Healthcare

In an era when healthcare providers can incur millions of dollars in fines resulting from regulatory non-compliance and whistleblower lawsuits, it's important to work with a law firm that understands the complex issues facing the industry. GrayRobinson has assembled a team of healthcare lawyers who understand the unique legal considerations of physicians, hospitals and other medical providers. This experienced group of attorneys applies appropriate principles of general healthcare law, corporate, reimbursement, securities, and tax law to each situation.

Our healthcare lawyers represent numerous hospitals, nursing homes, physicians, physician groups, ambulatory surgery centers, imaging centers, home health agencies and many other healthcare providers. There are over 30 attorneys in the healthcare practice group who concentrate their practices on a wide range of legal matters including compliance, fraud and abuse, private health insurance, physician self-referral, HIPAA, false claims, physician discipline, managed care contracting, antitrust, and medical staff issues.

We serve as general counsel to a major national healthcare provider with hospitals and other facilities in 10 states, and have extensive experience in the issues involved in physician-hospital joint ventures. We also serve as general counsel for several hospital districts in Florida as well as representing a large national public for profit hospital organization. We represent hospital-based physician groups and advise them concerning their exclusive professional service agreements with hospitals. Our healthcare lawyers are also involved with the formation, sale, dissolution and restructuring of joint ventures to comply with Medicare fraud and abuse law, Safe Harbor regulations, Stark legislation, the Florida Patient Self-Referral Act and Florida fee-splitting issues.

Hospitals

For many years, GrayRobinson has served as general counsel to one of the country's largest healthcare systems, which owns and operates 32 hospitals in nine states and 26 nursing homes in eight states, and is the largest provider of home health services in the United States. We also serve as general counsel to a 210-bed hospital in Titusville, serve as special outside counsel to a hospital district in Indian River County, Florida, and we represent numerous hospitals specializing in mental health and substance abuse services.

ERISA Litigation

Shifting Strategies

The risk of litigation across the employee benefits marketplace is accelerating. Evolving case law, market volatility, and increased scrutiny on healthcare costs is having an explosive effect on ERISA benefits litigation as the wave of high-stakes claims and sophisticated tactics continues to exert pressure on managed care companies. Our ERISA litigation team has decades of experience working closely with in-house counsel and other key stakeholders in this highly complicated and granular litigation subspeciality to help shift and protect their defensive strategies.

Sector Strengths

GrayRobinson collaborates with insurance companies and third-party administrators to mitigate risk and guard against individual payor-provider disputes and class actions involving group and individual life, health, and disability policies. Our trusted team of experienced litigators represents several of the largest carriers in the country at both the trial and appellate levels, and in administrative and arbitral proceedings.

We advise and defend clients facing complex ERISA litigation involving medical and disability benefits, fiduciary responsibility, prohibited transactions, retiree medical obligations, commercial transactions, and ERISA's preemption of state law. Working to maximize subrogation and reimbursement rights, we help clients navigate the unique standards of review that govern ERISA claim disputes and also manage disputes stemming from agreements between benefit plans and third party administrators, as well as nonparticipating provider claims.

Our team delivers cost-efficient counseling, while fully developing all available legal defenses. We have handled hundreds of participating and nonparticipating provider claims on behalf of our insurance clients, and are highly attuned to the trends, decisions, and evolving jurisprudence impacting providers and the employee benefits industry as a whole.

Multidisciplinary Team

Members of our ERISA litigation team have served as lead counsel for numerous class actions and individual claims. The team is bolstered by our leading corporate, employee benefits, healthcare, and managed care practices with broadly developed experience in the design, drafting, implementation, and operation of health, life, and disability plans and procedures. We represent dozens of plans maintained by publicly traded and privately held, tax-exempt, and governmental employers.

Physician Groups

GrayRobinson healthcare lawyers represent numerous physician practices in Central Florida. For more than 30 years, our attorneys have represented one of the largest multi-specialty physician groups in Florida. Our representation covers virtually every aspect of physician practice, including managed care, structuring arrangements involving ancillary services, joint ventures, compliance with fraud and abuse laws, HIPAA, and licensure matters. We regularly appear before the Florida Agency for Healthcare Administration and Board of Medicine on rulemaking and other regulatory proceedings. We closely follow legal developments at the state and federal level that affect our physician clients.

Tax-Exempt Organizations

Our healthcare lawyers have extensive experience representing tax-exempt and foundations healthcare organizations. Bill Boyles serves as general counsel to several tax exempt healthcare systems. Bill also serves as general counsel to Florida Hospital Foundation and Hope Worldwide, Inc., which operates international and national healthcare projects. Bill was involved in the establishment of a tax-exempt hospital, which was later acquired by a public hospital authority. In the area of public finance, in 1977 GrayRobinson pioneered and until 1996

represented the Orange County Health Facilities Authority in issuing more than $1 billion of tax-exempt bonds for non-profit hospitals and other healthcare facilities.

Regulatory Experience

GrayRobinson's Tallahassee office includes an attorney who served as general counsel to the Department of Health, and has included a former assistant attorney general who served as general counsel to several of Florida's healthcare regulatory boards, including Medicine, Osteopathic Medicine, Dentistry, Nursing, Chiropractic, Psychology, Acupuncture and Respiratory Care. Our healthcare lawyers' regulatory experience and longtime relationships with the heads of many regulatory agencies have proven beneficial for our clients in matters relating to licensure, acquisition negotiations and compliance issues.

Regulated Products

GrayRobinson healthcare attorneys assist healthcare industry clients obtain and maintain compliance with statutory and regulatory requirements on the state level, as well as providing counsel on how to avoid violation of applicable federal laws. Our attorneys provide numerous services, including advice and counsel to healthcare providers regarding registration with the state to order medical-use regulated products for patients, (such as medical marijuana), requirements for patients to use and possess regulated products, avoiding penalties healthcare providers may face for non-compliance with state and federal law and potential liability for involved players. Our goal is to ensure healthcare providers comply with and stay abreast of developments in incorporating regulated products, like medical marijuana, into treatment and/or pain management for patients.

Respected Leadership

Over the years, GrayRobinson has earned the respect of top officials in key healthcare agencies, including the U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services, Florida Agency for Healthcare Administration, Department of Health, Department of Insurance, and Board of Medicine. In many instances, our healthcare attorneys have developed close working relationships with the agency heads as well as their general counsels. These relationships can be critical in representing clients regulated by these agencies. Our attorneys also have been involved in shaping major healthcare reform efforts locally and statewide.

Recent E-lerts

Healthcare E-lert: Sanitizer Manufacturers Beware – FDA Facility Fee May Be A Hefty One (1/11/2021)

COVID-19 Task Force E-lert: Navigating Concerns About Fraud and Abuse Liability Exposure for Clinical Laboratories Who Perform COVID-19 Antibody Tests (8/5/2020)

COVID-19 Task Force E-lert: Pitfalls to Avoid When Sourcing PPE and Other Medical Devices to Help Nation's Need (4/20/2020)

COVID-19 Task Force E-lert: Much Needed COVID-19 Blanket Waivers to Stark are Issued and Retroactive to March 1st (4/2/2020)

Healthcare E-lert: Key Developments at the Federal and State Level to Address COVID-19 (3/18/20)

Healthcare E-lert -- Opioid Manufacturers and Distributors Beware... (2/27/2018)

Healthcare E-lert -- Think, Before You Text (1/3/2018)

Healthcare E-lert -- With the New Year Comes New Opportunities for Florida Nurses to Practice with a Multi-State License (1/1/2018)