

Healthcare Law

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John D. Fanburg, Chair

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In today's complex and ever-changing healthcare environment, providers and institutional healthcare businesses need trusted and experienced advisors to help them negotiate the myriad legal and business issues that arise in the course of practicing medicine and operating in the healthcare sector.

Brach Eichler pioneered the discipline of health law in New Jersey and has developed – and continues to cultivate – its reputation as a leader in health law representation.

Our deep bench of health law attorneys – 23 strong – represents individuals and businesses from every corner of the healthcare industry, encompassing both for-profit and non-profit entities. Our clients range from individual practitioners to large physician and dental groups, from hospitals and hospital systems to medical staff organizations, from physician specialty societies to healthcare trade associations, from long-term care facilities to home health and hospice agencies, and from substance use disorder treatment facilities to ambulatory surgery centers and other outpatient facilities. Our attorneys have significant experience with matters and regulations affecting all healthcare providers and businesses.

Knowledgeable across a very extensive spectrum of issues, our attorneys deftly handle an array of healthcare business, transactional, licensure, compliance, white collar criminal, and litigation matters.

We are actively involved in all developments affecting healthcare industry participants, and have strong relationships with public officials and medical societies at both the state and national level. As such, we are able to effectively advocate on behalf of individual practitioners and healthcare facilities.

And as we help our clients adapt and respond to new economic and regulatory challenges, we tap and smoothly integrate other members of the Brach Eichler team in the areas of corporate tax, labor and employment, financial services, litigation, and real estate, among others.

The leading attorney ranking company, Chambers USA, cites clients who applaud Brach Eichler's health law practice, "They provide an outstanding quality of service at an excellent price. They understand their clients, and if there is a job that needs doing they can be counted on to do it right."

Our comprehensive representation to healthcare industry clients includes:

Institutional and Society Representation

- General and outside legal counsel to hospitals and health systems
- Counsel to nursing home and assisted living facility operators
- General counsel to physician specialty societies

Outpatient Provider Representation

- Representation of ambulatory surgery centers/ambulatory care facilities
- Representation of urgent care facilities
- Representation of federally qualified health centers
- Representation of licensed healthcare facilities and operators, including radiology, lithotripsy, home health, hospice, dementia care homes, and substance use disorder treatment facilities

Other Provider Representation

- Large and small physician organizations, practices, and individual physicians
- Large and small dental organizations, practices, and individual dentists
- Individual practitioners in other health and health-related professions

Corporate and Business Matters

- Business entity formation, bylaws, operational agreements, buy-ins, buy-outs, and dissolution
- Hospital and medical staff bylaws
- Business taxation issues
- Non-profit organization matters

Transactional Matters

- Private equity transactions
- Hospital-physician joint ventures
- Healthcare business purchase and sale transactions, mergers, and acquisitions
- Structuring mergers/consolidation of physician practices and healthcare facilities
- Due diligence review
- Drafting and negotiation of vendor, employment, contractor, and restrictive covenant agreements
- General contracting matters
- Leasing matters (real estate, equipment, personnel or otherwise)

Provider Reimbursement Matters

- Managed care and other payor contracting
- Medicare and Medicaid issues
- Audits and Investigations
- Litigation
- Appeals

Compliance Matters

- HIPAA and privacy/confidentiality matters, including policies, training, breach and security incident response, reporting requirements, and government investigations
- Corporate compliance program development, implementation, and training
- Compliance investigations
- Review and preparation of policies and procedures
- Healthcare compliance reporting matters

White Collar Criminal Matters

- Fraud and abuse investigations, allegations, and indictments
- Racketeering and money laundering schemes
- Labor and unemployment fraud
- Environmental crimes
- Government investigations and administrative hearings

Dispute and Litigation Matters

- Shareholder/member disputes
- Contract/transactional disputes
- PIP arbitrations
- Complex insurance litigation
- Hospital medical staff privileges dispute

- Litigation under the state and federal anti-kickback and fraud abuse statutes
- Defense of healthcare providers under the New Jersey Insurance Fraud Prevention Act

Professional Licensing and Medical Staff Matters

- Professional licensing board matters
- Medical staff hearings

Other Matters

- Guardianships
- Patient care issues
- Telemedicine and telehealth
- Protection of intellectual property
- Cannabis industry matters
- Healthcare employment matters

HIPAA, Data Privacy and Cybersecurity

Brach Eichler's healthcare law attorneys have carefully tracked and mastered the various laws and regulations concerning data privacy and security, including HIPAA, 42 C.F.R. Part 2 (federal regulations governing the confidentiality of substance use disorder patient information and records), and various other federal and state laws and regulations governing data privacy and security, cybersecurity threats, identity theft, and breach notification. We provide authoritative counsel to our clients as they undertake the associated demanding compliance obligations. Our goal is always to reduce each client's burdens by simplifying and streamlining required processes, actions and responses.

Our dedicated team follows a multidisciplinary approach, utilizing the expertise of our healthcare law, privacy and security, compliance, and technology attorneys in order to provide our clients with subject-matter expertise and the competent counsel they have come to know and trust. When needed, our litigation team can be pulled in on a moment's notice.

Services include:

Healthcare Data Privacy and Security Compliance and Counseling

- Privacy and security compliance program and policies
- Privacy and security training
- Ongoing counsel and advice

Privacy and Security Breach Investigation and Response

- Support and guidance in responding to privacy or security complaints
- Guidance and assistance in navigating through a data privacy or security breach incident—whether large or small

- Assistance in breach notification to individuals, the media, and government agencies
- Assistance in responding to government agency investigations and avoiding fines or negotiating settlements

Government Audit and Response

- Assistance in responding to government agency privacy and security audits
- Assistance in avoiding fines or negotiating settlements

Mergers and Acquisitions/Due Diligence

- Help in identifying privacy and security risks for planned business sales, mergers and acquisitions
- Transactional and corporate support in due diligence and contract negotiation

Litigation Support

- Representation of clients in data privacy and security lawsuits and investigations

Representative Matters

- Prepared HIPAA Privacy Rule and HIPAA Security Rule policy and procedure manuals for numerous clients
- Provided HIPAA privacy and security training to numerous clients
- Acted as outside counsel to large, multiple-office, multi-state medical practice to coordinate with the Privacy and Security Officers on all privacy and security complaint and breach investigations and response matters
- Assisted multiple clients in investigating and responding to patient or employee privacy complaints
- Assisted multiple clients in investigating and responding to employee privacy and security breaches
- Assisted multiple clients in data breaches involving patient information that became public-facing on the internet, including investigation, breach notification to affected individuals, the media, and the government, and in responding to government document and information demands and negotiating a resolution
- Assisted radiology practices in security breach incidents involving PACS radiology imaging server, including investigation, breach notification to affected individuals, the media, and the government, and in responding to government document and information demands and related matters

*Results may vary depending on your particular facts and legal circumstances.

Our Promise

At Brach Eichler, we are committed to a dynamic and meaningful partnership with our clients. We move forward with a shared vision carefully crafted and thoughtfully implemented with pragmatism. Together, we achieve success.

Insights

[Events](#) - April 26, 2024

JOIN US: FTC Adopts Final Rule Banning Workplace Non-Competes Webinar

[Newsletters](#) - April 26, 2024

Brach Eichler Federal Healthcare Law Update | April 2024

[Alerts](#) - April 25, 2024

HIPAA Privacy Rule to Support Reproductive Health Care Privacy - Final Rule

[Alerts](#) - April 25, 2024

FTC Adopts Final Rule Banning Workplace Non-Competes

[Alerts](#) - April 22, 2024

FTC to Vote on the Release of Its Final Rule to Ban Non-compete Clauses

[Events](#) - April 11, 2024

GSBA Health Law Symposium 2024

[Newsletters](#) - April 8, 2024

Change Healthcare Cyberattack - Resources for Providers and HHS Guidance

[B|E in the News](#) - April 2, 2024

John D. Fanburg Quoted in Modern Healthcare

[Firm Announcements & Wins](#) - April 1, 2024

Brach Eichler LLC Promotes Ten Attorneys

[Firm Announcements & Wins](#) - April 1, 2024

Brach Eichler LLC Announces Its Executive Committee
