



## **Health Care**

# Health care is complex, challenging and highly regulated. Hinshaw has solutions.

Hinshaw's health care practice began when the traditional health insurance model was the only model, and data privacy meant keeping patient records under lock and key. Since then, we have built strong, decades-long relationships with for-profit and not-for-profit hospitals, health systems, academic medical centers, and other providers. Drawing on our experience and foresight, we can help you minimize business and regulatory risks—and maximize opportunities—through every transition in the industry.

Simply put, our lawyers know health care. From HMOs to ACOs, from volume-to value-based reimbursement, and from HIPAA to HITECH, we deliver forward-thinking solutions that help you manage day-to-day operations while laying the groundwork for long-term success.

We provide cost-effective counsel in seven key areas:

- Legislative, regulatory, and market uncertainties are creating increased risk
  of commercial disputes and government investigations. We take firm
  defensive action to help you minimize the threat of litigation and resolve
  conflicts with patients, insurers, regulators, and law-enforcement officials.
- The health care industry is in a period of rapid consolidation. We provide comprehensive transactional counsel and acquisition due diligence, as well as guidance on tax issues facing for-profit and tax-exempt organizations.
- Federal and state agencies are increasing their scrutiny on potential fraud and abuse, self-referrals, and other issues. We deliver regulatory, compliance, and self-disclosure counsel and represent you in administrative hearings and appeals.
- Electronic health records (EHR) have shifted from a recommended tool to government mandate, exposing providers to numerous risks. We counsel you on the full intellectual property spectrum of health information technology, privacy and security concerns.
- The Affordable Care Act and other legislation have increased demand for health care services—and placed growing demands on health care organizations. We provide you with effective guidance on operational, accreditation, and other business issues.
- Rapidly emerging health care delivery models mean new responsibilities for health care professionals—and new challenges for employers. We provide broad-spectrum human resources counsel to help clients manage relationships with unions, executives and employees; ensure compliance with applicable laws and regulations; and provide competitive employee benefit programs.

## **Industry Area Contact**

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## **Attorneys**

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Michael A. Dowell

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Peter J. Felsenfeld

Lydia Miranda Fett

Robert J. Finley

Lisa Flach

**David Grant** 

Michael F. Henrick

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Jessica Hutchinson

Noah Jussim

Brett B. Larsen

David H. Levitt

Tom H. Luetkemeyer

James M. Lydon



 In their pursuit of more effective drugs, treatments and services, pharmaceutical companies, pharmacies and pharmacists face significant regulatory hurdles. Hinshaw lawyers with deep **pharmacy** experience help clients overcome legal, financial, and business challenges.

In addition to industry-specific concerns, health care providers must address the same business challenges facing any organization. Together with experienced lawyers from across all of Hinshaw's core practices, we provide responsive, efficient solutions to commonly held business concerns, without losing sight of the unique, complex challenges, and opportunities of this everevolving industry.

## **Health Care: Our Clients**

Hinshaw represents clients from across the health care spectrum, including:

- Hospitals, health systems, academic medical centers, critical-access hospitals
- Managed care plans, physician hospital organizations (PHOs), accountable care organizations (ACOs), independent practice associations (IPAs)
- · Physician organizations, including:
  - · Medical groups
  - Foundations
  - · Community clinics
  - Federally qualified health centers
  - Retail clinics
  - Urgent care clinics
- Ancillary service providers:
  - Ambulatory surgery
  - Diagnostic imaging
  - Dialysis
  - · Durable medical equipment
  - · Home health care
  - Hospice
  - Laboratory
  - Orthotics and prosthetics
  - Therapy (physical, occupational, speech)
  - Sleep study
- Pharmacies:
  - Pharmacists
  - Pharmacy Technicians
  - Pharmacy Benefit Managers
  - Wholesale Distributors
  - Manufacturers
  - Hospital/Health Systems
  - Medicare Part D Plans
- Post-acute and long-term care:

Frank A. Mazzagatti, Ph.D.

Kellie L. Mazzarella

Stephen T. Moore

Jonathan J. Morhaim

Jill M. Munson

Michael P. Murphy

Amanda B. Nowicki

Thomas L. O'Carroll

Madeline O'Mara

Melinda A. Oliver

Peter E. Pederson

Daniel M. Purdom Russell L. Reed

Daniel K. Ryan

Dawn A. Sallerson

Esther J. Seitz

Ruel W. Smith

Robert E. Wagner

Peter A. Walsh

Kenneth E. Yeadon

### **Related Industries**

Health Care Corporate Transactions

Health Care Defense

Health Care Human Resources

Health Care Information, Privacy & Security

**Health Care Operations** 

Health Care Regulations & Compliance

## **Related Services**

Privacy, Security & Artificial Intelligence

Regulatory Investigations and Compliance Counseling

White Collar Defense & Internal Investigations



- Assisted living
- Nursing homes
- Rehab centers
- · Long-term acute care
- Home Health
- Individual health care professionals:
  - Physicians
  - Dentists
  - Pharmacists
  - Optometrists
  - Chiropractors
  - Podiatrists
  - Physician assistants
  - Nurse practitioners
  - Other licensed care providers
- Practice management
- Organ donor registries and transplant organizations

## News

Hinshaw Expands Health Care Practice on East Coast May 15, 2024

Aimee Delaney Explores Challenges Confronting Nursing Homes in their Fight Against a CMS Staffing Mandate April 30, 2024

Three Hinshaw Attorneys Co-author Chapter in Fourth Edition of Enterprise Risk Management for Health Care Handbook April 2, 2024

Scott Seaman Recognized as a Top Insurance Author in JD Supra 2024 Readers' Choice Awards March 4, 2024

Hinshaw Recognized as "Distinguished in Litigation" in BTI Consulting's Litigation Outlook 2024 Survey November 16, 2023

Adam Guetzow and Elizabeth Heredia Co-Author a Chapter in 2023 Edition of the "Long-Term Care Litigation" IICLE Handbook

November 15, 2023

Hinshaw Receives Recognition in 2024 "Best Law Firms" Directory November 2, 2023

101 Hinshaw Lawyers Recognized in 2024 Editions of Best Lawyers in America and Ones to Watch August 17, 2023

Hinshaw Health Care Co-Chair Adam Guetzow Profiled in McKnights Long-Term Care News Podcast and Law360 July 10, 2023

Adam Guetzow Appointed Co-Practice Group Leader of Hinshaw's Health Care Practice June 20, 2023



Robert Finley Appointed to Serve as a Member of ISBA's Health Care Law Section April 27, 2023

Hinshaw Announces Election of Eleven New Partners In Seven U.S. Offices January 3, 2023

Michael F. Henrick Inducted into the Chicago Chapter of the American Board of Trial Advocates (ABOTA) December 15, 2022

Jessica Johnson Named to the Lawyers of Color's "Hot List 2022" December 14, 2022

Michael Dowell Discusses Impact on Pharmacies of U.S. Supreme Court Ruling that DEA Must Prove Knowing and Intentional Violations of the CSA

December 8, 2022

Michael Dowell Recognized as a Top Health Care Lawyer by The Daily Journal November 21, 2022

U.S. News – Best Lawyers Recognizes Hinshaw in 2023 "Best Law Firms" Directory November 2, 2022

Michael Dowell Discusses State Regulatory Scrutiny of Pharmacy Benefit Managers September 13, 2022

Hinshaw Partners Diane Webster and Gretchen Harris Sperry Named to Crain's Chicago 2022 Notable Women in Law September 7, 2022

Eighty-Seven Hinshaw Lawyers Recognized in 2023 Editions of Best Lawyers in America and Ones to Watch August 18, 2022

Part II: Scott Seaman and Diane Webster Discuss Litigation Strategies to Challenge Plaintiff Counsel Reptile Theory Tactics

July 27, 2022

Hinshaw Adds Veteran Health Care Litigator in Chicago July 26, 2022

Expert Analysis: Seaman and Webster Examine One of the Leading Drivers of Social Inflation—the "Reptile Theory" Adopted by Plaintiffs' Counsel

July 20, 2022

Trial Spotlight: Defense Verdict in \$2 Million Health Care Defense Claim Involving OB/GYN Physician June 15, 2022

Trial Spotlight: Not Guilty Verdict for \$9.5 Million Claim of Misdiagnosis and Improper Administration of Drug Leading to Massive Stroke

June 2, 2022

Michael Dowell Discusses Cybersecurity and Cyberattack Prevention Strategies for Pharmacies May 16, 2022

Hinshaw Partner Jill Munson Named to Milwaukee BizTimes 2022 Notable Women in Law January 24, 2022

Hinshaw Recognized in 2022 U.S. News – Best Lawyers "Best Law Firms" Directory November 4, 2021



Sixty-Seven Hinshaw Lawyers Recognized in 2022 Edition of Best Lawyers

August 19, 2021

Deal Spotlight: OSF Healthcare System Acquires Perry Memorial Hospital

August 4, 2021

Michael Malone and Thomas Schrimpf Honored with Jon Allen Pace Setter Award by Milwaukee Justice Center for Pro

**Bono Efforts** 

July 27, 2021

In Modern Healthcare Article, Aimee Delaney Analyzes Whether Healthcare Providers Should Impose Mandatory

**COVID-19 Vaccinations on Workers** 

April 13, 2021

Carlos Ortiz Analyzes in ARM Compliance Digest: Judge Denies MTD in Case Over Healthcare Provider's Billing

**Practices** 

February 5, 2021

Hinshaw's Conrad Nowak Selected Among Crain's Chicago 2020 Notable Veteran Executives

November 11, 2020

Hinshaw Recognized in 2021 U.S. News - Best Lawyers "Best Law Firms" Directory

November 5, 2020

Hinshaw Hosts Webinar on the State of the Long Term Care Industry

October 6, 2020

Sixty-Five Hinshaw Lawyers Recognized in 2021 Editions of Best Lawyers and Best Lawyers: Ones to Watch

August 20, 2020

Steve Moore and Keti Mebuke Explore Legal and Ethical Challenges for Health Providers Adopt COVID-19 Triage

**Protocols** 

July 24, 2020

Mike Dowell Discusses Need for Compliance Plans in Light of DEA Controlled Substance Compliance Inspections and

**Audits** 

February 12, 2020

Hinshaw Recognized Nationally and Regionally in 2020 U.S. News - Best Lawyers "Best Law Firms" Directory

November 1, 2019

Alec Zavell Discusses Amendments Made to Florida's Certificate of Need Program in DBR Byline

September 23, 2019

Hinshaw Attorneys Present Compliance Workshop for ICAHN Members

July 8, 2019

Client Success: Bell Tower Residence Assisted Living Facility Transitioned to Wisconsin Illinois Senior Housing Inc.

**Sponsorship** 

June 3, 2019

Deal Spotlight: Midwest Medical Center Refinances Outstanding Tax Exempt Debt

May 6, 2019

Telemedicine Legal Issues and Compliance Best Practices for FQHCs and RHCs

April 30, 2019

Hinshaw's Thomas O'Carroll Discusses Medical Billing Audits and How to Prevent Them

February 1, 2019



Hinshaw's Diane Webster and James Lydon Secure Complete Defense Verdict in \$6.25 Million Wrongful Death Case January 11, 2019

Hinshaw's Robert Hills Honored as a Peoria "40 Leaders Under Forty"

November 20, 2018

Hinshaw Recognized Nationally and Regionally in 2019 U.S. News – Best Lawyers "Best Law Firms" Directory November 1, 2018

Tom Luetkemeyer Discusses Workplace Wellness Programs in Kaiser Health News October 5, 2018

Steve Moore Discusses Potential Effects on Illinois Hospitals Should Tax Exemption Criteria Change January 31, 2018

Hinshaw Legal Team Secures Defense Verdict in \$6 Million Medical Malpractice Case November 17, 2017

Steve Moore Provides Analysis on Illinois Supreme Court's Decision to Review Whether Hospitals Should be exempted from Property Tax

November 8, 2017

Hinshaw Achieves National and Regional Recognition in 2018 U.S. News - Best Lawyers® "Best Law Firms" Directory November 1, 2017

Hinshaw's Rockford Seminar Series

October 9, 2017

Ken Yeadon Talks to HealthcareDive about \$1.3bn Federal Health Care Fraud Takedown July 18, 2017

David Levitt Argues a Paradigm Shift is Underway at the Intersection of Electronic Medical Records and E-Discovery May 2, 2017

The OIG Issues New Safe Harbor Rule for Free or Discounted Health Care Transportation Services February 15, 2017

Hinshaw Garners More Than Thirty Rankings in 2017 U.S. News - Best Lawyers® "Best Law Firms" List November 1, 2016

Thirty Hinshaw Lawyers Named to 2017 Edition of The Best Lawyers in America® August 15, 2016

Robert Finley Appointed to Serve as the Vice-Chair of the ISBA Workers' Compensation Law Section Council April 18, 2016

Tom O'Carroll Co-Author "Tapping Into the Self-Insured Employer Market" in Outpatient Surgery Magazine March 31, 2016

Twenty-Eight Hinshaw Lawyers Named to 2016 Edition of The Best Lawyers in America August 17, 2015

Hinshaw Represents OSF HealthCare in Affiliation with Mendota Community Hospital April 13, 2015

Michael Malone Quoted in Journal Sentinel Article on Changing Landscape of Medical Malpractice Claims in Wisconsin March 22, 2015

Geoffrey Sessions Admitted to the American Board of Trial Advocates February 25, 2015



Doug Marshall and Roy Bossen Co-Author Law360 Expert Analysis on CMS Medical Staffing Rule August 20, 2014

Michael A. Dowell Published in Journal of Health Care Compliance

July 10, 2014

Michael A. Dowell Published in Journal of Health Care Compliance

March 10, 2014

Hinshaw Attorneys Author Part I in Electronic Health Reporter Series

November 14, 2013

Daniel Purdom Quoted in Mainstreet.com on Medicare Fraud: The Dirty Truth

November 4, 2013

Mainstreet.com

Michael Dowell Quoted in Hospitals & Health Networks Magazine

October 13, 2013

Hospitals & Health Networks Magazine

## **Events**

Hinshaw to Sponsor the California Society for Healthcare Attorneys' 2024 Annual Meeting & Spring Seminar

May 3-5, 2024

Olympic Valley, California

David Alfini, Aimee Delaney, and Adam Guetzow to Speak at the 2024 Illinois Homecare & Hospice Council Annual Conference

April 11, 2024

Northern Illinois University Naperville Conference Center, Naperville, Illinois

Illinois Paid Leave for All Workers Act (PLAWA) - Unique Challenges for Hospitals and Health Care Providers

Wednesday, December 6, 2023

Virtual

Adam Guetzow to Present at a LeadingAge Illinois Bootcamp on Nursing Facility Surveys

December 5, 2023

Springfield, Illinois, and Virtual

Roy Bossen and Stephen Moore to Present at the 2023 ICAHN Annual Conference

November 29, 2023

I-Hotel & Conference Center, Champaign, Illinois

Michael Dowell to Present on the Federal Tort Claims Act Program at Illinois Primary Health Care Association's Annual Leadership Conference

October 6, 2023

Renaissance Convention Center, Schaumburg, Illinois

Adam Guetzow to Present Sheltered Care Bootcamp at LeadingAge Illinois

August 23, 2023

Supreme Court Decision on OSHA ETS and CMS Interim Rule: What Are the Practical Ramifications?

January 19, 2022

Virtual



Roy Bossen to Present at Annual Health Law Symposium Hosted by the Illinois Association of Healthcare Attorneys November 18, 2021

Phil Kujawa and Kellie Mazzarella Explore HITECH Act in Webinar at Illinois Paralegal Association Conference

November 5, 2020

Virtual Event

Diane Webster Presents at 2020 Midwest Podiatry Conference

October 29, 2020 Virtual Event

Michael Dowell to Discuss 340B Drug Program at NPCA Virtual Health Care Conference

September 16, 2020

Virtual Event

In IDC Webinar, David Levitt and Jason Winslow Discuss Emerging EMR Policy and Litigation Issues

July 17, 2020

Webinar

Diane Webster to Address CBA Leadership Institute in "Path to Leadership" Presentation

April 10, 2019

Chicago, Illinois

Hinshaw's Jason Winslow Will Present NBI Seminar on Common Electronic Medical Records Mistakes and Related Medical Malpractice Risks

April 9, 2019

Webinar

Diane Webster to Discuss Strategies for Managing Generational Differences

April 9, 2019

The Geraghty | Chicago, Illinois

Hinshaw's Diane Webster to Provide "Pathway to Partnership" Guidance at Hispanic Lawyers Association Event March 6, 2019

155 North Upper Wacker Drive, 28th Floor | Chicago, Illinois

Hinshaw Partner Robert J. Finley invited to Washington DC for Medicare and Medicaid Conditional Payment Forum

June 20, 2018

Sheraton Pentagon City

Jason Winslow to Provide Healthcare Legal Update at 30th Annual ISHRM Meeting

June 1, 2018

Crowne Plaza, Springfield, Illinois

Robert Finley to Present at Third Annual Medicare Secondary Payer Master Class

February 12, 2018

Sheraton Dallas Hotel, Dallas, Texas

Common Practice Mistakes for Physician-Extenders: Tips for Avoiding a Malpractice Claim

November 15, 2017

Hinshaw, Rockford Office

Robert Finley to Present at NBI Video Webcast on Changes in Healthcare Business Law

March 2, 2017



Robert Finley to Present "Medicare:Conditional Payment Claims" at the Claims & Litigation Management Alliance Training Program

June 22, 2016

Kemper, 3700 Arco Corporation Drive, Suite 200, Charlotte, NC 28274

Robert Finley to Speak During Video Webcast on Changes in Healthcare Business Law

May 26, 2016

Live Video Webcast

Tom Luetkemeyer and Anthony Antognoli to Speak at the College of Imaging Administrators Spring Assembly May 5, 2016

Sheraton Lisle - Chicago: 3000 Warrenville Road Lisle, Illinois 60532

Robert Finley to Present at Medicare Secondary Payer Act: Implications and Impact on Litigation - A 2015 Perspective June 23, 2015

LIVE Webcast

William P. Grogan Presenting NBI Program on Bioethics Issues

October 2, 2014

Michael Dowell Presenting at Orange County Bar Association Health Care Law Section Meeting

September 11, 2014

Robert Finley to Present on Medicare Issues for the National Institute for Medicare & Medicaid Education Conference June 26, 2014

Michael Dowell to Present at the California Society for Healthcare Attorneys Annual Meeting & Spring Seminar April 11, 2014

CSHA Annual Meeting & Spring Seminar

James M. Hofert Presenting at American Society for Healthcare Risk Management Annual Conference

October 30, 2013

HIPAA Webinar: Breach, Breach Notification, and Changes in Enforcement Activities

August 14, 2013

Webinar

HIPAA Webinar: Business Associate Agreements and Business Associate Requirements

August 7, 2013

Webinar

## **Publications**

California Prohibits PBM Discriminatory Practices Against 340B Program Covered Entities and Contract Pharmacies December 15, 2023

Health Care Alert

California Expands "No Pharmacist Left Alone" Pharmacy Staffing Requirements and Also Enacts New Safety Measures November 17, 2023

Health Care

Federally Qualified Health Center Provider Referral Contracts and Arrangements

March 31, 2023

OIG Permits Health System and Federally Qualified Health Center Look-Alike Collaboration Agreement Restructuring Which Includes Forgiveness of Debt, Free Medical Office Space, and Free Medical Office Furnishings and Equipment January 12, 2023



The OIG Issues Special Fraud Alert Identifying "Suspect" Telemedicine Contract Arrangements

August 3, 2022

Health Care Alert

OIG Advisory Opinion 22-08 Permits a Federally Qualified Health Center to Provide Smartphones to Patients to Promote Access to Telehealth and Social Isolation/Loneliness Benefits

May 20, 2022

Health Care Alert

SCOTUS Confirms Enforcement of CMS Emergency Regulation Mandating Workforce COVID-19 Vaccinations

January 14, 2022

Health Care Alert

Laboratory Testing Presents Business Opportunities for Community Pharmacies

January 11, 2022

Health Care Alert

District Court in Missouri Blocks Implementation of CMS Emergency Regulation Mandating Workforce COVID-19 Vaccinations

November 30, 2021 | Last Updated December 30, 2021

Health Care Alert

FAQs: CMS Issues Emergency Regulation Mandating Workforce COVID-19 Vaccinations by Medicare/Medicaid-Certified Providers and Suppliers

November 9, 2021

Health Care Alert

New California Law Prohibits Chain Community Pharmacy Productivity Quotas for Pharmacists and Pharmacy Technicians

October 27, 2021

Health Care Alert

California Appellate Court Rules That Federally Qualified Health Center Outreach Expenses Do Not Qualify For Cost-Based Reimbursement

September 29, 2021

Health Care Alert

New OIG Guidance Permits Federally Qualified Health Centers to Offer Remote Patient Monitoring, Big-Box Store Gift Cards, and Other Incentives to Medicare and Medicaid Patients

February 22, 2021

Health Care Alert

Change is on the Horizon for 340B Pharmacy Program's Administrative Dispute Resolution Process

December 21, 2020

Health Care Alert

Defendant Physician can be Cross-Examined With His Disclosure and ACR Guidelines

December 17, 2020

Health Care Alert

Cross-Examination About Medical Condition Without Formal Diagnosis Deemed Error

December 17, 2020

Health Care Alert

Case Management Orders Must be Flexibly Applied in Cases Involving Minors

December 17, 2020



Expert Demonstrations Must Meet Substantially Similar Standard

December 17, 2020

Health Care Alert

Plaintiff Permitted to Redesignate Rule 213(f)(3) Controlled Expert to Consultant

December 17, 2020 Health Care Alert

No Mistrial Required When Defendant Physician Rendered Medical Aid to Juror at Trial

December 17, 2020

Health Care Alert

\$50M Jury Verdict Overturned on Appeal Because Evidence of Autism Excluded at Trial

December 17, 2020 Health Care Alert

Trial Court Not "Without Discretion" When Plaintiff Fails to File Certificate of Merit

December 17, 2020 Health Care Alert

Emergency Physician Not Qualified to Opine on Psychiatric Standard of Care

December 17, 2020 Health Care Alert

"Forum Shopping" Argument Rejected in Forum Non Conveniens Analysis

December 17, 2020 Health Care Alert

Hinshaw's Annual Guide to Key Illinois Medical Malpractice Litigation: 2020 Edition

December 17, 2020

Cook County Protective Order Template Violates HIPAA With Regard to PHI Disclosures

December 17, 2020 Health Care Alert

Determining Future Lost Wages for Minor Child Speculative, But Unavoidable Task

December 17, 2020 Health Care Alert

Hospital Ads Insufficient to Overcome Consent Forms in Establishing Apparent Agency

December 17, 2020 Health Care Alert

Post-Trial Motion Required to Preserve Trial De Novo on Issues Decided by Jury

December 17, 2020 Health Care Alert

Standard of Care Opinions Offered Outside an Expert's Specialty Barred

December 17, 2020 Health Care Alert

Trial Court Erred in Refusing Non-Pattern Loss of Chance Instruction

December 17, 2020 Health Care Alert

Improper Remarks During Closing Argument Reverse Defense Verdict

December 17, 2020



Dispositive Motions Should Proceed Only After Expert Discovery Completed

December 17, 2020 Health Care Alert

Res Ipsa Loquitur in Practice

December 17, 2020 Health Care Alert

New Stark Regulations Further Clarify Definitions of Fair Market Value and General Market Value

December 14, 2020

Health Care

Wisconsin 2020 Med Mal Update: Patient Has the Burden of Producing Evidence of Physician Negligence Prior to Submitting Case to a Jury

December 11, 2020 Health Care Alert

Wisconsin 2020 Med Mal Update: Physicians Can Use a Reasonable Alternative Method in Delivering Care Without Being

Found Negligent December 11, 2020

Health Care Alert

Attention Pharmacies and Prescribers: New California Controlled Substances Prescription Form and CURES Reporting Requirements Are Coming

November 19, 2020 Health Care Alert

California Board of Pharmacy Approves "No Pharmacist Left Alone" Regulations for Retail Pharmacy Chains

September 21, 2020

Health Care Alert

Federally Qualified Health Center Agrees to Settlement for Failure to Implement

August 26, 2020

Health Care Alert

OPA Program Update 2020 Highlights Changes to 340B Program Registration and Recertification Requirements

August 13, 2020

Health Care Alert

Picking and Choosing COVID-19 Patients: Health Care Providers Face Ethical and Legal Dilemmas When Following State

Triage Guidelines June 9, 2020

Health Care Alert

Guidance for Protecting Pharmacy Staff and Customers from COVID-19

May 14, 2020

Health Care Alert

Practical Considerations for Hospitals and Ambulatory Surgery Centers Resuming Elective Surgical Services

May 8, 2020

Health Care Alert

Review of Federal and State Immunity Laws in Response to COVID-19

May 8, 2020

**Health Care Alert** 

Minimizing Medical Malpractice Liability Risk During the COVID-19 Pandemic



May 8, 2020

Health Care Alert

# Guidance for Medical Practitioners on the Resumption of Elective Surgeries and Expansion of Non-Coronavirus Service Offerings

May 8, 2020

Health Care Alert

## ADA Guidance for Dental Healthcare Providers Returning to Work

May 8, 2020

Health Care Alert

## Re-Starting Non-Emergent, Non-COVID 19 Treatment

May 8, 2020

Health Care Alert

## New Guidance from Illinois Department of Public Health Opens Door for Elective Surgeries to Resume

April 28, 2020

Health Care Alert

#### California Board of Pharmacy COVID-19 Waivers

April 9, 2020

Health Care Alert

#### COVID-19 Compliance Issues For Federally Qualified Health Centers

April 9, 2020

Health Care Alert

## CARES Act Temporarily Expands CMS' Accelerated and Advanced Payment Program

April 3, 2020

Health Care Alert

### Exceptions Under the HIPAA Privacy Rule for Disclosure of PHI Without Patient Authorization

April 3, 2020

Health Care Alert

## Medicare Telehealth COVID-19 Waivers Expand Opportunities to Provide Telehealth Services to Medicare Beneficiaries

April 3, 2020

Health Care Alerts

#### Blanket Waiver on Stark Law Sanctions Provides Limited Relief in Light of Pandemic

April 3, 2020

Health Care Alert

# CARES Act Limits Liability for Volunteer Health Care Providers While Illinois Limits Liability for Health Care Facilities, Providers, and Volunteers Responding to COVID-19

April 3, 2020

Health Care Alert

#### Limited Suspension of HIPAA Sanctions and Penalties During National Emergency

April 3, 2020

Health Care Alert

## DEA Waives Telemedicine and Other Rules for Controlled Substances

April 3, 2020

Health Care Alert

#### HHS Limits Liability for Corporations and Health Care Providers Relating to COVID-19 Countermeasures



April 3, 2020

Health Care Alert

Financial Relief Assistance for Small Medical Practices under the CARES Act

April 3, 2020

Health Care Alert

Health Care Deregulation and Financial Relief Measures Amidst the Pandemic

April 3, 2020

Health Care Alert

CMS Revises and Updates Requirements for the Programs of All-Inclusive Care for the Elderly (PACE)

July 29, 2019

Health Care Alert

Illinois Supreme Court Upholds Constitutionality of Hospital Property Tax Exemption Law

September 24, 2018

Health Care Alert

Illinois Appellate Court Ruling Clarifies Extent of Privilege Under the Patient Safety and Quality Improvement Act

September 18, 2018

Health Care Alert

Health Care Newsletter - Third Quarter, 2018

September 18, 2018

Competency of an Expert Witness and Rule 219(e) Questioned by Illinois Court of Appeals in Medical Malpractice Decision

March 14, 2018

The Statutory Privilege against Disclosure of Mental Health Records and the Opioid Crisis

December 21, 2017

The Illinois Medical Studies Act: Preserving the Privilege under Grosshuech

November 10, 2017

Illinois Supreme Court Grants Petition to Appeal Ruling on Constitutionality of Illinois Hospitals' Property Tax Exemption

Law

October 17, 2017

Health Law Alert

**EMR** and E-Discovery Part Five

October 11, 2017

Health Care Alert

EMR and E-Discovery Part Four: Reading Complexities

September 27, 2017

Health Care Alert

EMR and E-Discovery Part Three: All Systems Go

September 5, 2017

Health Care Alert

EMR and E-Discovery Part Two: On the Audit Trail

August 28, 2017

Health Care Alert

EMR and E-Discovery Part One: Questions and More Questions

August 21, 2017



## Illinois Hospital Licensing Act Regulations Reflect New Reality of Health System Governance

July 7, 2017

Health Law Alert

## Avoiding Risks with Referring Physician Compensation Arrangements

June 29, 2017

Health Law Alert

## Illinois Supreme Court Declines to Rule on Constitutionality of Illinois Hospitals' Property Tax Exemption Law

March 30, 2017

Health Law Alert

# Obamacare Reform Watch: Reimbursement Strategies in an Environment of Growing Out-of-Pocket Costs and an Expanding Self-Pay Population

February 22, 2017

Health Law Alert

## HHS Proposed Rule Signals Future of Obamacare May be Repair not Repeal

February 16, 2017

Health Law Alert

## Medical Litigation Newsletter - December 2016

December 21, 2016

#### Medical Litigation Newsletter - October 2016

October 4, 2016

## CMS Prioritizes Patient Care, Allows Flexibility with MACRA Implementation

September 13, 2016

Health Law Alert

## Small Breaches Matter Too: OCR Broadens HIPAA Breach Investigations

August 26, 2016

Health Law Alert

## Significant Hospital Related Mid-Year Updated OIG Review Activities

June 23, 2016

Health Law Alert

#### Supreme Court Case Expands False Claims Act Liability

June 22, 2016

Health Law Alert

## OIG Mid-Year Update Provides Insight To Its Concerns

June 20, 2016

Health Law Alert

#### Federal Trade Commission Suffers Setback in Major Hospital Merger Case

June 15, 2016

Health Law Alert

## Medical Litigation Newsletter - Spring 2016

June 2, 2016

## A Recent Illinois Decision Explains How to Deal with Medical Staff Claims

June 2, 2016

Health Law Alert



## Groundbreaking Healthcare Nondiscrimination Rule Issued by HHS: What It Means for Covered Entities

May 20, 2016 Health Law Alert

## HHS Implements HIPAA Phase II Audit Program: What You Need to Know

March 28, 2016 Health Law Alert

## Pharmacies and Prescription Drug Dispensers...Are You Ready for The March 1, 2016 DSCSA Compliance Deadline?

February 23, 2016 Health Law Alert

## CMS Clarifies Rules on Reporting and Returning Overpayments

February 15, 2016 Health Law Alert

## Credentials Materials Are Not Privileged Under the Health Care Professional Credentials Data Collection Act

February 2, 2016 Health Law Alert

## New Case Raises Questions on Exiting Providers' Ability to Take Patient Lists

January 4, 2016 Health Law Alert

## OIG Provides Guidance on Health Care Assistance to Needy

December 17, 2015 Health Law Alert

## OIG Publishes 2016 Work Plan

November 24, 2015 Health Law Alert

### CMS Adopts Final Stark Rule Exceptions and Clarifications

November 23, 2015 Health Law Alert

## Budget Act Eliminates OPPS Reimbursement for New Off-Campus Hospital Departments

November 12, 2015 Health Law Alert

#### **OIG Scrutinizes Ambulance Billing Practices**

September 30, 2015 Health Law Alert

## Labor Department's Expanded Overtime and Minimum Wage Coverage For Home Health Care Workers is Revised

September 10, 2015 Health Law Alert

## Common Rule Research Alert: New Proposed "Federal Policy For The Protection of Human Subjects"

September 9, 2015 Health Law Alert

## Illinois Eases Telehealth Use by Becoming 10th Member of Interstate Medical Licensure Compact

August 27, 2015 Health Law Alert

## New National Practitioner Guidebook Released

August 26, 2015



Health Law Alert

CMS Proposes New Stark Exceptions and Clarifications

August 25, 2015

Health Law Alert

Modification of Two-Midnight Rule

July 6, 2015

Physician Compensation Arrangements May Result in Significant Liability

June 10, 2015

Health Law Alert

OIG Issues Guidance for Health Care Governing Boards on Regulatory Compliance Oversight

May 8, 2015

Health Law Alert

A Second Illinois Appellate Court Finds Physician Restrictive Covenant Unenforceable

April 24, 2015

Health Law Alert

CMS Issues Proposed Revisions for Stages 1 and 2 Meaningful Use Standards

April 22, 2015

Health Law Alert

Medical Litigation Newsletter - April 2015

April 7, 2015

CMS Issues Proposed Stage 3 Meaningful Use Standards

April 6, 2015

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OIG Vetoes Proposed Lab Fee Waiver Arrangement

April 2, 2015

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Seventh Circuit Upholds Criminal Conviction Under the Anti-Kickback Statute Utilizing a Broad Definition of "Refer"

February 17, 2015

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FDA Publishes Draft Guidance on Individual Patient Access to Investigational New Drugs

February 9, 2015

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HHS Announces Medicare Shift to Value-Based Payments and Promotion of Reform Among All Payers

January 27, 2015

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IRS Issues Final 501(r) Regulations for Federal Tax Exemption for Hospitals

January 26, 2015

Report of Hospital's Collection Practices Angers Senator Charles Grassley

January 26, 2015

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REMINDER: Compliance Deadline for all Business Associate Agreements is Monday, September 22, 2014

September 16, 2014

Health Law Alert

CMS Medical Staffing Rule Leaves Questions Unanswered



August 20, 2014 Health Law Alert

## Special Fraud Alert Released by OIG Regarding Laboratory Payments to Referring Physicians

July 9, 2014 Health Law Alert

## Physicians Beware: Identity Theft Is On The Rise

June 4, 2014 Health Law Alert

## Two New York Hospitals Enter Into Largest Ever HIPAA Settlement After Electronic Data Breach

May 12, 2014 Health Law Alert

## HHS Releases HIPAA Security Risk Assessment Tool

April 14, 2014 Health Law Alert

## Stark Law Violations Stemming from Improper Incentive Compensation Paid to Employed Physicians Result in \$85 Million Settlement

April 7, 2014 Health Law Alert

## Opportunity to Provide Input to the Federal Trade Commission on Health Care Competition

March 4, 2014

## Antitrust Update: Court Rules Against Hospital's Acquisition

January 29, 2014 Health Law Alert

## Two Early New Year's Gifts from CMS and the OIG Concerning the Donation of Electronic Health Records

January 7, 2014 Health Law Alert

## Medical Litigation Newsletter - December 2013

December 17, 2013

## CMS, ONC Propose Adjustments to Meaningful Use Implementation for EHR Incentive Program

December 12, 2013 Health Law Alert

## Medical Litigation Newsletter - August 2013

August 21, 2013

## Office of Illinois Attorney General Adopts New Rules Regarding Hospital Financial Assistance Applications and Policies

August 8, 2013 Health Law Alert

# REMINDER OF JULY 31, 2013 DEADLINE: Employers Sponsoring Self-Insured Health Plans Must Pay New Health Care Reform "Fee" by July 31, 2013

July 23, 2013

**Employment Practices Alert** 

## Fewer Than 90 Days and Counting . . . Are You Ready for the HIPAA Compliance Deadline?

July 3, 2013

Health Law Alert

#### **Employment Practices Alert - Supreme Court Edition**



June 25, 2013

**Employment Practices Alert** 

Health Care Reform - Are You Ready?

June 24, 2013

Medical Litigation Newsletter - June 2013

June 10, 2013

US Department of Health and Human Services Issues Updated "Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs"

May 29, 2013

Health Law Alert

Antitrust Update: Federal Trade Commission Continues to Challenge Hospital Mergers

May 20, 2013 Health Law Alert

Recent U.S. Supreme Court Decision on Warrantless Blood Draws Illustrates Need for Discussion Between Health Care Providers and Law Enforcement

May 10, 2013 Health Care Alert

Federal Court Holds that Hospitals Providing HMO Services to Federal Employees are Federal Contractors at the Same Time the OFCCP Appears to Increase Its Focus on Auditing Health Care Providers

April 10, 2013

**Employment Practices Alert** 

OIG Fraud Alert on Physician Owned Distributorships (PODs)

April 2, 2013

Health Law Alert

The Omnibus Rule: Changes to HIPAA / HITECH Enforcement and Penalties

February 19, 2013 Health Law Alert

Protections, Limitations, Prohibitions and More: Important Modifications to Privacy Rule

February 14, 2013 Health Law Alert

New Requirements for HIPAA Notices of Privacy Practices

February 11, 2013 Health Law Alert

New HIPAA/HITECH Breach Notification Rules for Covered Entities and Business Associates

February 5, 2013 Health Law Alert

New HIPAA Requirements for Business Associates and Their Subcontractors

February 1, 2013 Health Law Alert

HHS Modifies HIPAA Privacy, Security, Enforcement and Breach Notification Rules

January 24, 2013 Health Law Alert

FTC Allows Hospital to Sell Discounted Drugs to EMS Provider During Shortage

December 14, 2012



Health Law Alert

Recent False Claims Act Case Illuminates Scary Issues for Health Care In-House Counsel

December 4, 2012

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OIG Releases Advisory Opinion Regarding Per Diem Fees Paid to Physicians for On-Call Coverage to Emergency Departments

November 8, 2012

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Federal Court Rejects Challenge to Physician-Owned Hospital Restrictions

August 23, 2012

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Alaska Settles HIPAA Security Case for \$1.7 Million; HHS Reinforces Need for Adequate Policies and Procedures for the Safeguarding of ePHI

July 18, 2012

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IRS Issues Notice of Proposed Regulations on New Federal Tax Exemption Requirements for Hospitals

July 2, 2012

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Illinois Governor Patrick Quinn Signs Tax Exemption and Tax Credit Legislation Affecting Hospitals

June 14, 2012

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HIPAA Privacy and Security HITECH Act Enforcement Actions Begin

April 11, 2012

Health Law Alert

CMS Issues Proposed Rules on Reporting and Returning of Overpayments Under Medicare

March 6, 2012

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Illinois Healthcare Providers See Conflict Between New State Law and HIPAA Privacy Rule

March 1, 2012

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Supervision by Unapproved Physicians Sufficient to Find Violation of False Claims Act

February 28, 2012

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CMS Announces No Change to EMTALA Obligations Toward Hospital Inpatients

February 21, 2012

Health Law Alert

New Mandate on Coverage for Contraceptives: Strategies for Organizations

February 3, 2012

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HHS Adopts HIPAA Standards for Electronic Funds Transfers

January 23, 2012

Health Law Alert

CMS Posts Accountable Care Organization Final Rule

October 26, 2011



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New Business Opportunity for Health Care Providers: The Medicare Bundled Payments for Care Improvement Initiative September 27, 2011

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Wisconsin Supreme Court Clarifies What Types of Health Care Facilities Qualify for Property Tax Exemption

July 22, 2011

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Accountable Care Organization Waivers

June 28, 2011

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Medicare Shared Savings Program

May 24, 2011

Health Law Alert

Accountable Care Organization Data Sharing

May 19, 2011

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Accountable Care Organization Application Requirements

May 11, 2011

Health Law Alert

Changes Affecting Hospital and Critical Access Hospital Medicare Conditions of Participation Governing Telemedicine Credentialing and Privileging

May 10, 2011

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Accountable Care Organization Overview

May 5, 2011

Health Law Alert

Illinois Supreme Court Rules Common Fund Doctrine Does Not Apply to Health Care Services Lien Act

April 1, 2011

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Wisconsin's Health Care Quality Improvement Act Broadens Protections for Health Care Providers

February 28, 2011

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Federal Government "Clarifies" When Health Care Providers and Insurers Need an Affirmative Action Plan

February 4, 2011

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Illinois Rule Restricting Medicaid Reimbursement for Hospital Off-Site Outpatient Department Services May Be Relaxed

January 26, 2011

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Health Care Providers Are Exempt From the Red Flags Rule

January 4, 2011

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Wisconsin Department of Health Services Releases Final Implementation Plan for Wisconsin's Health Care Transparency

December 27, 2010



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# Wisconsin Department of Health Services Issues New Guidance on the Preparation of Consumer Reports Required Under the New Health Care Transparency Law

December 20, 2010 Hinshaw Health Law Alert

## DOJ Challenges Insurer's Use of "Most Favored Nations" Clauses with Hospital Providers

November 2, 2010

Hinshaw Health Law Alert

## 2011 OIG Work Plan Targets New Risk Areas for Hospitals

October 20, 2010

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# Minnesota Supreme Court Overrules Iowa National and Announces New Rule: Primary Insurers Have the Right to Contribution for Defense Costs

October 7, 2010

Insurance Coverage Alert

#### CMS Publishes Stark Self-Disclosure Protocol

September 24, 2010

Hinshaw Health Law Alert

## New Durable Medical Equipment, Prosthetics, Orthotics and Supplier Standards May Require Operational Changes

September 21, 2010

Hinshaw Health Law Alert

## Achieving "Meaningful Use" for Electronic Health Records and Financial Incentive Payments

August 5, 2010

Hinshaw Health Law Alert

### Court Strikes Down Budget Provision Authorizing Injured Patients and Families Compensation Fund Raid

July 20, 2010

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## Health Care Reform Law Changes Medicare GME for Hospitals and Allows GME Payments for FQHCs and RHCs

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#### HHS Issues Draft Application for New Early Retiree Reimbursement Program

June 8, 2010

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## FTC Delays Enforcement of Red Flags Rule Until December 31, 2010

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#### Wisconsin Changes Laws Regulating Physicians

June 2, 2010

Hinshaw Health Law Alert

## Wisconsin Sets Statutory Fee Schedules for Copies of Health Care Records

May 24, 2010

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## Patient Protection and Affordable Care Act Introduces Numerous Programs Focused on Quality and Delivery of Health Care



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## The Impact of Health Care Reform on Medicare Advantage Plans and Medicare Prescription Drug Plans

May 18, 2010

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## Health Care Reform Introduces Array of Cost Containment Measures

May 6, 2010

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## Health Care Reform to Reduce Medicare DSH Payments

April 29, 2010

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#### Health Care Reform Increases Physician Transparency and Disclosure Requirements

April 27, 2010

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#### Health Care Reform: What Employers Need to Know Now

April 26, 2010

**Employment Practices Special Alert** 

## Health Care Reform Increases Federal Tax Exemption Requirements for Hospitals

April 20, 2010

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## The Impact of Health Care Reform on Community Health Centers

April 19, 2010

Hinshaw Health Law Alert

#### Health Care Reform Includes Initiatives to Promote Clinical Integration

April 15, 2010

Hinshaw Health Law Alert

## Health Care Reform Law Amends Many Existing Anti-Fraud Statutes, Increasing Need for Effective Compliance Programs

April 14, 2010

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# Wisconsin Creates Statutory Presumption That Billing Statements and Invoices Reflect the Reasonable Value of Reasonably Necessary Health Care Services

April 9, 2010

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## Health Care Reform: Health Insurance Exchanges and Private Insurance

April 9, 2010

Hinshaw Health Law Alert

#### An Eagle's Eye View of the Health Care Reform Legislation

April 7, 2010

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## Joint Commission Releases Revised Medical Staff Bylaws Standard

March 24, 2010

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#### Wisconsin Allows Cooperative Associations to Expand Health Care Services

March 23, 2010



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Illinois Supreme Court Denies Property Tax Exemption for Provena Covenant

March 19, 2010

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"Health Care Transparency Bill" Signed into Law in Wisconsin

March 10, 2010

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Wisconsin Expands Scope of Volunteer Health Care Provider Program

February 12, 2010

Hinshaw Health Law Alert

February 17, 2010, Deadline for Implementing HIPAA Privacy Rule Amendments and HIPAA Business Associate Compliance

February 9, 2010

Hinshaw Health Law Alert

DEA Approval Necessary to Act on Recent Amendments to Illinois Law Granting APNs and PAs the Authority to Prescribe Schedule II Controlled Substances

February 5, 2010

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New Rules Increase Reporting Obligations and Access to the National Practitioner Data Bank

February 4, 2010

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CMS and ONC Issue Regulations Defining "Meaningful Use" of EHR Technology

January 19, 2010

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RAC Implementation Beginning January 10, 2010

January 7, 2010

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