

Health Care Litigation

Seyfarth's Health Care Litigation team combines its leading Litigation and Health Law practices to provide comprehensive representation to hospitals and health systems, physician and specialty practice groups, and senior living and long-term care providers. Our lawyers understand the unique regulations and oversight that affect the way our health care clients do business and are keenly focused on protecting their interests.

Our Health Care Litigation team has handled myriad regulatory, reimbursement, contractual and other commercial litigation issues impacting the health care industry, including:

✓ Anti-Kickback, Stark Law and False Claims Act violations

✓ Restrictive covenant and trade secret matters

✓ Medical staff and credentialing determinations

✓ Physician misconduct

✓ HIPAA, data breach and privacy violations

✓ Commercial contract disputes with suppliers, medical device and other service providers

Our Health Care Litigation team works closely with members of our Health Law group who have developed assessment tools for HIPAA Privacy/Security as well as for Medicare/Medicaid/False Claims compliance to help mitigate potential claims and manage potential legal and liability exposure related to noncompliance. These programs include assessment, gap analysis, written plan development/implementation and staff training.

In addition, our Health Care Labor & Employment lawyers represent health care providers in related litigation including employment discrimination, both administrative agency and court-based employment litigation, and wage and hour class action matters.

Demonstrated Track Record of Results

- Successfully defended a large health system in a case brought by a physician for claims of defamation, fraud, tortious interference with existing contract, intentional infliction of emotional distress, conspiracy and age discrimination.
- Represented a large hospital and two newly hired physicians in a lawsuit involving breach of contract, misappropriation of trade secrets, and fraud claims related to the physicians' employment by the hospital.
- Represented hospitals and insurance companies in professional liability and breach of contract lawsuits, bringing matters to successful settlement or favorable trial verdicts.

- Successfully led and participated in numerous physician due process hearings on behalf of medical staffs and hospital system, resulting in upholding physicians' summary suspensions, revocation of clinical privileges, denial of reappointment, and removal from hospital medical staff.
- Advised a healthcare system in evaluating potential data privacy breaches under state and federal law, and further developing and implementing mitigation response protocol.
- Successfully negotiated settlement agreements on behalf of a multi-billion dollar managed care organization in contracts disputes and insurance claims disputes.
- Engaged in numerous successful mediations with disruptive physicians on behalf of a hospital system client, resulting in physicians' withdrawal of application for reappointment and withdrawal from medical staff.
- Represented a hospital system in reformulating subpoena policies and release-of-information policies as they relate to HIPAA regulations, federal substance-abuse laws, Texas privacy laws, and laws governing the release of Sexual Assault Nurse Examination materials.
- Represented a hospital system in its medical staff bylaws revisions, legal defense strategies in peer review proceedings, formation of new leadership committees, and drafting additional contract provisions between hospital system and joint ventures.
- Successfully defended medical device company in federal court by obtaining summary judgment on tortious interference claims, thus precluding plaintiff's reliance on alleged statutory violations of the federal Anti-Kickback Statute as a basis for private civil liability.
- Represented physician as defendant in qui tam False Claims Act lawsuit alleging violation of anti-kickback statute and Stark law in home health arrangement.
- Successfully represented durable medical equipment supplier in rate schedule litigation against regional administrator of TRICARE program including arbitration in California and dealings with U.S. Representative from client's congressional district.
- Defended stand-alone emergency clinic in multi-faceted state licensing and federal provider-based certification litigation involving two federal court actions and one state court action with claims of fraud by major private insurer and breach of contract against sponsoring hospital under provider-based emergency department management agreement.
- Represented Business Associate and Covered Entity in HIPAA data breach notification and reporting for breach involving over 60,000 individuals.
- Successfully defended two freestanding emergency care centers in ten lawsuits alleging fraudulent health care liens by obtaining complete dismissal, attorney's fees, and sanctions under the Texas Citizens Participation Act, an Anti-SLAPP statute.
- Provided legal counseling on and handled HIPAA breach investigations, mitigation and, when required, notification of the Office of Civil Rights (OCR).
- Represented health care clients who were either under investigation by the US Department of Justice or who were subject to claims by a Qui Tam Relator under circumstances that did not involve federal or state government's participation.
- Represented ERISA plan trustees in significant breach of contract and fiduciary duty actions against Plan's third party claim administrators and other plan vendors.
- Defended ERISA plans and their trustees in numerous actions brought by in-network and out-of-network healthcare providers for unpaid reimbursements, frequently prevailing on dispositive motion practice.
- Represented healthcare advisory, healthcare management and utilization management review companies in actions involving breach of contract, wrongful denial of benefits, personal injury claims and non-competes.



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