in a variety of settings that implicate complicated legal, medical, financial and risk management issues. While vigorously defending our clients, we also understand the financial impact of litigation. As a result, we utilize innovative practices to reduce litigation costs without sacrificing results.

We value technology as a tool that enhances work quality and improves our service to clients. We have developed document management systems to organize and summarize documents, while also fulfilling our obligations as a business associate. We employ the latest technology to organize documents produced during discovery and trial technology, such as computer generated reconstruction video to aid in the presentation of evidence at trial.
Health Care Industry

Our attorneys are experienced in handling the most complex medical litigation and we understand the value of working closely with clients and, when necessary, outside consultants. We have adapted our knowledge and experience with medicine and the law to effectively represent a variety of health care providers including for profit and not-for-profit health care systems, managed care entities, nursing homes, individual health care providers, and product manufacturers.

We communicate frequently with our clients to advise them of significant developments and to solicit their input. Our litigation services include comprehensive fact investigation and liability analysis, objective negotiation, and aggressive litigation. Our paralegals and nurse analysts are capable of organizing, synthesizing, and analyzing medical records to assist us in mounting an efficient vigorous defense. Before going to trial, we explore mediation and other cost efficient manners of alternative dispute resolution.

LITIGATION SERVICES

- Hospital liability
- Post-acute and long term care liability
- Home health and hospice liability
- Mental health center liability
- Professional liability (e.g., physicians, dentists, nurses, physical/occupational therapists, mental health therapists, and other mid-level and allied health professionals)
- Product and medical device liability
- Professional medical staff and licensure disciplinary actions
- Subpoena assistance and deposition preparation
- Probate (e.g., involuntary commitment proceedings, guardianship, health care powers of attorney)
- General premises liability
- Dialysis service providers
- Medical records production and confidentiality
- Commercial litigation stemming from business operations

LITIGATION EXPERIENCE

- Numerous cases favorably resolved at mediation or in pre-suit negotiations, including pre-suit resolution of a matter involving a severely brain-injured mother of three.
- Defended health care providers in hundreds of claims before the Indiana Department of Insurance or the Illinois Department of Finance and Professional Responsibility.
- Obtained a defense verdict for a hospital on an apparent agency case when co-defendants, including physicians and another hospital, were found liable for a plaintiff’s verdict of more than $14,000,000.
Health Care Industry

- Appellate court decision which reversed a nearly $5,000,000 verdict on a wrongful death case, where appellate court agreed that plaintiff failed to prove proximate cause.
- Obtained a defense verdict for a home health care agency in a week-long jury trial alleging failure to appropriately communicate severity of condition to physician and failure to appropriately educate patient regarding condition.
- Successfully defended a hospital in a jury trial against allegations for failure to appropriately assess patient and notify physicians; defense verdict obtained.
- Successfully defended hospital and several physician hospitalists in a week-long jury trial alleging failure to diagnose a medical complication; defense verdict obtained.
- Obtained defense verdict for hospital and emergency room physician in a wrongful-death week-long trial involving a 14 year-old boy.
- Successful representation of hospital and general surgeon in a week-long jury trial alleging negligent surgical follow-up; defense verdict obtained.
- Successful representation of physician practice in a slip-and-fall case of a patient visitor involving a displaced wrist fracture; defense verdict obtained.