

2014 HEALTH CARE PRACTICE GROUP YEAR IN REVIEW

Godfrey & Kahn's Health Care Practice Group is organized around a core group of attorneys who provide legal services to clients in the health care industry. During 2014, our practice group worked on a wide spectrum of health care matters—only a few of which are recounted below. In these situations, and many others, we helped clients achieve positive outcomes, thereby reducing risk and increasing profitability. We look forward to an exciting 2015 and will continue to work hard to provide our current clients and new clients with outstanding results. If you or your company could benefit from our services, please contact Tom Shorter, Health Care Practice Group chair, at 608.284.2239 or tshorter@glaw.com.

- Defended a client accused of multiple **HIPAA** violations before the U.S. Department of Health & Human Service Office for Civil Rights.
- Represented a **medical professional** during a conduct audit with the Wisconsin Medical Examining Board.
- Successfully avoided **litigation** by reaching settlement of a contract breach claim involving a software vendor, resulting in repayment to client of more than \$250,000.
- Supported the **corporate** enhancement of a multi-shareholder dental practice by **transitioning** a dentist to shareholder status.
- Enhanced the **corporate** structure of a **dental practice** holding company through a dental practice acquisition.
- Represented an employer in an **NLRB** **investigative process** by responding to charges and negotiating a favorable settlement.
- Prepared an employer for **collective-bargaining** with the Service Employees International Union and developed proposals and strategies designed to accomplish both short and long-term goals.
- Restructured **real estate** interests of a dental practice holding company.
- Utilized **corporate governance** experience to support an affiliation arrangement between a **Wisconsin**-based health system and an **Iowa**-based hospital.
- Represented a **Minnesota** health maintenance organization in securing **federal tax exempt status**.
- Enhanced **regulatory** oversight by developing a contract database.
- Represented an Illinois client with an **employee discrimination** complaint.
- Developed **bundled payment** plans for a client to meet **CMS regulatory** initiatives.
- Negotiated the **lease** of a health care facility for a health care system.
- Resolved a **class action lawsuit** alleging that a client improperly calculated retirement benefits for thousands.
- **Litigated to resolve claims** between health care systems concerning exclusive contracts with provider groups privileging and recruiting practices.
- Counseled a large health care system on **antitrust implications** of a proposed relationship with a specialty hospital.
- Represented an **insurance company** under investigation by the Wisconsin Office of the Commissioner of Insurance.
- Represented a **durable medical equipment** company in a licensure investigation with the Wisconsin Department of Safety and Professional Services.
- Represented a medical practice in a \$1 million+ **government reimbursement dispute**.
- Developed and implemented a supervisory training program designed to increase management awareness of and in response to a **union organizing activity**.
- Reviewed, revised and educated management concerning employment policies that may impact **Section 7 rights of employees under NLRA**.
- Represented a health care system in the acquisition, annexation and permitting of **real estate** for a new hospital.
- Represented a health care system in its **affiliation** with a neighboring system, including refunding the neighboring system's debt.
- Represented a health care system in a **bond transaction** refunding prior bonding and financing to a new hospital, cancer center, clinic and other capital improvements.
- Commenced **litigation to enforce a non-competition** provision in an employment agreement with a physician.
- Defended a health system client against alleged **age discrimination** following termination of an employee.
- Managed a **medical staff peer review process** and resultant appeal by a medical provider pursuant to the Health Care Quality Improvement Act.
- Negotiated the exit of a physician and **resolved outstanding claims** of unpaid physician compensation.
- **Limited client liability** and environmental impacts by working cooperatively with regulators to investigate and close a case involving environmental contamination that occurred prior to a client's acquisition of a health care property.
- Increased effectiveness of **transaction due diligence** by overseeing the performance of environmental and health and safety reviews on potential acquisition properties.
- Represented a health care client to meet its **sustainability, energy independence and clean energy goals** by providing legal services and related advice for successful development of biogas generation projects.
- Represented a physician practice group in connection with the **investigation of an employed physician** regarding medical necessity of treatment and appropriateness of prescribing patterns.
- Represented various providers and practice groups in connection with **licensing board investigations** related to physician competence and alleged disruptive behavior by physicians.
- Represented a dental practice in disputes with health insurance companies regarding coding and reimbursement levels for an **innovative treatment program**.
- Counseled multiple physician groups regarding their participation in the two state-wide **contracting networks**.
- Advised an occupational medical services provider regarding **corporate practice of medicine issues** in Wisconsin and other states.



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Health Care Practice Group Chair

Thomas N. Shorter ▪ Tom is a shareholder and chair of the Health Care Practice Group. Tom represents hospitals, health systems, physicians' groups, research institutions and health care related organizations, as well as other businesses, providing counsel in health care, corporate, labor and employment and regulatory matters. Tom handles matters regarding Medicare compliance, Patient Protection and Affordable Care Act (PPACA), Health Insurance Portability and Accountability Act (HIPAA), Emergency Medical Treatment and Labor Act (EMTALA), Physician Self-Referral (Stark), Anti-Kickback, Family and Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA) compliance, and Americans with Disabilities Act (ADA) issues.

About Godfrey & Kahn, S.C.

With more than 180 lawyers, Godfrey & Kahn, S.C. is one of Wisconsin's leading business law firms serving growing companies who seek high quality and cost effective legal counsel. Our firm was founded on a simple idea - judge our success by the success of our clients. We serve clients by first understanding their business and their needs, and then by offering strategic legal advice and smart, practical solutions to real world challenges. Our attorneys are quick to collaborate in the interest of client success and service our clients' needs with efficiency and responsiveness. Our firm offers a variety of legal services in the following areas: Corporate & Securities, Banking & Financial Institutions, Mergers & Acquisitions, Litigation, Investment Management, Environment & Energy Strategies, Estate Planning, Intellectual Property, Labor & Employment, Business Finance, Bankruptcy & Restructuring, Insurance, Tax & Employee Benefits and Real Estate. Founded in 1957, Godfrey & Kahn maintains offices in Milwaukee, Madison, Appleton, Green Bay and Waukesha, Wisconsin; and Washington, D.C.

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