

# HEALTHCARE LAW

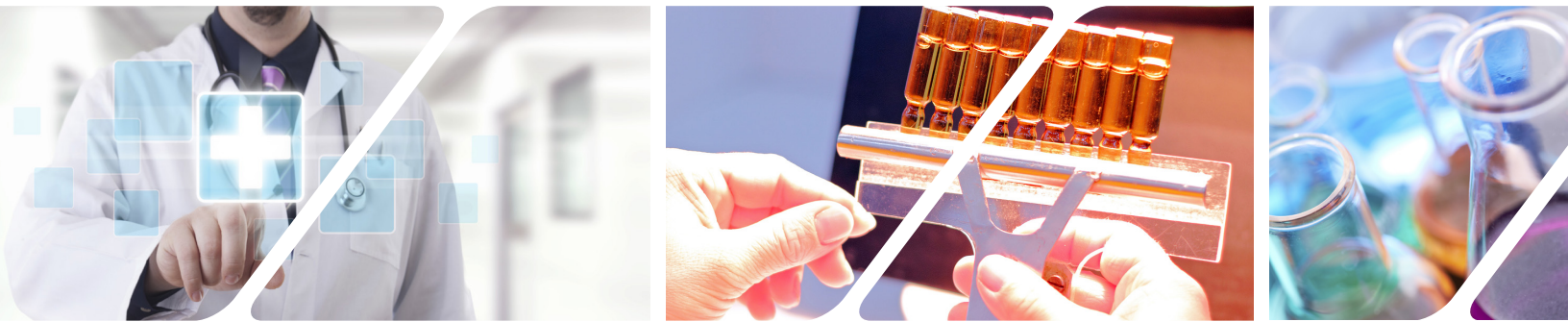
FORWARD THINKING HEALTHCARE SOLUTIONS  
IT'S WHAT WE DO



## OUR HEALTH LAW PRACTICE

Shipman & Goodwin has a comprehensive health law practice with a broad range of experience in each of the major sectors of the healthcare industry. We take pride in our long-standing ties to the healthcare community and our reputation for the highest level of professionalism and client service. Our attorneys have a thorough knowledge of the issues and trends affecting the healthcare industry, and serve as counsel to a variety of provider and supplier organizations. We offer legal solutions to the complex issues facing our healthcare clients. We recognize that our clients need to provide quality healthcare services, build and operate a business, maintain a workforce, access capital, create and protect intellectual property, resolve disputes, collaborate with physicians and partners, and succeed in a competitive marketplace. We have built a group of dedicated healthcare lawyers who become valuable members and trusted advisors of our clients' leadership teams.

As a full-service firm, we draw upon our teams of attorneys in business, finance, tax, labor and employment, employee benefits, intellectual property, environmental, mergers and acquisitions, and business and commercial litigation to effectively assist our healthcare industry clients. We are committed to our clients and strive to ensure that our clients receive personal attention from attorneys experienced to handle their matters.



## Representative Clients

Shipman & Goodwin's health law practice provides legal services for a wide variety of clients in the healthcare sector, including:

- Acute care, general, chronic disease, and specialty care hospitals
- Academic medical centers
- Ambulatory surgery centers
- Integrated health care delivery systems
- Assisted living facilities
- Behavioral health providers
- Skilled nursing facilities
- Residential care facilities
- FQHCs and FQHC look-alikes
- Home health agencies
- Hospices and palliative care agencies
- Companion service agencies
- Health insurance exchanges
- All-payer claims database
- Clinical and diagnostic laboratories
- Physician certification specialty boards
- Health insurance companies
- Physician-hospital organizations
- Physician organizations
- Managed care organizations
- Educational infirmaries and health centers
- ACOs
- Tissue banks

Shipman & Goodwin's health law practice also provides corporate and regulatory advice to clients sourcing the healthcare industry, including software and health information technology firms, venture capitalists and other investors, and employee benefit plans and administrators.

## State and Federal Regulatory Matters

We advise our clients on all state and federal regulatory issues that impact their day-to-day operations. We are committed to client education and regularly provide educational sessions to our clients on new developments. Given our large practice and depth of experience counseling healthcare providers from all sectors, we are efficient, effective and credible when working with our clients and state and federal regulators. We highlight the following regulatory areas:

- **Licensure and Compliance investigations**
- **Stark and Anti-Kickback** compliance and business transactional planning
- **Joint Commission** and accreditation compliance
- **Quality** improvement, unanticipated outcomes and peer review
- **Tax-exempt** compliance
- **Government investigations**, including whistleblower actions
- **Medical staff** bylaws, disciplinary matters and credentialing
- **Certificate of Need** determinations, applications and intervenor petitions
- **FQHC** certification and compliance
- **Research**, clinical trials and IRB processes and compliance



## Corporate Compliance

We have extensive knowledge and experience in analyzing the Medicare and Medicaid reimbursement rules and responding to audits and investigations while achieving excellent results. Operational knowledge is key to advising our clients on providing the necessary documentation and explanation in response to investigations. Most importantly, we can guide you in determining which issues deserve pursuit and which do not, and our credibility with regulators and guidance will help you achieve results.

Some of the issues we address with respect to Medicare and Medicaid reimbursement and audits include:

- **Fraud and abuse** compliance
- **Reimbursement** compliance
- **Medicaid and Medicare** audits
- **RAC** audits
- **Overpayments**, self-disclosure and settlement
- **Graduate medical education** issues
- **Rate** appeals
- **Internal investigations**

## Health Information Technology

Our health law practice group counsels healthcare providers and facilities on all aspects of the utilization of health information technology and the privacy and security of healthcare data. We regularly counsel our clients on matters relating to:

- **Privacy and security** issues relating to use, disclosure and safeguarding of patient/member data
- **Licensing** issues relating to technology acquisition and implementation
- **EHR systems** including satisfying measures for meaningful use and responding to audits
- **Data breaches** and security incident investigation and response
- **E-health programs** including telehealth, telemedicine and mobile health delivery models
- **APCDs** and other healthcare information aggregators



## Comprehensive Legal Services in Related Areas of Law

As a full-service law firm, attorneys in our health law practice have the benefit of unlimited assistance from attorneys at both partner and associate level within our many other practice areas. Some of the areas pertinent to the healthcare industry are highlighted below.

### BUSINESS AND FINANCE

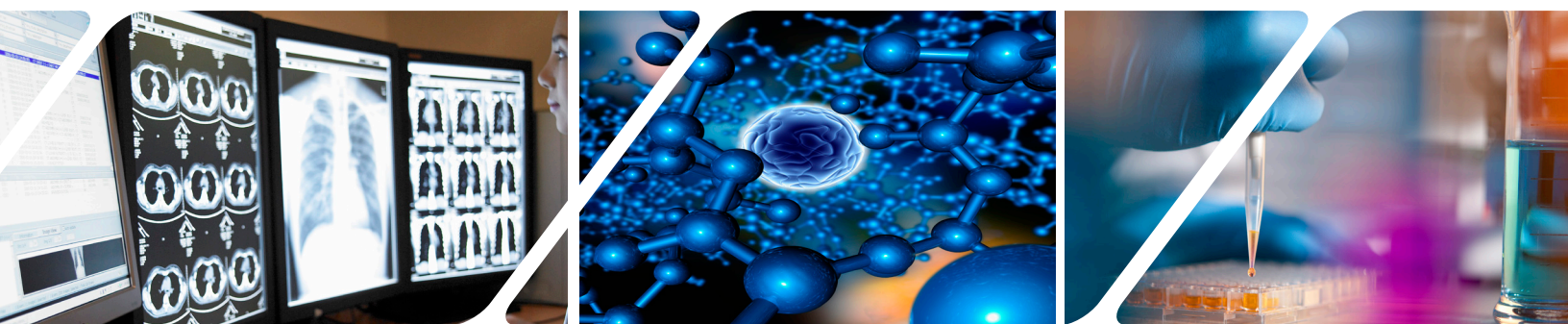
Shipman & Goodwin provides a full range of services, including corporate, mergers and acquisitions, private equity, e-business, tax and contracting. They pride themselves on giving practical, business-oriented and creative advice, with broad industry knowledge in those sectors in which our clients do business.

- **Corporate governance**, including best practices and governance documents
- **Mergers and acquisitions**, including reorganizations, joint ventures and affiliations
- **Tax-exempt** counseling

## LABOR, EXECUTIVE COMPENSATION AND IMMIGRATION

Shipman & Goodwin has a dedicated group of labor and employment lawyers who provide counsel to all major sectors of the healthcare industry. Our executive compensation lawyers represent public and private healthcare companies as well as individual senior executives.

- **Union** organizing campaigns and representation elections, collective bargaining and impasse resolution processes, strikes, picketing, grievance and arbitration procedures and unfair labor practice claims
- **Executive compensation** matters including elective and non-elective deferred compensation arrangements, executive incentive plans, stock-based compensation plans and individual employment agreements
- **Immigration** issues relating to work authorization for foreign workers
- **Preventative counseling and training** on subjects ranging from sexual harassment to union avoidance



## REAL ESTATE, CONSTRUCTION AND COMMERCIAL FINANCING

Our firm represents clients in the development, financing and construction of all types of healthcare facilities.

- **AIA architect and construction** negotiations and management agreements
- **Permitting**, including land use and environmental
- **Taxable and tax-exempt financing** (including tax exempt bonds)
- **Leasing** facilities to physician practice groups and other third-party tenants

## INTELLECTUAL PROPERTY AND TRADE SECRETS

Our attorneys design and implement the best strategy to maximize, retain and safeguard intellectual property.

- **Trade secrets** and proprietary information safeguarding
- **Protocols** established to protect valuable assets
- **Litigating** restrictive covenants and misappropriation of trade secrets, including injunction hearings and seizure of goods in both federal and state courts nationally

## OUR HEALTH LAW TEAM



### **Joan W. Feldman, Partner**

Hartford, CT

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Joan W. Feldman is Chair of the Health Law Practice Group. She has devoted her legal career to representing healthcare providers in connection with health care, business, regulatory and administrative law matters. Joan is general and special counsel to acute, general, specialty, academic medical center and chronic disease hospitals, skilled nursing facilities, home health agencies, hospice providers, behavioral health providers, durable medical equipment providers, clinical laboratories, organ procurement organizations, and physician certification boards. She regularly advises her clients on corporate governance, best practices, corporate and business issues and combinations, mergers, acquisitions, affiliations, joint ventures, physician/hospital strategic alliances; state and federal regulatory issues, including Certificate of Need, Medicare and Medicaid reimbursement, fraud, abuse, and Stark and Anti-kickback issues; corporate compliance, governmental audits and investigations (e.g., state and federal recovery audit contractors); privacy and HIPAA issues, state and federal investigations relating to privacy breaches; information technology and software licensing; medical staff and credentialing matters; medical ethics and end-of-life issues; quality of care regulatory matters, developing quality improvement and assessment programs; and clinical research matters, including regulatory compliance and medical ethics.

Joan's valuable experience as a registered nurse and faculty member at the University of Maine School of Nursing provides her with operational insights and practical approaches to challenging compliance and quality issues that distinguishes her advice and adds immeasurable value when counseling her clients on legal issues. Joan is a frequent speaker, educator and prolific writer on a variety of subjects of interest to healthcare providers, including compliance, medical ethics, regulatory and reimbursement matters and health care reform, including accountable care organizations, medical homes and other innovative strategies focused on cost containment and quality improvement. Joan is also a guest lecturer on health law issues at the Quinnipiac University School of Law.



### **Dawn R. Crumel, Partner**

Washington, DC

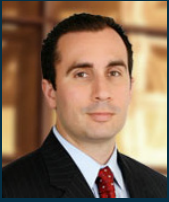
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Dawn is a partner in our Health Law Practice Group. Dawn started her career as a clerk for the Supreme Court of New Jersey and as an associate attorney for Buchanan Ingersoll. She returned to private practice after working for more than 17 years as in-house counsel for large hospital systems and managed care organizations. Given her extensive in-house experience including serving as Vice President and General Counsel, Dawn understands the economic and operational pressures facing providers today and can provide practical advice to providers and healthcare entities.

Dawn provides legal advice on all aspects of day to day business operations including, corporate organizational and governance issues, academic affiliations, acquisitions and joint ventures. Dawn also regularly advises providers on state and federal regulatory issues, including fraud and abuse, Stark, Anti-kickback, EMTALA, privacy and HIPAA issues. She advises medical staff bodies regarding governance, credentialing and disciplinary matters. Dawn also has extensive experience advising on accountable care organizations, population health, health information technology, telemedicine, physician practice acquisitions, faculty practice plans, graduate medical education programs, managed care matters, physician employment and integration, on-call coverage arrangements and concierge medicine. Dawn has also advised on tax-exempt issues, federal grant administration and government affairs. In the Health and Life Science arena, Dawn regularly advises her clients on clinical research, conflicts of interest and institutional review boards. She has been counsel to biomedical ethics committees and is frequently consulted on patient matters.

Dawn has served as Vice President and General Counsel at Meritus Health in Maryland, Senior Associate Counsel at Children's National Medical Center in Washington, DC, Senior Associate General Counsel for Health Affairs at Howard University in Washington, DC and Assistant Counsel at the University of Pennsylvania Health System in Philadelphia, PA. During Dawn's tenure as in-house counsel to these health systems, she was often consulted on various strategic initiatives and joint ventures. She was recently elected to her first term on the American Health Lawyers Association's (AHLA) Board of Directors. She frequently speaks and writes about issues relating to health law and policy.



**Vincenzo Carannante, Associate**

Hartford, CT

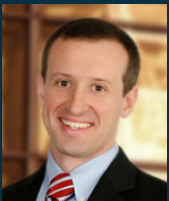
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Vincenzo Carannante is an associate in the firm's Health Law Practice Group. He represents a variety of healthcare facilities and providers including hospitals, ambulatory surgical centers, federally qualified health centers, behavioral health providers, clinical laboratories, residential care homes, home health agencies, physician practices and individual practitioners. He counsels clients on a wide range of state and federal health care regulatory and business matters, with a focus on compliance and reimbursement issues.

Vincenzo represents clients before the Office of Health Care Access (OHCA), the Connecticut Department of Public Health (DPH), the Connecticut Department of Social Services (DSS) and other federal and state agencies. He regularly counsels clients on all OHCA related matters and proceedings including, applying for Certificates of Need (CONs) for the establishment of a new or the sale/transfer of ownership of an existing healthcare facility or challenging CON applications filed by adverse parties. He also advises clients on the licensure of new facilities and ongoing compliance with Connecticut regulations (i.e. the Public Health Code), handling DPH investigations and hearings, preparation of Corrective Action Plans and negotiation of Consent Orders on behalf of healthcare facilities and providers. Vincenzo also represents individual practitioners (including physicians) in licensure investigations involving DPH and related professional boards.

Vincenzo also focuses on compliance and reimbursement issues including all Medicare and Medicaid reimbursement, "Stark", "Anti-kickback" and audit issues and investigations. He assists clients in establishing or structuring facilities, transactions, operations, and contracts in order to comply with the numerous regulatory hurdles faced by healthcare providers. He also represents clients in compliance and reimbursement audits and investigations conducted by state and federal agencies including the OIG, DOJ, HRSA, DSS, MassHealth, fiscal intermediaries, and government contracted auditors.



**William J. Roberts, Associate**

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William Roberts is an associate in Shipman & Goodwin LLP's Health Law Practice Group. Bill focuses his practice on healthcare corporate, regulatory and compliance matters. He represents hospitals and health systems; academic medical centers; physician group practices; health insurance companies; behavioral health providers; federally qualified health centers; medical device and pharmaceutical companies and a variety of other healthcare clients.

Bill provides representation to clients in connection with various contractual matters, including affiliations, supply chain, employment, professional services and other matters. Bill's regulatory practice is focused on HIPAA and other state and Federal data privacy and security laws; fraud and abuse and the Stark law; health information technology, including electronic health records; reimbursement; EMTALA; and general corporate matters. In the life science space, Bill advises clients with compliance program implementations, compliance audits, clinical trials and IRBs, the Sunshine Act, and compliance with PhRMA's Code on Interactions with Health Care Professionals, Advamed's Code of Ethics on Interactions with Health Care Professionals and other industry guidelines.

Bill is a member of the Firm's Data Privacy and Security Client Team and routinely advises clients on data privacy and security laws, particularly as those laws intersect with the healthcare industry. He prepares comprehensive privacy and data security programs and policies for businesses, and regularly counsels clients regarding the collection, use, retention, disclosure, transfer and disposal of protected health information and personal information. Bill frequently assists businesses navigate and remediate data breaches.

Bill is a member of the American Bar Association and the American Health Lawyers Association. He was selected by the American Bar Association to participate in the 2014 - 2016 Envoy Program, a prestigious program made up of young and diverse lawyers who have demonstrated a strong commitment to business law and organized bar activities. As part of his appointment, Bill will focus on data privacy, telemedicine and the intersection of health care and technology.

## ABOUT THE FIRM

With more than 165 lawyers practicing from offices in Hartford, Stamford, Greenwich and Lakeville, Connecticut, and Washington, DC, Shipman & Goodwin has sophisticated knowledge in a number of industry sectors, including real estate development, construction, environmental, energy, land use, education, emerging and middle market companies, financial services, franchising, government, health care, not-for-profits, petroleum marketing, retail, software and IT, and utilities. Since our founding in 1919, we have offered a cross-disciplinary approach to problems, and our size and location enable us to have a cost structure that provides our clients with efficient and high-value legal solutions.

We are committed to our clients, to understanding their needs and priorities, and to producing practical and effective solutions to their legal problems. The firm is large and diverse enough to handle the most sophisticated legal work, yet small enough that each client is important. We regularly represent clients in matters throughout the northeast and nationally. Our long-standing relationships are a matter of great pride, and we strive to achieve an ongoing role of counselor and business partner.



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