

# Health Care Litigation

## *At a Glance*

**The delivery system is defined by dramatic change, extraordinary competition, and rising regulatory complexity.**

For health care providers, suppliers, and medical manufacturers who are faced with the need to litigate, Arent Fox offers a deep bench of talented litigators who have extensive experience in state and federal courts, administrative agency and other proceedings, arbitration panels and various appellate forums.

Our health care litigators have a deep understanding of the medical and pharmaceutical industries and are well-versed in issues such as the complex health care payment system and the overlay of regulations and agency oversight that affect the way medical providers, suppliers, and manufacturers operate. Among other providers, we routinely provide counsel to:

- Hospitals and health systems
- Dialysis providers
- Medical equipment suppliers
- Long term care facilities
- Ambulatory surgery centers
- Physician groups
- Clinical laboratories
- Hospice and homecare agencies
- Pharmaceutical companies

We have recently litigated disputes on behalf of clients encompassing all branches of health care, including matters involving regulatory compliance challenges; managed care disputes; medical staff disputes; coverage and pricing disputes; survey and certification disputes; commercial and governmental reimbursement disputes; and business and employment disputes. Our work in these areas has taken us to both state and federal court, with multiple appearances in the California Supreme Court.

Our attorneys also handle dozens of investigations each year, including many in the health care industry that are government-initiated or related to suits filed under the qui tam provisions of the False Claims Act.

### Areas of Concentration

- Medical staff and credentialing
- Commercial reimbursement and ERISA appeals
- Alternative dispute resolution proceedings, such as arbitration and mediation
- Pharmaceutical pricing litigation
- Government civil proceedings including whistleblower suits brought under the False Claims Act
- Commercial and tort litigation
- Internal compliance investigations
- Licensure disputes and proceedings
- Criminal proceedings
- Management or services contract disputes
- Medicaid and Medicare reimbursement appeals
- Managed care network disputes
- Anti-Kickback Statute
- Stark Law

### Rankings

- Rated by *US News & World Report* and *Best Lawyers* for its nationally recognized health care and litigation teams.
- Recognized by *Chambers USA* for industry leading health care and litigation work.
- Lauded by *Legal 500 USA* for our top rated health care and litigation practices.

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## Representative Health Care Litigation Matters

- ▶ Arent Fox has represented statewide hospital trade associations as amicus curiae in multiple precedent-setting California Supreme Court decisions.
- ▶ The Arent Fox litigation team recently secured a crucial arbitration victory for the largest dialysis provider in the United States in a dispute over the interpretation of a managed care contract between the dialysis provider and a health insurer. Our team also counsels this client in connection with ERISA benefits and commercial payer disputes.
- ▶ Arent Fox is defending a large health system in California in a patient civil rights action brought by a deaf patient claiming violation of the Americans with Disability Act, the Rehabilitation Act of 1973, as well as state civil rights and privacy protection laws.
- ▶ In a high profile Court of Appeals case, Arent Fox successfully represented a large health care system in San Diego in a precedent-setting health care disciplinary matter concerning the authority of a hospital governing body.
- ▶ Arent Fox successfully defended a number of generic drug manufacturers in False Claims Act cases, and is currently defending three generic drug manufacturers against allegations brought by the State of Louisiana that challenge whether the products qualify as covered outpatient drugs under Medicaid.
- ▶ For more than 15 years, the firm has served as lead counsel for a global health care company in defending multiple state and federal claims in the Average Wholesale Price (AWP) litigation.
- ▶ Arent Fox is the lead health care counsel to one of the largest senior living and long term care providers in the world. Our regulatory work for this provider includes compliance, operational issues, fraud and abuse issues, internal investigations, and litigation.
- ▶ Arent Fox is currently representing a health system in two consolidated toxic mold exposure lawsuits filed by both current and former employees of the hospital.
- ▶ Arent Fox frequently provides counseling and litigation services to sponsors and fiduciaries of health benefit plans, including retiree beneficiary associations, and has litigated health benefits issues in corporate and municipal bankruptcies.
- ▶ Arent Fox recently obtained a victory in a retaliation matter for a large health system. The court held that the whistleblower claim arose from protected peer review activities and dismissed the claim.

### About Arent Fox LLP

Arent Fox LLP, founded in 1942, is internationally recognized in core practice areas where business and government intersect. With more than 400 lawyers, the firm provides strategic legal counsel and multidisciplinary solutions to clients that range from Fortune 500 corporations to trade associations. The firm has offices in Los Angeles, New York, San Francisco, and Washington, DC.

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