



## Comprehensive Legal Services to Meet Health Care Industry Needs

With more than 27 years of experience in counseling clients on both legal and business strategies, we understand the health care industry from the inside out. Burns White has assisted a wide range of health care providers and individual professionals with business transactions, risk management and regulatory compliance, employment and labor law disputes and commercial litigation. We also leverage the resources, skills and knowledge of attorneys from related practice groups in the firm to best support our health care clients with matters related to white collar and government enforcement, Medicare set-asides and environmental law. Outside of legal work, many of our health care attorneys possess direct experience as board members and officers of industry entities, giving us unique insight into the day-to-day challenges affecting your business.

## Business / Transactional Services

- *Contracts*: negotiation, interpretation, development and enforcement of contracts, including agreements with vendors, physicians and other professionals, providers, insurance companies, payers, executives, employees, joint venture partners and management companies
- *Business Entities*: creating entities and business structures, including business corporations, non-profit corporations, professional corporations, LLCs, partnerships, limited partnerships, joint ventures and systems of related entities
- *Corporate Governance*: consultation and advice regarding corporate governance issues, board policies and procedures, conflicts of interest, fiduciary duties, indemnification rights and D&O insurance
- *Mergers and Acquisitions*: purchase and sale of entities or their components through various corporate transactions or arrangements, such as mergers, asset sales, reorganizations, buy-outs of individual owners, management contracts and joint ventures
- *Real Estate Transactions*: purchase, sale, leasing, and development of real estate, including oil, gas and mineral rights issues
- *Taxation and Tax Exemption*: tax counsel and assistance in securing, maintaining and defending federal, state and local tax exemptions
- *Finance*: debt and loan financings and refinancings
- *Fundraising*: solicitation of charitable contributions and grants

- *Construction Projects*: negotiation, management and enforcement of contracts, architects, contractors and project managers
- *Intellectual Property*: registration and enforcement of patents, trademarks, copyrights and other intellectual property rights

## Risk Management / Professional Liability / Compliance

- *Malpractice*: defense of medical and professional malpractice claims
- *Negligence*: defense of institutional negligence and general liability claims
- *Prevention / Avoidance*: consultation, training and the development of policies and best practices to prevent or minimize liability claims, including proper preparation and retention of patient records
- *Regulatory Compliance*: consultation, training, and the development of policies and best practices regarding compliance with government standards including HIPAA, Stark, the Anti-Kickback Rule, Medicare and Medicaid conditions of participation and payment standards, state licensure standards and antitrust laws

## Employment and Labor Law

- *Employee Claims*: defense of employee litigation including but not limited to wrongful discharge and claims arising under Title VII, ADEA, ADA, FLSA, FMLA, Equal Pay Act and OSHA
- *Compensation Claims*: defense of workers' compensation and unemployment compensation claims



- *Training and Policy Manuals*: development of employee policy manuals and training programs, conduct in-house educational and training programs
- *Labor Relations*: union campaigns, negotiation and enforcement of collective bargaining agreements, grievance, arbitration and unfair labor practice proceedings
- *Executive Contracts*: negotiate and draft executive contracts, design and implementation of executive evaluation and compensation programs
- *Restrictive Covenants*: negotiation and enforcement of covenants not to compete, non-solicitation covenants, and confidentiality standards and the handling of claims involving unfair competition and misappropriation of trade secrets and proprietary information

## Commercial Litigation

- *Contract Claims*: prosecution and defense of contract and commercial claims, including insurance disputes
- *Professional Rights*: medical staff fair hearings, participating provider disputes, accreditation issues and professional licensure complaints
- *Competition*: prosecution and defense of unfair competition claims, theft or misappropriation of trade secrets, violation of intellectual property rights and antitrust claims
- *Regulatory Disputes*: handling of regulatory and administrative proceedings, including payment claims and audits, reimbursement disputes, licensure matters and challenges to accreditation
- *Alternative Dispute Resolution*: processing and resolution of claims through mediation, arbitration, neutral third party evaluation and other alternatives to court proceedings

## False Claims Act–Qui Tam

- *False Claims Act–Qui Tam*: defense of government claims under the False Claims Act, Stark, the Anti-Kickback Statute and all similar or related state or federal claims, including qui tam proceedings

- *Insurer / Payer Claims*: defense of overpayment claims by third-party payers
- *Investigations / Audits*: advice regarding proper responses to government subpoenas, payer audits, requests for records and civil investigative demands
- *Training Programs*: review, design and implementation of compliance programs and training programs on Stark, Anti-Kickback Statute and False Claims Act matters

## Medicare Set-Asides

- *Set-Asides and Secondary Payer Issues*: prompt and effective handling of all aspects of Medicare Set-Asides and claims involving Medicare Secondary Payer Recovery Contractors, including Medicare liens and Section III Mandatory Insurer Reporting, as well as Medicare audit defense

## Environmental Issues

- *Advice and Defense of Claims*: compliance with federal, state and local laws, representation before governmental agencies (EPA, OSHA, DEP) and toxic tort and chemical exposure litigation

## Burns White LLC Office Locations

Cherry Hill, NJ

Philadelphia, PA

Wheeling, WV

Cleveland, OH

Pittsburgh, PA

Wilkes-Barre, PA

Harrisburg, PA

Princeton, NJ

Wilmington, DE

[burnswhite.com](http://burnswhite.com)