

Health Law

Health care is one of the most highly regulated industries in Florida and throughout the United States. The statutes, regulations and policies that focus on health care entities are complex and continuously changing. That's why it is imperative that health law attorneys have an exceptional level of experience, knowledge and understanding of this complex area of law.

Greenspoon Marder LLP's Health Law practice group focuses on all areas of health law including fraud and abuse, bioethics, health care business transactions, HIPAA, compliance programs, pharmaceuticals, managed care, clinical trials, medical staff issues, contracting and licensure issues. Representative clients of Greenspoon Marder's Health Law practice group include hospitals, physicians, dentists, physician organizations and networks, home health agencies, pharmaceutical companies, independent diagnostic testing facilities, rehabilitation companies, ambulatory surgery centers and pharmacies.

At Greenspoon Marder, we pride ourselves on offering effective, comprehensive legal counsel to help clients operate successfully within the constantly changing economic and regulatory environment.

Our attorneys represent:

- Assisted Living Companies
- Biotechnology Companies
- Diagnostic Imaging Centers
- Health Care Clinics
- Home Health Agencies
- Hospices
- Hospitals and Hospital Associations
- Individual Health Care Professionals
- Integrated Service-Networks
- Laboratories
- Long-Term Care Facilities
- Medical Equipment Suppliers
- Medical Staffing Companies
- Nursing Homes
- Pain Management Clinics
- Pharmaceutical Wholesalers
- Pharmacies
- PHOs, IPAs and MSOs
- Physician Group Practices
- Rehabilitation Facilities

We actively counsel clients in forming alliances that will strengthen their position within their local health care market, such as forming group practices, independent practice associations and management services organizations and in

developing advantageous business relationships.

Our team also represents clients before local and federal regulatory enforcement agencies. We regularly appear in various administrative forums, as well as state and federal courts. In addition, our attorneys cover a wide-range of health law matters, including but not limited to:

- Acquisitions, Mergers, Divestitures, Reorganizations
- Asset and Wealth Protection
- Bankruptcy
- Business Start-Ups, Joint Ventures, Acquisitions, Mergers and Divestitures
- Business Transactions
- Certificate of Need
- Civil, Administrative and Professional Disciplinary Investigations & Proceedings
- Contract Review and Negotiation
- Commercial Litigation
- Department of Health Investigations
- Employment Law
- Facility Inspections
- Formation of Corporations and Limited Liability Companies (LLCs)
- Group Practice Formation
- HIPAA and EMTALA Matters
- Hospital Lien Litigation
- Incorporation
- Kickback and Self-Referral Matters
- Licensure, Certification & Survey
- Managed Care Contracting & Reimbursement
- Medical Records Requests
- Medicare and Medicaid Audits
- Medicare and Medicaid Fraud Defense
- Medicare, Medicaid, and Third Party Reimbursement
- Non-Compete and Covenants-Not-To-Compete Issues
- Opinion Letters
- Partner/Shareholder Disputes
- Peer Review Actions
- Professional Licensing Board Matters
- Real Estate Transactions
- Regulatory Matters
- Restrictive Covenant Litigation
- State and Federal Audits
- Taxation

Related Areas

- Cannabis

News

- Greenspoon Marder Client Alert: Limited Operation Of New York State Courts In Wake of Coronavirus Pandemic
- Greenspoon Marder Promotes Six Attorneys To Partner In 2020
- Greenspoon Marder Attorneys Lee Lasris And Ron Lebow Named Among National Law Journal's 2019 Health Care Law Trailblazers
- Greenspoon Marder Attorney Melissa Goldman Speaker At Recent Florida Bar CLE Programs
- The Ever-Growing Medicare Appeals Backlog and CMS' Latest Response
- MACRA and the New "Pay for Performance" Model
- Greenspoon Marder Attorney Melissa Goldman To Moderate the Women in Medicine: Born To Lead Health Care Roundtable
- 7 Greenspoon Marder Attorneys Recognized in Florida Trend's 2017 Legal Elite
- Super Lawyers Recognizes 16 Greenspoon Marder Attorneys As 2017 Florida Rising Stars
- Greenspoon Marder Supports The American Parkinson Disease Association's Optimism Walk
- Greenspoon Marder Shareholders Jodi Laurence and Lee Lasris Featured Panelists at Health Care Industry Conference
- Greenspoon Marder Supports Palm Beach County Bar Association's Cannabis Law Summit
- Greenspoon Marder Shareholder Jodi Laurence to be a Featured Speaker at the Cannaholdings Medical Marijuana Educational Symposium
- Greenspoon Marder Supports the Broward County Bar Association's Medical Marijuana Legalization Summit 2017
- Greenspoon Marder Attorneys Lori Desnick and Sarah Warden to be Speakers at the South Florida Medical Group Management Association Annual Symposium
- Greenspoon Marder Shareholder Jodi Laurence to Moderate the Women in Health Care: Leaders in the Transformation of Medicine
- Greenspoon Marder Announces Further Expansion with Addition of Florida Health Law Center

Videos

- Webinar: Health & Labor Law Considerations for Healthcare Employers During the Pandemic

Publications

- Greenspoon Marder Client Alert: Limited Operation Of New York State Courts In Wake of Coronavirus Pandemic
- Greenspoon Marder Health Law Blog: Concierge Medicine And Direct Primary Care Agreements
- Medicare Advantage Organizations May Be Denying Claims to Increase Profits, Says OIG
- Direct Primary Care Agreements
- IRS Begins Enforcing Affordable Care Act's Employer Shared Responsibility Mandate
- CMS Permits Texting of Patient Information Among Health Care Providers
- DNRs in Florida and the Case of a Signed DNR Tattoo
- The Ever-Growing Medicare Appeals Backlog and CMS' Latest Response
- MACRA and the New "Pay for Performance" Model
- Medicare Program Integrity Manual Allows for Electronic Signatures for Authentication
- North Broward Hospital District v. Susan Kalitan: A Drastic Shift in Personal Injury Medical Malpractice Noneconomic Damage Awards
- New Guidance On Corporate Compliance Program Evaluation Issued by the U.S. Department of Justice

Meet the Team

- Ron Lebow
- Sherine Marder

Sub-Practices

Clinical Trials

Greenspoon Marder's Health Law practice group provides a wide range of services to clients who require legal assistance in the area of clinical research, including hospitals, physicians, physician groups, and health care systems. We advise clients regarding regulatory compliance and assure that their interests are protected through the preparation of applicable legal forms, agreements, and other documents.

We regularly negotiate and draft:

- Sponsored Research Agreements
- Research Consortia Agreements
- Material Transfer Agreements
- Confidential Disclosure Agreements
- Clinical Trial Agreements
- Strategic Alliance and Joint Venture Agreements
- Informed Consent Forms

We advise and counsel clients regarding:

- Medicare Reimbursement for Clinical Trials
- Fraud and Abuse Issues in Research Programs
- Research Issues and Tax-Exempt Status
- Protection of Human Subjects in Research
- HIPAA Privacy and Research
- FDA Regulation and Compliance

Contracting

Greenspoon Marder's Health Law practice group devotes a substantial part of their individual practice to the review or preparation of all types of contracts utilized in the health care industry. Health law is a highly regulated field and the arrangements among health care providers involve complexities that our lawyers navigate on a daily basis when preparing and negotiating agreements.

Health care contracting requires the skill involved not only in drafting complex legal documents, but also requires complex and detailed knowledge of the applicable health care laws, regulations, and guidelines applicable to the specific transaction. These laws include state and federal anti-kickback and fraud statutes, self-referral laws, privacy laws, and other rules and regulations governing payment for health care services.

Facility Licensing and Accreditation

Greenspoon Marder's Health Law practice group assists clients in securing facility licensing and accreditation. Drawing on our knowledge and experience, we have assisted our clients with licensing issues related to numerous types of health care facilities and other entities, including:

- Adult Day Health Care Centers (ADHCs)
- Alcohol and Drug Treatment Rehabilitation Facilities
- Ambulance Companies
- Ambulatory Surgery Centers (ASCs)
- Assisted Living Facilities (ALFs)
- Assisted Residential Facilities (ARFs)
- Clinics
- Clinical Laboratories
- Durable Medical Equipment Suppliers (DMEs)
- FDA-Regulated Facilities
- Health Care Clinics
- Home Health Agencies (HHAs)
- Home Medical Device Retailers (HMDRs)
- Hospice
- Hospitals
- Independent Diagnostic Testing Facilities (IDTFs)
- Long Term Care Facilities
- Mental Health Facilities
- Pain Management Clinics
- Pharmacies
- Rehabilitation Facilities
- Skilled Nursing Facilities (SNFs)
- Sleep Testing Centers
- Sub-acute and Long-term Care Facilities
- Urgent Care Centers

Our team regularly assists clients in obtaining Medicare and Medicaid enrollment, and in securing government and commercial contracts.

Health Care Business Structuring

Mergers, acquisitions, affiliations, strategic alliances and divestitures are often necessary to create efficiencies and meet business objectives in an ever-changing environment of the health care industry. The attorneys of Greenspoon Marder's Health Law practice group routinely structure and implement such transactions for every sector of the non-profit and for-profit health care industry.

Our team has extensive experience in drafting and negotiating asset, stock purchase, and affiliation agreements and other transactional documents, comprising of advising on all pertinent regulatory issues, including antitrust, tax, anti-kickback, reimbursement, state licensing, environmental, employee benefits and labor. Our broad knowledge of health law and business issues, combined with the national scope of our practice, allows us to help our clients develop business strategies designed to meet their short and long-term objectives.

Health Care Compliance Consulting

Greenspoon Marder's Health Law practice group helps our clients to comply with state and federal laws relating to fraud and abuse, in addition to responding to state and federal civil and criminal investigations on our clients' behalf. In

particular, we regularly address issues arising under the federal and state anti-kickback, fee-splitting, and physician self-referral laws and regulations.

We also help our clients to structure their practices and transactions to develop appropriate policies and procedures to avoid non-compliance. Our attorneys have extensive experience creating and implementing corporate compliance programs and codes of conduct designed to address a wide array of statutory and regulatory concerns that face any health care business including employment, health fraud, antitrust, health privacy, patient dumping, and commercial and government reimbursement and to help employers establish a culture of compliance within their operations.

Health Care Litigation

Greenspoon Marder's Health Law practice group has extensive experience in a wide variety of litigation in federal and state courts throughout the country, as well as administrative proceedings before federal and state agencies. We litigate in a variety of settings, over a variety of issues including but not limited to:

- False Claims Act/qui tam Litigation, Including Pre-Litigation Investigations
- Medicare and Medicaid Reimbursement
- Medicare and Medicaid Rule-Making Litigation
- Medicare and Medicaid Decertification Proceedings
- Restrictive Covenants
- Business Dissolution's
- Breach of Contract
- Landlord/Tenant Disputes
- Regulatory Survey Appeals/IDR
- Joint Commission Accreditation and Survey Appeals
- Physician Credentialing Litigation
- Private Health Insurance Reimbursement Litigation
- Federal and State Civil Investigative Demands and Subpoenas
- Federal and State Criminal, Health Care Investigations

Health Care Reimbursement

The billing and reimbursement process between insurers and providers is complicated and constantly changing, often resulting in disagreement on the appropriate level of payment for services rendered. We assist clients with Medicare, Medicaid and commercial payor reimbursement and overpayment issues including, without limitation, audits (RAC, ZPIC, commercial audits or par and non-par providers), prepayment review, request for reimbursement of over-payment, and related matters.

Greenspoon Marder's Health Law practice group works with health care providers, insurance companies, third-party administrators and Medicare intermediaries and carriers on a board range of services from negotiating settlements with payors, to vigorously pursuing the claims in the state or federal court to obtain fair reimbursement.

HIPAA Privacy and Security Solutions

Greenspoon Marder's Health Law practice group offers our clients a variety of services designed to help them comply with various state and federal privacy laws and regulations including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Our team has a wide range of practical experience in HIPAA compliance and have educated and counseled clients on HIPAA requirements, including the preparation of appropriate policies and procedures and the design and implementation of training programs.

Informed Consent and Advance Directives

Greenspoon Marder's Health Law practice group advises clients in other areas within the field of bioethics including advance directives, health care powers of attorney and surrogates, informed consent, guardianship, do not resuscitate (DNR) orders, and other issues involving substituted decision making.

Managed Care Disputes & Collections

As the cost of delivering health care rises, the collection of medical claims revenue becomes increasingly important to our clients. Billing and collecting health care receivables are very diverse matters requiring different skills and levels and expertise.

While not all accounts receivable require attorney involvement, there are certain advantages that a law firm experienced in managed care disputes brings to the table which make the process more efficient. Our team, experienced medical claims collection uses its pre-litigation analysts to review the denial pattern (which invariably exists); we review the denial pattern against the contract; and send out pre-litigation, demand letter. This process is less expensive for the provider and avoids unnecessary litigation while establishing rapport with payors which our team uses across our client community in the resolution of managed care disputes. Having an experienced attorney on your team can also assure prompt response to Medicare and Medicaid appeals.

Our team of attorneys is particularly situated to render this type of specialized service. Our attorneys are well-versed in health law and managed care collections. As health law attorneys, we regularly review and negotiate managed care contracts on behalf of large and small providers. We use that knowledge to dispute retroactive audits from both commercial carriers and government payors.

Mergers & Acquisitions and Other Business Transactions

Greenspoon Marder's Health Law practice group counsels clients in a variety of transactional matters, including corporate organization, reorganization and governance matters, mergers and acquisitions, joint ventures and partnerships, contract preparation, real property matters, licensing, and commercial loan transactions.

Physician and Hospital Relationships

Greenspoon Marder's Health Law practice group regularly prepares, reviews, revises and advises on issues including, without limitation, medical staff matter, peer review, credentialing, and physician disciplinary actions, fair hearing processes, judicial review and EMTALA.

Our team has sought emergency court orders for temporary guardianship, Baker Act patients requiring discharge, and no transfusion surgery. We have negotiated leases, physician relocation agreements, income guarantee agreements, physician recruitment, managed care agreements, severance agreements, and opined on a variety of issues large and small to assist in-house counsel as an extension of a hospital's legal department.

Representation Before Regulatory Board

Greenspoon Marder's Health Law practice group represents health care providers, physicians and non-physician practitioners before the various Florida State Boards regulating their respective professions. When necessary, our attorneys accompany the provider and represent the provider's interest before the regulatory Board. We take the case from investigation through Final Order as necessary.

Telehealth

Greenspoon Marder's Health Law practice group regularly advises clients on issues involving telemedicine and we stay abreast of emerging issues. Our team has the experience necessary to assist the telemedicine program assessment, development, and implementation including national or state-by-state surveys of applicable telemedicine laws.

The Affordable Care Act and Health Care Law Reform

Health care reform brings more complexity to an already intricate arena of health law, affecting different clients in different ways. Our team of health law attorneys counsel health care providers on issues relating to reimbursement, consolidation, compliance and ethics programs, and disclosure, as well as issues that are specific to different provider types.

Our team closely monitors developments and emerging issues in health care reform to keep our clients apprised of how they may be impacted.