

Healthcare

For decades, Downey Brand healthcare attorneys have represented California's healthcare industry in the transactional and litigation arenas. Our clients include hospitals, physician groups, medical facilities, assisted living facilities, medical device manufacturers, medical foundations, licensed practitioners, as well as healthcare vendors and suppliers.

Healthcare has long been a staple sector in the Sacramento region, and Downey Brand healthcare attorneys have historically provided a broad spectrum of legal services to businesses and individuals who operate in this arena. Our healthcare attorneys regularly assist clients with developing and executing their business transactions, assessing data privacy and security risks, providing reimbursement solutions, and pursuing or defending complex healthcare-related litigation through mediations, arbitrations, and/or trials. With respect to each of these legal endeavors, it is always our goal to not only understand our clients' healthcare-related business operations and needs, but to explore and determine just how they define success. From there, we shape our advice and legal actions with focus on obtaining our clients' strategic goals.

Healthcare Business Transactions

Downey Brand's corporate attorneys provide advice and counsel on transactional matters relating to the healthcare industry, including negotiating facility service agreements, construction and supply chain/distribution contracts, acquisition agreements, and clinical trial agreements. These same lawyers assist clients with the provision of healthcare services, medical device manufacturing issues, and product development.

Healthcare Information Technology

Privacy, security, and data integrity are of course paramount in the healthcare industry. Our technology attorneys provide clients with a range of services from privacy and security risk assessments through compliance program development and day-to-day operations advice. Our attorneys assist healthcare providers with complex technology transactions involving data protection and security, including confidentiality agreements, data testing and data use agreements, and agreements involving cardholder data, patient data, and other sensitive information.

Commercial Healthcare Litigation

Downey Brand's litigators are experienced advocates with demonstrated trial success on healthcare-related litigation in state and federal courts, administrative proceedings, arbitrations, and various appellate forums. More specifically, Downey Brand litigators have recently obtained favorable outcomes in legal disputes relating

to billing services, hospital contracts, staffing services, intellectual property, fraud investigations, False Claims Act issues, anti-kickback statutes, and professional licensing. Downey Brand's attorneys have also successfully represented providers in MediCal reimbursement disputes with the State of California.

Employment Counseling, Litigation and ADA

Human resources are of course critical in most every healthcare endeavor, and our employment law attorneys assist healthcare employers with all aspects of employment law, ranging from preventative advice and training to complex litigation involving wage and hour, harassment, discrimination, and termination claims. Our attorneys frequently prepare and negotiate physician employment agreements, non-complete agreements, and severance agreements. Our attorneys also have special expertise in issues involving the Americans with Disabilities Act and the California Fair Employment & Housing Act, and have assisted hospitals, assisted living facilities, and medical facilities in complying with regulations associated with equal access for persons with disabilities.

Public Agency General Counsel Services

Beginning with its inception in 1926, Downey Brand attorneys have provided general counsel services to public agencies in the Sacramento Valley and throughout the West. With over 100 public agencies as clients, Downey Brand attorneys are well-versed in the special statutory requirements applicable to public agencies, including, but not limited to, those requirements relating to the Brown Act, the Public Records Act, Government Code section 1090, public bidding, and the Political Reform Act. This expertise is essential when servicing healthcare clients in the public agency space.

Selected Experience

- Represented private medical provider in billing fraud trial against former medical biller and obtained after trial a \$10 million judgment in favor of provider.
- Lead counsel for a cardiologist in a successful defense of California Medical Board's effort to obtain a preemptory medical license suspension, as reported in a story by 60 Minutes.
- On-going representation of some of California's largest healthcare companies in drafting and negotiating contracts, including information technology agreements and master services agreements.
- Lead trial counsel for a medical group in significant anti-trust, Section 17200, and practice of medicine litigation against major Northern California hospital.
- Defended durable medical equipment supplier in multi-million dollar federal qui tam action in United States District Court, Central District of California, with a favorable settlement for client.
- Counsel for national pharmaceutical healthcare client challenging California drug-pricing statute in federal court.

- Lead counsel for worldwide healthcare client in a commercial dispute with vendor regarding sale of proprietary technology.
- Lead counsel for a medical device company defending against claim that an employee was improperly classified as an independent contractor.
- Lead counsel for a major health system in a class action regarding ADA accessibility at all of its facilities, as well as individual lawsuits brought under state and federal access laws.
- Lead counsel for hospitals in claims brought under state and federal accessibility laws, as well as in federal and state administrative proceedings asserting access violations.
- Lead counsel for anesthesiology group in anti-trust action against major Northern California hospital.
- Lead counsel for medical device manufacturer in action for fraud, breach of contract, unfair competition, and related claims.
- Lead counsel for clients in the healthcare industry in civil and criminal proceedings involving the Anti-Kickback Statute and the False Claims Act.
- Lead counsel for medical device manufacturers in federal criminal and civil healthcare fraud investigations.
- Lead counsel in qui tam False Claims Act suit against a medical device manufacturer and successfully obtained dismissal.
- Lead counsel for medical device company in action against a former independent contractor for breach of contract, conversion, defamation, and fraud.
- Successfully represented a healthcare system in writ against a county to recover indigent care per contracts.
- Successfully represented a staffing company that provides travel nurses to hospitals in disputes and general employment counseling.
- Successfully represented an urgent care facility in general employment counseling and litigation with a dissident shareholder.
- Lead counsel for a healthcare call and communication center in discrimination suit.
- Lead counsel for a dental practice in general employment matters as well as wage and hour litigation.
- Prepared California-compliant handbook for national pharmacy service acquiring California workforce, including a comprehensive review of wage and hour compliance, harassment prevention, new leave of absence and confidentiality agreements and implementation of procedures.

Trade Groups

Trade Groups

- California Society for Healthcare Attorneys (CSHA)
- American Health Law Association (AHLA)