HOSPITAL-PHYSICIAN RELATIONS AND MEDICO-LEGAL

Our Clients

Katten’s Health Care attorneys serve as corporate, regulatory and special counsel to hospitals, medical staffs, multi-hospital systems, trade associations, physician groups, accountable care organizations (ACOs) and patient safety organizations (PSOs).

Our Services

Because of our comprehensive understanding and experience with the regulatory and competitive dynamics of the health care industry, clients seek our advice on a range of hospital-physician relations and medico-legal issues, including the issues below.

- Physician employment and recruitment
- Physician compensation
- Exclusive contracts
- Medical staff development plans
- Hospital licensure and accreditation
- Emergency department coverage and compensation arrangements
- Hospital liability involving corporate negligence and governmental investigations, and enforcement actions based on claims of substandard care, "worthless services" and the False Claims Act
- Clinical integration and antitrust
- Managed care

RECOGNIZED BY

- Chambers USA
- The Legal 500 United States
- U.S. News – Best Lawyers® “Best Law Firms”

- Medical staff bylaws, rules and regulations
- Peer review/performance improvement policies and procedures
- Peer review investigations, hearings and litigation
- Peer review compliance plans
- Hospital/medical staff disputes
- PSOs
- Health Insurance Portability and Accountability Act (HIPAA) compliance and investigations
- Medico-legal issues including do-not-resuscitate (DNR), end-of-life and similar patient care issues
- Emergency Medical Treatment and Active Labor Act (EMTALA) compliance and investigations
- ACO privileging and credentialing
- Allied health professionals
- Health care civil litigation
• White collar investigations and litigation
• Compliance with Medicare Conditions of Participation
• Medical staff mergers and integration
• Data Bank and state disciplinary reporting

Our attorneys have been involved in many key state and federal court decisions in the areas of PSOs, peer review disputes, certificate of need (CON), breach of contract claims, antitrust and discrimination actions. In addition, our relationships and experience with state and federal officials, accreditation bodies and various trade associations have assisted in achieving successful and cost-efficient outcomes for our clients. We work extremely well with board members, senior management, medical staff leaders, risk managers, compliance and privacy officers, and medical staffs.

Our Experience

• Development of an information-sharing policy allowing multi-hospital systems to share confidential peer review information in compliance with state law.
• Counsel in connection with conducting audits of health care clients to review and evaluate sensitive quality assurance/performance improvement/peer review documents in order to take steps to maximize protection under state confidentiality statutes.
• Successful defense of hospitals and medical staffs in more than 100 state and federal credentialing lawsuits.
• Counsel in connection with conducting more than 250 credentialing peer review hearings representing medical staffs and hospitals.
• Successful representation of hospitals in accreditation hearings and disputes with The Joint Commission regarding Preliminary Denials of Accreditation and other accreditation matters.
• Special counsel to the Illinois Hospital Association on various statutory initiatives affecting hospital/physician relations in the areas of employment, exclusive contracts, restrictive covenants, medical staff credentialing, the Hospital Licensing Act and the Medical Studies Act.
• Successful representation of clients in Centers for Medicare & Medicaid Services (CMS), state public health and Office of Inspector General (OIG) complaints against hospitals alleging EMTALA violations.
• Successful representation of hospitals in responding to Office for Civil Rights (OCR) HIPAA complaints and investigations.
• Representation of more than 100 hospital and medical staffs in amending and developing medical staff bylaws to comply with state and federal laws and accreditation requirements.
• Representation of numerous freestanding and component PSOs, health systems and many participating providers from around the country including the development of their patient safety evaluation systems.
• Assistance to PSOs with respect to their certification and recertification by the Agency for Healthcare Research & Quality (AHRQ).
• Representation of health care providers and PSOs in the major appellate court decisions involving the interpretation of the confidentiality provisions of the Patient Safety Act as applied to PSOs and providers.
• Representation of hospitals and health care systems in merging their respective medical staffs.
• Appointment as a hearing officer in fair hearing proceedings.
• Successful mediation between hospitals, physicians and medical staff regarding various disputes.
• Representation of hospitals and medical staffs in dealing with disruptive, aged and impaired physicians.