



HEALTH CARE

The Health Care Group at Kaufman & Canoles brings to businesses the advantage of legal experts who truly understand the medical field. Health care in America is increasingly complex. The rules seem to change constantly, with even bigger changes on the horizon. Our attorneys offer a wealth of related experience, including topics such as anatomy, physiology and the diagnostic and therapeutic tools in use today.

areas of concentration

- Anti-Trust Analysis/Counseling
- Corporate
- Provider Organization
- Litigation
- Hospital Liability
- Health Care Joint Ventures
- Medical Staff Issues
- Medical Malpractice Defense
- Physician Practices
- Medicare Fraud and Abuse
- Hospital Risk Management
- Tax and Benefit
- Physician Risk Management
- Regulatory Counseling
- Accreditation Counseling
- Reimbursement Disputes

who we are

The business of health care in America today is more complex than it has ever been. With a wealth of combined legal experience, Kaufman & Canoles' health care attorneys understand the medical field and many of the nuances of anatomy and physiology as well as the diagnostic and therapeutic tools used by health care providers.

The experienced attorneys at Kaufman & Canoles make it their business to know the extraordinarily complex and dynamic nature of the health care business. We represent individual physicians and physician groups, hospitals, health care joint ventures, health maintenance organizations, preferred provider organizations, nursing homes, hospices and home health agencies. In addition, we provide advice and counsel to freestanding laboratories, adult homes, continuing care retirement communities, durable medical equipment companies, physical therapy practices and companies, and physician practice management companies. Whether establishing new relationships or maintaining those which we have developed over the years, our health care attorneys work closely with clients to keep them well-informed and updated about regulatory changes. This proactive approach often enables our clients to avoid problems before they arise.

who we are (cont.)

Experienced trial lawyers in our Health Care Group have for many years provided successful defenses to medical malpractice actions and disciplinary actions by state licensing boards. While malpractice defense for professional liability insurance companies, hospitals, and physicians is the mainstay of our health care litigation practice, we also have broad experience in litigating criminal and civil cases relating, among other things, to Medicare fraud and abuse, reimbursement disputes and representation of medical staffs.

The principal members of our Health Care Group have been recognized in Virginia Business magazine's "Legal Elite" and were selected for inclusion in The Best Lawyers in America and Chambers USA's listing of leading attorneys in the United States.

what we do

The attorneys in this group concentrate on the organizational, regulatory and litigation concerns of the health care industry and assist health care providers with a variety of legal concerns. We are known for successfully representing physicians and physician groups in the areas of practice mergers and sales.

In addition, we are frequently involved on our clients' behalf in the internal issues of physician practices, physician recruitment, physicians' employment agreements, covenants not to compete, shareholders' agreements, stock purchase agreements and deferred compensation arrangements.

Our health care attorneys advise clients in matters concerning third-party reimbursement, Medicare audits and appeals, antitrust issues, labor law issues, Medicare fraud and abuse issues, risk management and patient care issues, consent issues and tax issues such as private inurement and benefits.

The formation of provider organizations, i.e., legal entities such as managed care contracting organizations, management service organizations, preferred provider organizations and health maintenance organizations, also comprises a large part of our health care business practice.

Other areas of expertise in which Kaufman & Canoles' attorneys specialize include organizing innovative health care joint ventures such as diagnostic clinics, imaging centers, clinical laboratories and MRI and lithotripsy units, and later restructuring or dissolving (if absolutely necessary) those entities when inevitable changes in law and regulatory approach require new solutions. The strength of our knowledge in this area allows us to be involved in all stages of development including raising capital, organizing the legal entity and management of its legal affairs once it is operational.

In the area of regulatory issues which affect the health care industry, we counsel clients on matters relating to Stark Law (a health care statute which affects fraud and abuse and state and federal anti-referral legislation) and certificates of public need. We also provide expertise in antitrust analysis and counseling.

Hospital liability issues such as consent, patient care and treatment decisions are handled frequently by our Health Care Group with a high degree of successful outcomes. Our attorneys also advise and assist in other situations such as patient discharge planning and the appointment of guardians with a thoughtful combination of sensitivity and wisdom. We frequently assist health care clients with complicated HIPAA and other confidentiality issues, along with EMTALA and other regulatory requirements.

our track record

In representing hospitals, Kaufman & Canoles serves as lead counsel for a large local hospital and for a number of rural hospitals based in Eastern Virginia. In addition, our health care team has served as chief outside counsel to Eastern Virginia Medical School and its affiliated practice plan. Our attorneys also have counseled a major hospital system through re-drafting of consent forms for regulatory compliance and other legal concerns, prepared numerous hospitals for disclosures of unexpected events to patients and families, counseled numerous hospitals on JCAHO compliance, medical staff matters, quality assurance, EMTALA, HIPAA, Medicare Conditions of Participation and other regulatory and risk management issues.

our track record (cont.)

We have been successful in representing our clients in the formation of the largest physician-hospital joint ventures in Tidewater. We have also been successful in defending our clients in numerous third party payor reimbursement overpayment actions and qui tam actions brought by whistleblowers. Moreover, we have developed peer review and quality assurance programs for physician practices and counseled numerous physicians and practice groups on issues of risk management and regulatory compliance.

Our healthcare team has been instrumental in forming large integrated medical groups both within and beyond Virginia and has assisted those groups with building flexible and innovative joint ventures to supplement their income and significantly improve their market position.

In addition to serving as counsel for healthcare providers in various types of commercial litigation, our litigators have successfully defended physicians such as an emergency room physician in a wrongful death medical malpractice trial in North Carolina federal court, successfully defended hospitals such as in an EMTALA trial in Virginia federal court, successfully defended nurses such as a labor and delivery nurse in a medical malpractice trial in Virginia state court, and successfully defended nursing homes such as in a medical malpractice trial in Virginia state court. In addition, our attorneys have successfully defended physicians and other healthcare providers such as a critical care specialist in proceedings before the Virginia Board of Medicine in a case involving a patient death.