

2016 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 2016, 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 2017 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@gklaw.com.

- Negotiated the sale of an **advanced care planning department** at a regional health care system.
- Represented orthopedic group in the **sale of its physical therapy division** to a private equity-owned physical therapy company.
- Negotiated and documented an agreement between a regional health care system and **real estate developer** to develop a hotel upon the system's campus.
- **Assisted large pharmaceutical company** in obtaining clearances from state and federal antitrust enforcers for acquisition of competitor.
- Provided advice to **health information entity** on how to share price and outcome information with minimal antitrust risk.
- Amended a **physician group's health reimbursement** arrangement to ensure compliance with Affordable Care Act "integration" requirements.
- Assisted a health care employer with the structuring of **post-employment health benefits** to comply with Internal Revenue Code nondiscrimination rules.
- Provided analysis and document support in the redesign of the **cash balance plan** of a health care provider.
- Successfully petitioned the Internal Revenue Service to remove a substantial **tax penalty** imposed on a health care system.
- Assisted a regional health care system with the drafting and submission of a request for an **advisory opinion letter** to the U.S. Department of Health and Human Services' Office of Inspector General.
- Negotiated and documented **professional services agreements** between physician specialty groups and hospitals.
- Counseled a **regional health care system** regarding possible antitrust issues related to various deals.
- Assisted regional health care system with **affiliation** of rural hospital in WI.
- Assisted HMO with response to **federal antitrust investigation**.
- Counseled a health care facility regarding a potential **repayment to Centers for Medicare & Medicaid Services**.
- Advised a regional health care system regarding the **health care fraud and abuse** implications of an arrangement between it and various provider groups.
- Counseled a hospital regarding state law issues related to an arrangement with **ambulance providers**.
- **Represented ambulance company** in evaluating strategic partnerships.
- Assisted regional health care system with the **purchase and lease of a hospital facility**.
- Negotiated and documented an office lease in a **newly constructed building** for use for hospital's administrative functions.
- Represented hospital trade association, as amicus curiae, before the Wisconsin Court of Appeals in action concerning the interpretation of "release of patient health care records" under **chapter 146 and HIPAA**.
- Negotiated and structured sale of a multiple office **physical therapy practice** to a private equity firm's national business.
- Advised and negotiated on behalf of a hospital Board of Directors the amendment and restatement of an **affiliation agreement** with a hospital system.
- Represented physician service corporations in connection with the **merger of multiple physician practices**.
- Analyzed and advised **physician groups** regarding antitrust issues in regard to a potential merger.
- Negotiated **service agreements** with hospitals on behalf of hospital-based physician groups.
- Provided advice to physicians regarding dialysis center **medical director agreements**.
- Presented **discrimination/hiring practices training** to several Residency programs to provide information on recent government guidance and help the programs review compliance.
- Advised hospital regarding **land use covenants and restrictions** in order to prevent construction of a neighboring building.
- Reviewed and modified hospital and related **foundation governance documents**.
- Advised general medical practice regarding application of Wisconsin's new **pain management clinic statute**.
- Represented borrowers in multiple **Wisconsin Health and Educational Facilities Authority bond transactions**, including both public sales and private placements.
- Prepared time share license agreements compliant with new **Stark Law rules**.
- Reviewed medical device **royalty agreements** for regulatory compliance.
- Negotiated, structured and documented the sale of a **medical billing company**.
- **Advised physician groups** regarding cross-border practice restrictions, including with respect to teleradiology.
- Tracked federal regulations and provided updates to several regional health care systems regarding recent regulatory changes to **immigration H-1B cap exemptions**.
- Counseled a **large health care system** through issues related to unexpected legislative changes that significantly impacted strategy and potential revenues for the system.
- Successfully concluded a dispute that occurred related to a **lease agreement** when the physician was disciplined under an employment agreement.
- Counseled numerous health care systems through **claims of discrimination** based on multiple theories filed with state and federal enforcement agencies.
- Advised health care system through onboarding of member of medical staff with non-compete and other **restrictive covenants** from a prior employer.
- Advised a physician clinic regarding the **antitrust implications** of sharing health care data.



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Health Care Practice Group Chair

Thomas N. Shorter ▪ Tom is a shareholder, a member of the firm's Management Committee, 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.

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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