

Health Care

Overview

Today's health care industry is marked by extraordinary transformation and opportunity. Health care delivery and reimbursement is shifting rapidly toward value-based care and vertical consolidation, while health systems, providers in many different specialties and other forward-thinking leaders are joining forces to tackle some of the sector's largest challenges. Digital health solutions are evolving the doctor-patient relationship beyond in-person encounters, fundamentally transforming the quality and delivery of health care – and investors are taking notice.

If you're doing something that has never been done before, looking to do something better than it has ever been done before or looking for ways to effectively stay the course, we're here to help. We partner with innovators and middle-market companies, as well as the non-profit operators, who put mission before margin, with the goal of creating strategic relationships with the businesses transforming today's health care. We also counsel strategic buyers and investors in a pragmatic way, with an understanding of risk and reward obtained through years of representing all the different constituencies in health care transactions.

- **Corporate and Transactional Practice**

Our transactional lawyers have been involved in the evolution of traditional health care entity ownership structures and the emergence of new alignments and financing methods. From boardroom advice and steady guidance through the creation of standalone clinics, to the formation of health systems, mergers, acquisitions, innovative financings, private equity and other strategic investments, and restructurings, we offer clients a broad team of transactional lawyers dedicated to the health care industry.

- **Litigation**

Our deep bench of litigation attorneys successfully lead cases covering virtually every aspect of health law, including internal and criminal investigations; False Claims Act allegations; government reimbursement suits; provider licensing and certification investigations; medical staff disciplinary actions; products liability; and medical malpractice defense.

- **Regulatory Practice**

Our attorneys also offer experience regarding compliance reviews and risk assessments; government investigations and enforcement actions; Medicare and Medicaid payment issues; government audits; and in advocacy before the House, Senate, Department of Health & Human Services, Centers for Medicare & Medicaid, Food & Drug Administration and other executive branch agencies.

- **Outside Counsel Services**

As a full-service law firm, we are positioned to serve as outside general counsel for our health care clients and help solve nearly any issue they may face in the life cycle of their business, such as labor & employment, tax, real estate, immigration, intellectual property, construction, bankruptcy and environmental matters.

Those who hire Munsch Hardt are hiring a dedicated, multidisciplinary team that devotes all or a substantial portion of their practices to serving clients in every sector of the health care industry. Our attorneys strive to be trusted advisors and fully understand the unique relationships that exist between today's providers, patients, payers and regulators. Many of the businesses we serve include the following:

- **Long-Term Care & Post-Acute Care Facilities**

Skilled nursing facilities (SNFs), assisted living facilities (ALFs), continuing care retirement centers (CCRCs), home health agencies, hospices, rehabilitation centers and more.

- **Hospital Systems**

Tax-exempt and for-profit health care systems, long-term acute care hospitals (LTACHs), community and specialty hospitals.

- **Physicians & Physician Groups**
Internal medicine groups, orthopedic surgeons, physical medicine specialists, pain management groups and OBGYN medical groups.
- **Management Groups**
Management service organizations (MSOs), group purchase organizations (GPOs) and dental service organizations (DSOs).
- **Ancillary Services**
Pharmacies, clinical labs, dentists, veterinarians, non-physician practitioners (e.g. physician assistants and nurse practitioners), optometrists, chiropractors, podiatrists, ambulatory surgery, radiation oncology, cardiology, lithotripsy centers and wellness centers, including medical spas.
- **Health Care Investors**
Private equity funds, real estate investors, private accredited investors and developers.
- **Manufacturers & Distributors**
Medical device, regulated products, hormones and other supplements, as well as durable medical equipment companies.
- **Technology Health Care Companies**
Telemedicine and mobile health care providers, medical application developers and telehealth providers.

Why We're Different

We pride ourselves on being more than just attorneys; we are business advisors. Our health care clients can expect to work directly with experienced shareholders who remain hands-on throughout the course of an entire project. Our shareholders and their teams don't simply research cases and handle transactions; we also attend business sessions, visit health care sites and participate in meaningful strategic planning meetings. Our attorneys truly immerse themselves into the industry they serve.

Our team also is comprised of numerous attorneys who are recognized by *Chambers USA – Texas*, The Best Lawyers in America® by *Woodward/White, Inc.* and Texas Super Lawyers by *Thomson Reuters*. We also offer clients access to attorneys who are board certified in health care law and serve in leadership positions on a number of Texas' top health care organizations.

Experience

Hospital Acquisition

Represented non-profit organization that operates a network of hospitals and related health facilities in its \$116.5 MM acquisition of a major medical center. The hospital, medical office building and parking garage, were purchased through an auction process approved by a bankruptcy court.

Medical Office Building Development

Represented a real estate developer in the development of a new Medical Office Building, which is located on a campus featuring a full-service hospital, as well as an outpatient imaging center, a women's imaging and breast center, a bariatric clinic and ancillary medical office buildings. This deal was complicated in that the real estate developer invited physicians with hospital privileges to acquire up to 25% of the equity in the Project. As this was a first-time structure for the firm's client, our Corporate team helped the developer navigate all of the securities and disclosure issues.

Health Care Technology Merger

Represented a leading provider of on-demand health care access services, and the leading provider of live medical answering services in its merger with the first and largest telehealth provider in the nation.

Health Care Litigation

Represented a nationwide health care organization in two cases involving disputes with a joint venture partner. Munsch Hardt also advised the organization on a covenant not to compete dispute with a major competitor out of Massachusetts, involving the hiring away of a medical director for a chain of dialysis clinics in the El Paso, Texas area.

Health Care Immigration Counsel

Represents a non-profit company that operates a network of hospitals and related health care facilities in Texas, and its doctors, technical, IT and medical personnel with non-immigrant and permanent immigration proceedings planning and implementation through Green Card obtainment.

Imaging Center Acquisition

Represented a community hospital system in an imaging center acquisition, while advising on multiple Stark Law and Anti-Kickback Statute (AKS) concerns.

Mobile Health Application + License

The Firm represented a medical supply company in the development of a mobile health application that allows various health care providers to view a picture of patients' wounds and discuss treatment plans and healing via a mobile telecommunications device. Munsch Hardt advised the company on how to launch this mobile health application in a HIPAA-compliant manner, and prepared licensing agreements between the company and health care systems for use of the application.

Products Liability

Served as part of a national trial team for a major manufacturer on product liability claims related to silicone breast implants. Our attorneys were part of the trial team that secured the first jury trial victory in Harris County by an implant manufacturer, which was followed by four other defense verdicts over the next three years. We secured the first directed verdict for an implant manufacturer in the country, which was achieved after plaintiff's causation experts were excluded on Daubert grounds.

Acquisition of Assisted Living Facilities

Represented two private equity firms and a real estate investment firm in connection with their acquisition of the management business of an operator of assisted living facilities throughout the United States and Canada. Munsch Hardt handled the due diligence review and analysis of the real estate assets, including the facility management agreements, leases and debt documents.

Contractor Audits

Represented one of the largest post-acute care providers in a multi-million dollar set of Medicare Zone Program Integrity Contractor audits by successfully overturning a Qualified Independent Contractor (QIC) decision at the Administrative Law Judge (ALJ) appeal level.

Practice Leaders



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Related People

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Robert Rhodes
Dennis Roossien
Ian Shaw
Daniel Sternthal
William Swart
Georgina "Georgie" Tomalty
Fred Wahrlich

Related Practices

Bankruptcy, Restructuring & Insolvency
Corporate & Securities
Finance
Immigration
Intellectual Property
Labor & Employment
Real Estate
Tax
Litigation
Environmental

Related Industries

Construction
Real Estate
Technology & Telecommunications

Achievements

Best Lawyers® "Best Law Firms", published by *Woodward/White, Inc.* – Corporate Law, Metropolitan Tier Ranking (2022-2024)

Chambers USA – Texas (2021-2023)

Newsroom

Speech: Safeguard Your Ketamine Clinic: Legal Expertise You Need to Know

Speech: Munsch Hardt Presents Is There A Whistleblower In Your Midst? Webinar

Article: USAP's Motion to Dismiss FTC Case Update

Press Release: Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

Article: FTC: The Future of Non-Competes is Still in Limbo

In The News: Munsch Hardt Beats Back Injunction for Insulin Therapy Client

Article: Medicare OTC COVID-19 Test Demonstration Program Investigations Intensify

Speech: Introduction to Medical Provider Employment Agreements

Speech: Ketamine and Legal Implications

Press Release: Chambers USA 2023 Directory Highlights Munsch Hardt Practices + Attorneys

Speech: Hospitals, Private Equity Firms, and Insurers, Oh My! The Decline of Physician Owned Practices

Article: The Rising Vertical Integration Trend in Health Care M&A

Article: Three Healthcare Business Implications for the End of the Public Health Emergency

Article: Understanding the Implications of the End of the Public Health Emergency and Blanket Stark Law Waivers

Speech: Tips and Tricks to Navigating and Negotiating Your First Physician Employment Agreement

Press Release: Munsch Hardt Ranks Among Nation’s Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

Article: Reconciling Restrictive Covenant Agreements With Physician Departure Notices

Article: The Inflation Reduction Act: Improving Quality and Decreasing Costs for Health Care

Article: Employment Eligibility Verification for Health Care Employers: Looking Back Before Planning Ahead

Article: What the Telehealth Cliff Means for Provider Coverage Requirements

Article: COVID Testing Lab Seeks Reimbursement from Aetna and Employer Plans

Speech: Legal Considerations in Ketamine Clinics

Press Release: Six Munsch Hardt Practice Groups and 12 Lawyers Ranked by Chambers USA 2022

Article: Billing “Incident-To” – Is It Right For You?

Article: Is It Worth It? The Uncertainty of Insurance Recoupments for COVID-19 Testing Without a Health Care Provider’s Order

Speech: State and Federal Laws Affecting Residential Care Homes

Article: Pharmacogenomics: DNA Is Not Your Destiny

Article: The No Surprises Act: What to Expect

Article: Healthcare Risk Management December Newsletter

Speech: Legal Issues Facing Residential Care Operators

Press Release: Munsch Hardt Named to 2022 “Best Law Firms” List by U.S. News – Best Lawyers®

Speech: Labor and Employment, Litigation and Risk Management Issues

Speech: Legal Issues in the Ketamine Space

Speech: Health Care Regulatory and Transactional Issues Facing Resident Facilities

Speech: Top 5 Transactional, Operational and Corporate Issues Assisted Living Operators will Face in 2021 and Beyond

Speech: Top 5 Regulatory Issues Assisted Living Operators Will Face in 2021 and Beyond

Speech: Texas Organization of Residential Care Homes Panel

Article: Trends That Aim to Reduce Costs, Improve Outcomes and Ensure Health Care Benefits for Your Workforce

In The News: Munsch Hardt Adds Healthcare In-House Counsel

Press Release: Chambers USA 2021 Rankings Include Six Munsch Hardt Practice Groups and Ten Attorneys

Press Release: Munsch Hardt Grows Health Care Practice Through Hiring of Ryan Revisore

Speech: The Changing Face of Healthcare

Speech: Physician Employment Agreements

Speech: Navigating the Effects of COVID-19: Operational, Financial, Compliance and Risk Strategies for Today, Tomorrow, and Beyond

Speech: Vaccine Administration to Employees, Residents, and Others in the Long Term Care Context

Speech: Navigating the Effects of COVID-19

Press Release: Strategic Growth Remains a Major Focus for Munsch Hardt in 2020

Press Release: Notable Trial Attorney and Intellectual Property Litigator Joins Munsch Hardt’s Dallas Office

Speech: COVID-19 and Long Term Care Facilities: A Conversation with General Counsel and VP of Clinical Services

Speech: Ethically Handling FCA Investigations, Litigation and Whistleblowers

In The News: Williams Shares Insights On Cybersecurity With Managed Healthcare Executive

Press Release: Munsch Hardt Attorney Closes Two Middle-Market Transactions, Signs Up a Third in Less Than 30 Days

Press Release: Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

In The News: CMS Request on Requirements of Participation Opens Door for SNFs

Speech: Guide to the Department of Labor’s FLSA Update

Article: CMS issues final rule on requirements of participation for nursing homes

Article: HHS issues final rule on the ACA's anti-discrimination provisions

In The News: Billionaire Kelcy Warren Sued Over \$20 MM Cancer Center Loan

In The News: Bid Lawsuit Just Got Bigger

In The News: Female Powerbroker Q&A: Munsch Hardt's Deborah Perry

In The News: Dallas Law Firm Moves Into New Houston Digs

In The News: Memo Could Be Catalyst In Audit Battle

Article: Medical Office Space: A Legal Perspective