



Health Care Practice Group

At McDonough Holland & Allen PC, our Health Care attorneys merge expertise in managed care contracting, payer-provider disputes, operations, regulatory compliance, finance, and litigation. Additionally, the group consists of a wide variety of attorneys practicing not only in health care, but also in business, construction, employment, litigation, and real estate.

Key Contact

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Our health care attorneys have extensive legal experience in contracting, revenue cycle enhancement, regulatory compliance, internal policies and procedures and health care operations. Because we provide our clients with a multi-disciplinary approach to legal services, other attorneys throughout the firm regularly counsel health care industry clients on new business formations, development and construction matters, employee relations, tax and tax exemption, real estate, and litigation.

This allows us to offer practical solutions, and to guide our clients in implementing them. We use our knowledge of the health care industry to avert problems before they happen. When there is no choice, we are prepared to litigate, with a clear understanding of the issues in dispute and our clients' objectives. We passionately support our clients' missions; we discover and set priorities by listening to our clients; we tailor our processes and procedures to efficiently and effectively address their needs; and we develop systems to keep them informed and involved.

Business Services

Mark Gorton
Gary F. Loveridge
Robert R. Rubin
Cathy Deubel Salenko

Construction

Dawn M.D. Balzarano
Joel W. Darrington
William A. Lichtig

Employment

Laura J. Fowler
Susan L. Schoenig

Litigation

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John C.J. Barnes
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Real Estate

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Health Care Practice Services

Business Disputes & Litigation

Our health care attorneys assist clients to meet the challenges of the current health care industry. Our attorneys combine dispute resolution skills and substantive legal knowledge with expertise in the health care industry to assist clients in resolving disputes. Our health care attorneys also have extensive experience in managed care disputes.

- Payer-provider disputes
- Physician contract disputes
- Class actions
- Unfair business practices disputes
- ERISA disputes
- Third-party liability liens
- Regulatory agency advocacy
- Certified arbitrators

Compliance & Regulatory

Our health care attorneys have extensive experience in compliance and regulatory matters for hospitals, physicians, and other providers.

- Accreditation
- Licensing and Certification
- Medicare conditions of participation and decertification
- Regulatory compliance audits and policies
- EMTALA
- HIPAA

Contracting

Our health care attorneys develop, advise, and negotiate health care contracts. We routinely work with public and private health care providers, including hospitals, physician groups, and diagnostic centers.

Our attorneys know the intricacies of health care law and regulations related to contracting, as well as the business realities of providing health care in the industry. This combination of expertise allows our attorneys to provide unparalleled service to our clients.

- Hospital-based physician contracts
- Medical director contracts
- Physician recruitment contracts
- Medical foundation formation and contracts
- Third-party payer and managed care contracts
- Physician employment contracts
- IPA development and contracts



Contracting *Continued*

- PPO development and contracts
- Government payer contracts
- Public health care contracts
- Assumption of indigent care obligations
- Coordination of benefits
- Advice and counseling in all aspects of health care contracting

Corporate Matters

Our health care and corporate attorneys regularly counsel clients regarding health care corporate matters, including assisting health care entities with corporate structure and policies, financing, and tax advice.

- Corporate governance issues, including articles and bylaws
- Corporate compliance policies
- Corporate charity care policies
- Financing transactions, including bond and other securities
- Joint ventures, syndications, partnerships, and LLCs
- Mergers, acquisitions, and affiliations
- Nonprofit issues, including tax-exemption compliance
- Tax advice and counseling
- Advice and counseling in all aspects of health care business and corporate matters

Fraud & Abuse

Our health care attorneys regularly counsel clients regarding fraud and abuse laws, including the structure of contracts and transactions to ensure compliance with these laws and regulations.

- Fraud and abuse in health care transactions and litigation
- Stark and anti-kickback analysis in health care transactions and in business litigation
- State anti-kickback and physician referral laws and litigation

Manages Care Contracting & Disputes

Our health care attorneys regularly counsel clients regarding all aspects of managed care contracting and disputes. Our expertise ranges from payer-provider contract disputes to complex coding and reimbursement issues to disputes between competing providers.

- Managed care contracting
- Managed care contract disputes, including capitation and fee-for-service contracts
- Hospital and physician coding and billing disputes, including litigation involving the correct coding initiative, unbundling and line item denials, claims processing practices and AB1455, implants, ancillary charges, stop loss, medical necessity, transplants, utilization management and industry standards for levels of care, such as NICU levels, and all aspects of providers' and payers' business practices



Operations

Our health care attorneys regularly counsel clients regarding a wide variety of health care operations, including assisting health care entities to operate within complex health care law and regulations.

- Consent
- Mental health, including Riese and ECT hearings
- Medical records
- Telemedicine
- Conditions of Admissions and other hospital forms
- Policies and procedures for account collections
- Employment matters
- Compliance with state and federal anti-referral and anti-kickback laws
- Charity care policies

Real Estate Development & Construction

Our health care, construction, and real estate attorneys regularly counsel clients regarding all aspects of health care facility construction including real property acquisition, construction, contracts, and leasing agreements.

- Health facility construction contracts and disputes
- Health facility purchase and sale transactions
- Health facility and medical office leasing
- Anti-referral and anti-kickback laws related to equipment leasing and real estate transactions



Representative Work

Transactional

Our health care attorneys offer many years of experience in health care transaction and operation.

- Represented client in acquisition of \$22 million managed care facility for multi-institutional health care corporation.
- Negotiated new contract valued at \$6.6 million annually for physicians group with multi-state HMO organization.
- Negotiated multi-hospital exclusion contract for ancillary services.
- Represented acute care hospital facing immediate CMS decertification action; assisted in developing and successfully implementing remedial actions to avert decertification; successfully contested process and findings of noncompliance, thereby limiting required scope of remedial action.
- Assisted client in preparing Program Flex proposal from State of California to perform elective angioplasty/stent placement in their Cardiac Cath Lab.
- Represented medical staffs in physician disciplinary actions, settling several major peer review matters without necessity of hearing, and assisted with structuring and implementing department-wide review of performance.
- Represented physician group in merger negotiations.
- Developed comprehensive financial estimate policy for health care provider, in response to Assembly Bill 1045 legislation.

Litigation

Our health care litigators have recovered more than \$100 million for our clients over the last five years in lawsuits and binding arbitrations.

- Represented hospital system and individual providers in multiple class action lawsuits involving hospital pricing, hospital liens, charity care policies, and provider billing practices.
- Represented providers in complex binding arbitrations against non-contracted payers for reimbursement of hospital charges.
- Represented providers in disputes over continuity of care following term of contract and health plan's continuity of care plans.
- Defended health insurance plan in high stakes contract litigation involving charging and coding issues.
- Represented numerous health care providers in lengthy binding arbitrations over payment of thousands of claims for medical services that were to be reimbursed at contract fee-for-service rates, separately from capitation payments, resulting in multi-million dollar award against major health plan.
- Represented health care providers in complex contract disputes involving gastric bypass surgery charges, resulting in multi-million dollar recoveries from major health insurance plan.
- Represented health care providers in binding arbitration hearings involving neonatal intensive care unit charges, coding, and level of care issues, resulting in multi-million dollar award against payers.



- Defended provider in multi-million dollar case regarding coding of services, including application of Medicare Guidelines, National Correct Coding Initiative, Outpatient Code Editor, UB-92 Editor and industry standards.
- Represented providers in complex contract disputes involving reimbursement for implants and transplants.
- Represented providers in complex arbitrations involving calculation of stop-loss, delegation of risk to third party, payment of co-pays, Division of Financial Responsibility between providers and plan, and plan and third party, and timely filing, resulting in payment of thousands of fee-for-service claims and millions of dollars in recovery.
- Represented providers in litigation against ERISA plans, successfully avoiding Federal preemption and securing payment for health care services rendered to ERISA plan members.
- Represented provider in dispute involving STARK and anti-kickback issues.
- Represented providers in anti-trust and unfair business practices claims.

Ongoing Litigation Advice

- Counsel health care entities, including hospitals, networks, medical groups and health systems, on all aspects of managed care contracting, policies and procedures for legal risk avoidance, and business office practices.
- Counsel health care billing entities regarding billing and coding matters.