

## Health Care

### Health Care and Compliance

Health care is easily one of the most regulated industries in America, and is becoming more so every day. With the constantly changing regulatory landscape, health care providers find it increasingly difficult to keep pace while still providing top-notch care to their patients. Brooks Pierce's team of highly knowledgeable and experienced health care attorneys strive to remain on the cutting edge of the laws, regulations, and other issues impacting our health care clients.

We have a diverse client base all along the health care spectrum. We regularly represent academic and community hospitals, physicians, physician groups, surgery centers, imaging centers, assisted living facilities, N.C. Board of Pharmacy, trade associations including the North Carolina Hospital Association, practice management entities, mental health facilities, home health agencies, hospices, managed care companies, nuclear pharmacies, laboratories, group homes for individuals with intellectual disabilities, and pharmaceutical companies.

**Regulatory compliance.** Our attorneys provide timely counsel on issues regarding HIPAA, self-referral laws including the Stark and anti-kickback laws state, facility licensing, billing regulations, Medical Board regulations, antitrust law, certificate of need requirements, and other state and federal compliance laws that are unique to the health care industry. We also represent clients in matters involving federal and state agencies, including the Department of Justice (state and federal), N.C. Medical Board, the Healthcare Planning and Certificate of Need Section, Medicaid, and the federal Office for Civil Rights (on HIPAA investigations), and other administrative agencies.

**Provider Contractual Arrangements.** The types and number of contractual arrangements between providers, including hospitals, physicians, and others, is endless as providers work to succeed in this time of change. We regularly prepare and review a broad array of contractual arrangements for providers, including contractual joint ventures, service agreements, management agreements, call coverage agreements, hospital-based provider agreements, employment agreements, recruitment agreements, acquisition agreements, health information exchange agreements, group purchasing agreements, and others. Our goal is to help clients find unique ways to structure these arrangements to accomplish the business objectives of the parties involved.

**Resolving complaints.** Our lawyers represent individual providers, hospitals, and other health care entities with issues such as:

- HIPAA investigations and breaches, including actions by the Office for Civil Rights

- False Claims Act lawsuits, including *qui tam* lawsuits
- Medicare and Medicaid fraud lawsuits and enforcement actions
- Disciplinary matters before the NC Medical Board and the NC Board of Nursing, and other licensing agencies
- Antitrust violation claims and litigation, particularly against physician groups and hospital systems
- Products liability claims against pharmaceutical and medical device companies
- Insurance fraud

**Certificates of Need (CON).** We represent providers in all areas of the CON process, including providing advice on CON law requirements, reviewing CON applications, preparing exemption and "no review" requests, preparing declaratory ruling requests, representing providers before the State Health Coordinating Council, the CON Section, and other related regulatory bodies, and representing providers in CON litigation.

**Responsible counsel.** Our attorneys assist our health care clients with day-to-day operational advice with issues like HIPAA compliance, employee relations, vendor contracts, developing operational policies, and counsel regarding insurance reform.

**Public policy advocacy.** Our practice includes extensive governmental lobbying efforts for health care providers, and the review and drafting of health care legislation and regulation.

How can we help you provide better care?

Brooks Pierce's Health Care Team are "easy to work with and great communicators who are extremely knowledgeable and always available." -Client, *Chambers USA Guide*

## PEOPLE

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## AREAS OF CONCENTRATION

Compliance & Internal Investigations

Privacy

## NEWSROOM

### News

Brooks Pierce Welcomes Four New Associates

09.28.2021

72 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2022 Guide  
*The Best Lawyers in America*®, 08.19.2021

Brooks Pierce Practice Areas, Attorneys Receive Top Honors from Chambers USA  
*Chambers USA*, 05.20.2021

Brooks Pierce Welcomes New Associate  
08.18.2020

Brooks Pierce Practice Areas, Attorneys Receive Top Honors from Chambers USA  
*Chambers USA*, 05.01.2020

### Events

Brooks Pierce Attorneys Present Webinar on OSHA's New Healthcare Emergency Temporary Standard  
07.29.2021

### Publications

President Biden's "Path out of the Pandemic" Imposes New Vaccination Requirements  
*COVID-19 Response Resource Center: Timely Counsel for your Business*, 09.10.2021

Brooks Pierce Capital Dispatch: Updates from the NC General Assembly and Governor's Office, September 3, 2021  
09.03.2021

Increased DOJ Enforcement in the Health Care Space  
07.12.2021

OSHA's New Emergency Temporary Standard to Protect Healthcare Workers  
*COVID-19 Response Resource Center: Timely Counsel for your Business*, 06.14.2021

Office for Civil Rights Settles Five Investigations in HIPAA Right of Access Initiative: Don't Give Your Patients Any Reason to Complain  
09.16.2020