

## HEALTH INDUSTRY ADVISORY PRACTICE GROUP

### AT A GLANCE

McDermott Will & Emery's Health Industry Advisory Practice Group counsels leading organizations in every major sector of the health care industry on regulatory and business transaction issues. With skilled teams knowledgeable in every aspect of the industry, we are able to represent a variety of health clients: medical device and pharmaceutical manufacturers and distributors, biotechnology companies, hospitals and health systems, large physician group practices, ambulatory surgical and other outpatient care clients, diagnostic companies, nursing homes and home health agencies, and health payors.

Our health lawyers focus their practice on one or more areas important to industry clients while maintaining the flexibility to support other lawyers on a variety of matters.

### Experience

With 30 years of experience serving the health care industry, our international Health Industry Advisory Practice Group is one of the world's largest and most prestigious. Our group is interdisciplinary, bringing together all of the regulatory, transactional, finance, real estate, restructuring and tax knowledge necessary to deliver effective, efficient and focused services to our health industry clients and those entities seeking to invest in the health industry. We advise on a broad spectrum of business challenges, including:

- Billing, collection and charge strategies
- Biomedical research compliance
- Biotechnology, device and pharmaceutical regulation and transactions
- Due diligence for health care transactions
- Fraud and abuse, Stark and other regulatory matters within the context of health deployment
- Health care supply chain programs, including general counsel and advocacy work for leading group purchasing organizations
- Joint ventures involving physicians, hospitals, payors and other participants in the health care industry, and compliance with applicable laws, *e.g.*, Stark, anti-kickback, antitrust and payor regulations
- Legislative and regulatory advocacy and development analysis
- Mergers, acquisitions, affiliations, dispositions and restructurings
- Organizational arrangements for disease-specific initiatives that are regulatory compliant, such as cooperative pediatric programs and heart hospitals
- Residency training and other teaching programs for academic medical centers
- U.S. and local attorney general challenges
- U.S. Food and Drug Administration (FDA) and other product regulation
- Cross-border implications of health industry transactions and business operations

### Scope of Services

- Academic medical centers
- Biomedical research compliance programs
- Corporate compliance
- Electronic health records and information systems
- Fraud and abuse
- General counsel matters
- HIPAA
- Hospital/physician transactions
- Litigation and class action
- Managed care
- Mergers, acquisitions, affiliations, dispositions and restructurings
- Private equity
- Product regulation
- Reimbursement
- Sub-acute/long-term care
- Tax exemption

### Our Team

85+ lawyers

### Contact

**Stephen W. Bernstein**  
+1 617 535 4062  
sbernstein@mwe.com

## International Reach

With offices across Europe and a strategic alliance with MWE China Law Offices in Shanghai, we provide advice on health-related matters on a truly global scale to pharmaceutical, biogenetics, bioinformatics, biological and medical device companies; academic medical centers, universities, research centers and researchers; clinical trial sponsors; facilities management and construction companies with existing National Health Service contracts; and the venture capital and investment banking firms that invest in these businesses. McDermott's German health practice was ranked tier one by *Chambers Europe* 2011.

## Hot Topics

We alert clients to the latest developments in health law.

- Patient Protection and Affordable Care Act issues, and timely updates on, and interpretations of, U.S. health care law developments
- Centers for Medicare & Medicaid Services rulings and trends, such as the issuance of final 2007 updates addressing contracting requirements for both the Medicare Advantage Organizations and Part D Plan Sponsors, and Stark Law updates
- U.S. Internal Revenue Service's (IRS) community benefit "soft contact" audits, including IRS interpretation of the "community benefit standard" and likely areas of audit/compliance check review, and the IRS's new and expanded set of governance guidelines for tax-exempt organizations, Form 990 income tax return
- FDA regulations, including proposed amendments to its rules governing changes to approved applications for drugs, biologics and medical devices, and premarket approvals
- Clinical research compliance matters, including conflict of interest resolution and how to identify, assess and manage individual and institutional financial conflicts of interest in research involving human subjects
- IRS releases on expanded governance guidelines for exempt organizations

## Awards & Recognition

Our practice is recognized by the health industry.

- We are the only Firm to receive Tier 1 rankings in both *Chambers USA and Legal 500 USA* in 2011.
- In its 2010 and 2011 rankings, *Chambers USA* ranked the Firm's health practice as the only firm in tier one in the United States, along with tier one ranks in California, Florida, Illinois, Massachusetts and Washington, D.C.
- *Chambers USA* 2010 named McDermott "Health Team of the Year," the first in this category on a national basis.
- *Nightingale's Healthcare News* has named several of our lawyers to its lists of outstanding hospital lawyers, outstanding health care transactional lawyers, outstanding fraud and compliance lawyers and outstanding physician practice lawyers.
- Euromoney's Legal Media Group recognized 23 of our partners in its inaugural edition of *Expert Guide to the Leading U.S. Healthcare Lawyers*. McDermott is the firm with the most nominees in the directory.

## Our Firm

McDermott Will & Emery is a leading international law firm with a diversified business practice. We represent a wide range of commercial, industrial and financial enterprises, both publicly and privately held. Our clientele include some of the world's largest corporations, small and medium-size businesses, and individuals.

Currently numbering 1,000 lawyers, we have offices in Boston, Brussels, Chicago, Düsseldorf, Houston, London, Los Angeles, Miami, Munich, New York, Orange County, Paris, Rome, Silicon Valley and Washington, D.C. McDermott Will & Emery has a strategic alliance with MWE China Law Offices (Shanghai).