Health Care

Trenam Law's Health Care Industry Team attorneys bring to bear multiple disciplines, providing experience in all aspects of health care law. In today's highly regulated and ever-changing business environment, health care related clients need attorneys like us, who have a deep understanding of and are conversant about the laws, regulations, nuances, legal hurdles, and critical issues specifically affecting the health care industry.

Our clients trust us to help them achieve their goals and tackle their challenges within the context of their broad business needs and to provide creative options and solutions while taking into account the practical realities that health care systems, physician groups, and other providers face in today's marketplace.

Using our industry approach to health care, we give our clients advice and guidance that helps to ensure that their day-to-day operations comply with both State and Federal regulatory requirements with the ability, in most cases, to avoid continuous lawyer involvement. Our clients rely on us not only because of our knowledge and experience in the relevant areas of law, but also because of our responsiveness and ability to provide high quality legal services in a cost-effective way.

Trenam Law's Health Care Industry Team focuses on the law so that our clients can focus on the care.

The firm's lawyers assist a wide variety of those involved in the health care industry, including:

- Hospitals and Health Systems
- Physicians and Physician Groups
- Nurses and Mental Health Practitioners, Therapists, and others
- Ambulatory Surgery Centers
- Medical Transportation Companies
- Imaging and Diagnostic Facilities
- Dialysis and Radiation Therapy Facilities
- Skilled Nursing and Assisted Living Facilities
- Home Health Care and Related Agencies
- Pharmacies and Medical Equipment Suppliers

Representative Matters Include:

- Represented a Florida-based multi-office primary care physician medical practice and an affiliated hospital group in an asset sale to a regional primary health care provider and portfolio company a healthcare focused private-equity group.
- Represented acquired party in a merger into a single specialty physician practice management company of a multi-physician (28 physician-partners and approximately 20 clinicians) anesthesia practice that provides inpatient and outpatient anesthesia services to a Northeast Florida based health system.
- Represented acquired party in a merger into a single specialty physician practice management company of a multi-physician (6 physician-partners and approximately 9 clinicians) anesthesia practice that provides inpatient and outpatient anesthesia services to a Northeast Florida based health system and to multiple other clinical sites.
- Represented client in the purchase of behavioral health facility and handled all related regulatory matters. Subsequently, represented client in the dale of the facility to a hospital.
- Represented client in regulatory matters for behavioral health care facility including Medicaid waivers.
- Negotiated numerous physician, group practice, and hospital employment agreements.
- Prepared corporate compliance plans for physician practice groups.
- Represented home health agencies, home medical equipment providers, adult congregant living facilities, pharmacies, independent diagnostic testing facilities and clinical laboratories in licensing and in other regulatory and compliance matters.
- Represented acquiring party in purchase of orthopedic physician group practice (five physicians) from physician practice management company.
- Represented numerous physician and dental practices throughout the State of Florida in amicable separations.
- Mediated adversarial practice divorces.
- Represented acquiring parties and acquired parties in purchases and sales of numerous single location and multi-county/multi-location home health agencies (both Medicare and Medicaid certified skilled nursing and unskilled care), including handling the associated licensing and Medicare changes of ownership, the implementing of management arrangements, and addressing related planning.
- Represented acquiring party in purchases of prescribed pediatric extended care (PPEC) centers in Florida and other States, including handling the associated licensing and Medicare changes of ownership and addressing related matters.
- Represented acquiring parties and acquired parties in purchases and sales of comprehensive outpatient rehabilitation facilities and related physical therapy practices, including handling the associated licensing and Medicare changes of ownership and addressing related matters.
- Represented acquired parties in sale of home medical equipment providers, adult congregate living facilities, pharmacies, independent diagnostic testing facilities and clinical laboratories, including handling the associated

licensing and Medicare changes of ownership and addressing related matters.
- Represented acquired party in sale of multi-physician (16 partners) anesthesia practice with multiple hospital locations to a physician practice management company.
- Represented acquired party in sale of multi-location, multi-specialty physician practice (8 partners), operating multi-location outpatient imaging centers, to a hospital chain.
- Represented acquired party in sale of multi-location orthopedic practice (6 partners) to a physician practice management company.
- Represented acquired party in sale of 50% ownership in a multi-location anesthesia/pain management practice to a private capital company (and restructuring of the business in connection with accomplishing the sale).
- Represented acquired parties in sale of multi-physician internal medicine practices to a managed care entity.
- Represented acquired parties in sale of multi-location dermatology practice to a private equity company (and restructuring of the business into a separate practice management arm and a physician practice arm).
- Represented acquired parties in sale of a large Florida-based multi-office primary medical care practice and certain affiliated managed care companies to a major regional primary health care provider and managed care operator headquartered in Florida.
- Represented acquired party in sale of a multi-specialty health care clinic operating on the West coast of Florida to a health care insurance company.
- Represented a local mixed practice physician's group in effectuating an expansion from their original leased premises to several retail clinics throughout the Tampa Bay area.
- Represented a local medical group with the construction of a surgery center in Hillsborough County, Florida.
- Represented a local radiology group in securing financing for certain MRI equipment and the development of 18 leased imaging centers throughout the Southeastern United States.
- Provided legal assistance in connection with the financing for a family practice's expansion of its health care facility located in southwest Florida. The expansion allowed the practice to accommodate more patients per day as well as to provide space for medical labs so as to facilitate a higher level of service for their patients.
- Enforced and resisted enforcement of non-competition covenants on behalf of both health care practitioners and entities, including physician groups and health care agencies.
- Represented acquired party in a merger into a single specialty physician practice management company of a multi-physician (28 physician-partners and approximately 20 clinicians) anesthesia practice that provides inpatient and outpatient anesthesia services to a Northeast Florida based health system.
- Represented acquired party in a merger into a single specialty physician practice management company of a multi-physician (6 physician-partners and approximately 9 clinicians) anesthesia practice that provides inpatient and outpatient anesthesia services to a Northeast Florida based health system and to multiple other clinical sites.

Related Practice Areas:

Compliance, Data Breach, and Regulatory Services

In this period of aggressive regulatory enforcement, our attorneys work to keep our clients out of the headlines by proactively identifying and providing advice on their specific risk areas, including those related to:

- Anti-Kickback and Stark Laws
- False Claims Act
- HIPAA and HITECH
- EMTALA
- Licensing and Certification Matters
- OSHA
- A wide range of Coding and Billing Issues

Our health care compliance and regulatory practice also has a wealth of experience in counseling companies in the assessment, implementation, and enhancement of compliance programs, including the development of written standards, procedures, and protocols designed to help mitigate and minimize risk.

Business Transactions and Governance

Clients look to our health care industry team to provide business transactions legal assistance beginning with structuring and formation of legal entities and through handling contract preparation and negotiations, assisting in acquisitions of assets and businesses and facilitating the legal aspects of a sale of the business. Our team has experience navigating the unique business, regulatory, reimbursement, and risk allocation factors that shape health care transactions. We provide our clients with some of the most important legal services involved in organizing, operating, financing, and expanding their health care businesses.

Among the health care business transactions and matters for which our attorneys provide advice are:

- Business Formation and Entity Selection
- Mergers and Acquisitions
- Tax Advice and Structuring
- Antitrust Advice
- Financing
- Managed Care Contracts
- Medical Reimbursements

- Provider Contracts
- Government Contracts and Procurement

We also assist clients with a wide range of governance issues. Our work focuses on representing, advising, and guiding boards of directors and managers, various standing and special committees, and individual directors. Our services in the governance area also includes drafting and reviewing of minutes, maintaining minute books, stock, and other equity ownership records, and assisting with annual filings.

Find more information about our Business Transactions Practice Group.

Employment

We have extensive experience representing health care providers and health care employers with issues related to employment, human resources, and labor relations. Our attorneys particularly understand how employment laws impact and apply to health care facilities. We provide preventative employment law advice and guidance, assist in preparing appropriate policies and procedures, negotiate employment contracts, prepare qualified and non-qualified benefit and executive compensation plans, and help to facilitate the resolution of employee benefit issues. We have the ability and experience to represent employers in addressing their labor and employment disputes in Federal and State courts, as well as in administrative hearings, including those related to employer or physician disciplinary issues, grievances, and the hiring or firing of employees.

Litigation and Administrative Investigations and Hearings

Our attorneys have deep experience in health care related disputes, including having tried many high-exposure and complex cases. Our health care attorneys litigate health care issues in court (including before juries), in administrative proceedings, before arbitration panels, and in various appellate forums. Our health care litigation practice spans all facets of the industry, including disputes where we represent:

- Health Care Entities
- Medical, Dental, and Other Health Care Practices
- Physicians, Dentists, and Other Health Care and Allied Health Care Professionals
- Medical Schools

This practice has handled and continues to handle:

- Class Action Litigation
- Pricing Practices Disputes
- Regulatory Compliance Challenges
- Managed Care Disputes
- Disputes Arising from Merger-Related Activity
- Disputes Arising from Separation of Medical Practices
- Disputes Involving Intellectual Property Issues and Rights
- Disputes Involving Non-Competition and Other Restrictive Covenants
- Medical Reimbursement Disputes
- Investigations and Litigation by or Against State or Federal Authorities, Including AHCA, the Department of Health, and Licensing Boards
- Qui Tam and Whistleblower Matters
- Challenges to Accounting Practices

We also represent clients in peer review, credentialing, staff privileges, and disruptive and impaired physician issues, and assist clients in incident and regulatory reporting to various State and local regulatory authorities.

Private Client Services

Our private client services attorneys understand the special estate tax, wealth transfer planning, and wealth protection needs of physicians and other health care providers and their families. We help our clients prepare essential estate planning documents (including wills, revocable and irrevocable trusts, powers of attorney, health care surrogate designations, and living wills) and preparation of prenuptial and postnuptial agreements while advising clients on the relevant tax related issues. Our private client services team also assists with various probate and trust related matters, including providing guidance on preparing gift tax returns and estate tax returns and representing fiduciaries in their roles as trustees and personal representatives.

Real Estate

Our real estate attorneys regularly negotiate contracts, loans, and related documents and close real estate transactions specifically involving the health care industry and health care facilities. Health care businesses, including professional practices and provider entities throughout the State of Florida, rely on and trust our team of real estate experts to help them achieve favorable terms on a wide variety of health care related real estate transactions including:

- Start-up Offices
- Relocations

- Expansions
- Lease Negotiations from both Landlord and Tenant Perspectives
- Practice Transitions
- Review of and Advising on Environmental Issues
- Permitting and Zoning Issues
- Real Estate Financing

Whether it is assisting with financing of the construction of a new ambulatory facility or advising our clients on the commercial reasonableness of office lease terms, our qualified attorneys know the real estate requirements necessary for you to effectively own and operate your health care business.

Please click here to view news and publications related to our Health Care Industry Team.