



Healthcare

Overview

Healthcare law is an always evolving and complex field. Archer's multidisciplinary approach to its practice joins the experience of lawyers from the firm's litigation, business counseling, tax, labor and employment, and real estate groups who have a special focus on healthcare issues. Our healthcare attorneys provide services to fit the needs of corporations, non-profit organizations, and individuals. We represent clients from all segments of the healthcare industry, from serving as physician attorneys, to representing hospitals, nursing homes, assisted living residences and other retirement communities, medical staffs, home care and nursing providers, adult medical day care centers, ambulatory care and federally qualified health centers, rehabilitation centers and facilities for the developmentally disabled, as well as providers of other ancillary health care services. Archer maintains an extensive in-house healthcare library and computer researching capability that allows its healthcare attorneys to keep constantly abreast of developments and issue appropriate updates on those developments to its clients.

We have decades of experience in the healthcare industry, reflected in the depth and breadth of knowledge our healthcare group has in the services we provide.

Administrative law – We have a team of administrative law attorneys with extensive experience representing providers and suppliers in administrative law matters focused on:

- Licensing, including certificates of need
- Representation before professional boards regarding licensing, compliance and disciplinary issues
- Representation before regulatory agencies and accrediting bodies regarding regulatory approvals, compliance investigations, hearings, enforcement actions, and claims for additional payment

White collar criminal issues – When our clients must respond to government investigators, our attorneys move quickly to develop approaches designed to diffuse the situation, address regulators' concerns, and find solutions that avoid costly and protracted litigation. Our representation includes:

- State and federal grand jury investigations
- HHS/OIG investigations
- Corporate internal investigations, including whistleblower allegations

Complex regulatory issues – We serve as medical compliance lawyers in a variety of sectors such as corporate compliance, including:

- Antitrust compliance and review
- Environmental counseling and compliance, including medical waste disposal
- Insurance
- Medicare fraud defense attorneys
- Medicare and Medicaid abuse counseling

Business counseling – Our healthcare attorneys understand the unique and multifaceted legal and financial challenges involved in healthcare deals. We bring a combination of industry experience and business savvy to representing clients engaged in transactions of all kinds, including:

- Formation of nonprofit corporations, limited liability companies, professional corporations, partnerships, and integrated delivery systems (PPOs, IPAs, joint ventures, HMOs, MSOs)
- Ongoing corporate compliance review
- General business counseling (bylaws preparation, including medical staff bylaws), procedures, contract preparation and review, including negotiation of managed care agreements
- Business planning
- Transactional (acquisitions; buy/sell; dissolution)
- Securities (public and private offerings; opinions)
- Protection of intellectual property

Taxation – Our attorneys advise healthcare clients on tax matters such as:

- General counseling specific to the needs of health care providers
- Employee-independent contractor issues
- Special emphasis on nonprofit tax counseling and compliance, including CEP audits and unrelated business issues

Labor – Our labor and employment attorneys have decades of experience representing the healthcare industry and provide a wide range of services, including:

- General employment counseling - From hiring, screening and background checks to drug testing, discipline and termination, we provide our clients with information that helps protect them from possible lawsuits. We review employee handbooks and manuals and assist with developing policies and procedures, as well as conduct employee and supervisor training.



- Labor relations - Our attorneys have extensive experience with collective bargaining and negotiations, union organizing, union grievances and arbitrations, strike preparation and strike activity, litigation against unions, representation before the NLRB, and crisis management counsel.
- Employment litigation - Our litigation attorneys provide the firm's healthcare clients with a strong defense in state and federal court, private arbitration, and before administrative agencies. We have decades of experience with employment litigation matters and have defended clients against discrimination, harassment, wrongful termination and retaliation claims. We have handled numerous wage-and-hour class action disputes and matters involving trade secrets and non-compete agreements.

Other medical/legal issues – Our group also provides the following services:

- Handle hospital/medical staff hearings
- Bioethics (including advance directives)
- Patient rights
- Medical malpractice
- Risk management counseling
- Insurance coverage disputes
- Provider/insurer controversies
- Reimbursement

Litigation – Our seasoned trial lawyers have deep and expansive subject matter knowledge essential to obtaining positive outcomes in court and alternative dispute resolution (ADR) forums. We provide healthcare litigation support in all areas in trial and appellate courts, as well as administrative agencies in areas including:

- Antitrust
- Guardianships
- Patients rights
- Medical staff discipline
- Licensure
- Insurance coverage
- Medical malpractice
- Discrimination
- Unfair labor practices



- Contracts
- Corporate and partnership dissolution
- Intellectual property

Tax-exempt financing – Our attorneys have a wide range of experience in corporate and financing transactions for nonprofit, healthcare, healthcare-related and long-term care organizations, including:

- Disclosure agreements applicable to health care providers
- All issues relating to qualified 501(c)(3) bonds

Primary Contacts



Gregory J. Palakow

Partner

✉ gpalakow@archerlaw.com

☎ 609.580.3748

Related Services

- Business Counseling
- Business Litigation
- Immigration & Global Mobility
- Insurance Recovery & Counseling
- Labor & Employment
- Mergers & Acquisitions
- Nonprofit & Charitable Organizations
- Tax

Related People



Lisa Stewart Albright

Partner

✉ lalbright@archerlaw.com

☎ 609.580.3710





Robert J. Fogg

Of Counsel

✉ rfogg@archerlaw.com

☎ 609-580-3702



Juliana W. Hairston

Associate

✉ jhairston@archerlaw.com

☎ 609.580.3734



Shloka B. Joshi

Of Counsel

✉ sjoshi@archerlaw.com

☎ 267.817.9248



Gregory J. Palakow

Partner

✉ gpalakow@archerlaw.com

☎ 609.580.3748

