

# Health Care

## Overview

Carlton Fields represents the full range of health care industry participants. On behalf of industry-leading clients across the country, we provide comprehensive legal services related to health care entities. Our scope of services include compliance, administrative, regulatory, transactions, and litigation.

### Representative Clients

- Hospitals and health systems
- Health care clinics
- Adult care facilities
- Hospices
- Ambulatory surgery centers
- Physicians, physician groups, and other allied health professionals
- Oncology Centers
- Freestanding cardiac catheterization laboratories
- Mental health centers
- Addiction treatment centers
- Pharmaceutical and medical device manufacturers
- Universities
- Medical and hospital associations
- Health insurance companies

# Experience

## Hospitals

- Drafted contract and general conditions for major reconstruction and additions in Miami, Florida.
- Project construction counsel to owner for \$60 million renovation and new construction in Roanoke, Virginia. Follow-up work on design-build “replication” of successful operating wing.
- Counsel to owner involved in contract formation, troubleshooting, and closeout in Christiansburg, Virginia.
- Counsel to owner on new construction and renovations in Washington, D.C. Drafting of standard construction and architectural contracts for multiple projects.
- Counsel to owner for new health care facility in Palm Beach County, Florida.
- Advised owner on contract administration legal issues, project closeout issues, and issues involving defective services and construction in Rockville, Maryland. Represented owner in successful arbitration proceedings.
- For general contractor, involved with pre-construction review, contract administration, legal issues, and closeout in Miami.
- Project construction counsel for \$70 million replacement facility in Fredericksburg, Virginia.
- Defended claim by subcontractor against general contractor in Augusta, Georgia.

## Litigation

- Represented health care providers throughout Florida trial and appellate courts in more than 450 cases related to Amendment 7 issues, including providers’ confidential peer review, credentialing, quality, and risk management.
- Obtained reversal of trial court order certifying class action against hospital challenging its billing and collections practices.
- Represented hospital in litigation and appellate proceedings resulting in decision that Florida hospitals and ambulatory surgery centers and their governing bodies are immune from injunctive relief and liability for claims that arise out of the appointment or reappointment of members of the medical staff, absent a properly pleaded allegation of intentional fraud.
- Represented hospitals in internal peer review proceedings and resulting litigation, which included successfully representing hospital in litigation and appellate proceedings in lawsuit brought by physicians alleging racial discrimination in medical staff appointment process.

- Represented hospitals in medical malpractice lawsuits, including a defense verdict in a three-week jury trial of a \$50 million medical malpractice claim arising out of paraplegia following spinal surgery.

## Regulatory/Transactional

- Represented hospital-based ambulatory surgery centers in a roll-up with a public company.
- Provided legal advice and counseling regarding formation of a hospital network to better compete given health care reform.
- Representing two public hospitals in possible long-term lease.
- Represented health care providers in investigations by the U.S. Department of Health and Human Services Office for Civil Rights related to HIPAA and patient privacy complaints brought by former patients and other consumers.
- Assisted hospital with purchase of real estate and expansion of health care facilities.
- Counseled hospitals on possible joint venture to expand provision of critical services.

## Insights

05.16.2024

4 Tips for Health Tech Apps After the FTC's Revised Breach Notification Rule

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04.26.2024

HHS Announces Final Rule on Reproductive Health Care Privacy

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04.25.2024

HHS Warns Health Care Sector of AI-Driven Phishing, Social Engineering Attacks on IT Help Desks

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03.12.2024

Change Healthcare Cyberattack Emphasizes Importance of Cybersecurity Readiness; Considerations for Hardening Your Cybersecurity Program

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Top 10 First Amendment Cases of the 2022-2023 Supreme Court Term

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It's 3 AM: Do You Know What Your Website Is Doing? Tips for Reducing Regulatory and Litigation Risk Stemming From Website Technologies

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Top 10 First Amendment Cases of the Supreme Court Term

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Seeking Clarity on Medical Privacy in Fla. Class Actions

*Law360*

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DOJ's First Cyber-Fraud Settlement Places Emphasis on Cybersecurity Shortfalls

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The Health Data Use and Privacy Commission Act: Is HIPAA Getting a Facelift and Expanding Its Reach?

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01.15.2022

The Status of Vaccination Mandate Laws: What Is Being Enforced?

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11.05.2021

Health Care Worker Vaccine Mandates: New Strings Attached for Federal Funds

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10.18.2021

FOIR Releases Guidance on New Disclosure Requirements for Health Insurers, MCOs

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10.14.2021

COVID-19 Accommodation Trends Relating to Vaccination and Remote Work

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The Three R's of LTC Insurance and Wellness: Regulation, Rebates, and RBOs

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08.18.2021

Into the Future: Modern Partnerships in Health Care Construction Delivery

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Health Care Price Transparency: CMS Says No Hiding the Ball Containing Pricing Information

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04.01.2021

Gov. DeSantis Signs COVID-19 Business Liability Protection Bill Into Law

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02.25.2021

Department of Labor Imposes Additional Requirement on Employer-Provided Health Services

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12.29.2020

Health Care Providers Are Under Attack. Are You Ready for 2021?

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Pennsylvania Court Sets Out New Work Product Privilege Considerations for Medical Providers' PSQIA Information

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Tips for Fine-Tuning Workplace Vaccination Policies During Pandemic

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Genetic and COVID-19 Testing Companies Set To Be Regulated in California

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HIPAA Compliance for Work-From-Home or Telehealth Programs: Five Frequently Overlooked Considerations

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When Referrals Are Felonies: Health Care Providers Should Review Their Referral Practices to Avoid the DOJ's Wrath

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10 Privacy Recommendations for Health App Developers From the AMA's Latest Privacy Principles

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05.04.2020

Five Steps to Prepare for Telehealth Data Breach Litigation

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10 Steps for Responding to a Telehealth Data Breach

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04.27.2020

HHS Announces Additional Allocations Under the CARES Act Provider Relief Fund

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Reducing Hospital Regulatory Burdens Through Bankruptcy Sales

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04.22.2020

Six Steps to Protect Against Increased Telehealth Cybersecurity Dangers

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\$30 Billion in Provider Relief Delivered Under the CARES Act

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CARES Act Impact on Health Care

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CMS Issues Blanket Waivers From the Stark Law

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Forewarned Is Forearmed: Why Companies Need to Review Their COBRA Notices to Avoid Growing Class Action Trend

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Florida Restricts Medically Unnecessary, Non-Urgent, or Non-Emergency Procedure or Surgery

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Cybersecurity Considerations for Providers Considering Telehealth During COVID-19's State of Emergency

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Telehealth Benefits for Medicare Beneficiaries During COVID-19 Outbreak

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Life Insurance That Benefits the Living

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The Latest "Hipster Antitrust" Battleground – Vertical Merger Enforcement

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When Google Meets HIPAA: Some Privacy and Regulatory Issues as Silicon Valley Enters the Health Care Space

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US v. AseraCare: Eleventh Circuit Holds That Contradictory Clinical Judgments Alone Cannot Trigger FCA Liability

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Applying the CCPA to Health Care: The HIPAA Exemption, Exercise Apps, and Marketing Data

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CBD Health Claims Spur FDA Warning & Product Seizure Threats

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Missouri Appeals Court Rules That Insurer Must Pay Double Policy Limits in Medical Malpractice Claim

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Caps Off to You: DOL Proposes Raising Salary Cap

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Be Prepared for the Next Wave of Biometric Data Laws: Five Tips for Businesses

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Court Finds No Coverage for \$42 Million False Claims Act Suit Due To Late Reporting

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2018 Was a Record Year in HIPAA Enforcement

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Qualified Opportunity Zones vs. 1031

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Seizing the Opportunity with Qualified Opportunity Zones

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How State and Federal Laws Are Addressing the Use of Direct-to-Consumer Genetic Testing by Insurance Companies

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Three Takeaways from the DOL's New Labor Condition Application Form

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Emergency Doctors Sue Anthem in Federal Court for Restrictive Emergency Room Policy  
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Good News for Federal Contractors With Affordable Care Act Concerns

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Supreme Court Denies Insurer's Petition to Review Standing in Data Breach Class Actions

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A Primer on Precision Medicine: The Legal and Ethical Considerations Faced by Modern  
Medicine's New Frontier  
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A Game Plan for Employers Facing Possible ACA Penalties

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CMS Innovation Center Requests Stakeholder Input

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The Aftermath of the Hurricane: Emergency Preparedness Rules

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CMS Cancels Two Bundled Payment Models & Announces More Voluntary Bundles

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CMS Proposes Next Generation Sequencing Coverage for Medicare Beneficiaries with Advanced  
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Fall Data Breach Roundup and 2018 Preview: Supreme Court, OPM, Equifax and More!

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CMS Proposes Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System Changes for 2018

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CMS Releases 2014 Health Care Spending Data by State

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Humana Bundles Up; Files Suit to Recover Hundreds of Millions in Risk Corridor Payments From Uncle Sam

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Executive Orders May Be Asking Too Much of Regulators

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A Conversation on CMS' Emergency Preparedness Compliance for Healthcare Providers

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Kansas Judge Rejects Discovery From Putative Class Members

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Are DC Federal Courts the Next Hotbed for Data Breach Class Actions?

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Class Action and Regulatory Settlements Reflect the Rising Cost of Data Breaches

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New York DFS Requests Information on Use of External Consumer Data and Information Sources in Life Insurance Underwriting

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Class Notice Online Works Just Fine

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The New “Price” of U.S. Health Care: The Future of Value-based Reimbursement Under President-elect Trump and Tom Price

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The MACRA Final Rule: 10 Things You Need to Know

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NAIC Long-Term Care Innovation Subgroup Public Hearing

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4 Key Requirements of CMS’ New Emergency Preparedness Rule

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A Look At Manufacturer Liability For The Internet Of Things

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Preemption and Other Defenses to Claims by Study Subjects

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NOTICE Act Scheduled to Take Effect This Fall

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Medicare Advantage Organizations May Sue For Double Damages Under MSP Act

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Companies That Collect Sensitive Consumer Data Should Note the FTC's LabMD Ruling

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CMS Extends and Expands Freezes on New Home Health Agencies in Four States

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Accountable Care Organizations: Have They Already Come and Gone?

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No More Surprises: Florida Ends Certain Medical Balance Billing

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Facebook and HIPAA: Strange Bedfellows

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Hospital/Physician Leases Compliance Checklist

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Another One Bites the Dust: Maryland Federal District Court Dismisses Putative Data Breach Class Action for Lack of Standing

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New Patient Transparency Requirements for Hospitals and ASCs

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How New Fla. Health Care Laws May Create More Confusion

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False Claims Act Liability Based on Implied Certification

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The HIPAA Audits are Coming, The HIPAA Audits are Coming!

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2016 Carlton Fields Class Action Survey Reveals Important Trends in Class Action Management

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Implications Of Internal Data Theft At Hospitals

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Record Mega-Settlements May Attract More Whistleblowers

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Could Your Medical Device Be a Hacker's Gateway into a Hospital Network?

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Avoiding the Bull's-Eye

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Solicitors Argue to U.S. Supreme Court That Vermont Health Care Reporting Law Is Not Preempted By ERISA

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King v. Burwell & Beyond: ACA Litigation Continues

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Market Allocation = Antitrust Consequences

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U.S. Attorney Predicts \$600 Million in Recoveries for Health Care Fraud in Central Florida Over Next Two Years

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King v. Burwell: No "Death Spirals"

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A New Era of HIPAA Enforcement

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Telemedicine: Hitting a Few Speed Bumps

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Providers Await Result on Affordable Care Act Challenge

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The Efficient Market Theory—§ 10(b)'s Double-Edged Sword

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Healthcare Fraud Initiatives in 2015

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King v. Burwell: Setting the Tone for Health Care Politics

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State Law Claims Based on HIPAA Guideline Violations Are Not Preempted by HIPAA

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Meet the ACA's Employer Mandate

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Is Your Company Ready to Comply with Encryption of Individually Identifiable Health Information?

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Cyber Risk as a Regulatory Issue: Tales of Encryption

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Georgia Office of Insurance Issues Escrow Requirement Reminder to Continuing Care Communities

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Health Care Law: Chilled To The Marrow - The Legal Ramifications Of Remuneration Of Stem Cell Donors

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A New Year, New Obligations for Employers

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Your New Year's Resolutions Should Include Affordable Care Act Compliance

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Protections Governing Theft and Publication of Medical Records

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HIPAA: Deadlines Pass and Definitions Change

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Another Lawsuit Adds to Uncertainty About ACA

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Post-Hobby Lobby Questions Remain About the Scope of Corporate Religious Freedom

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Circuit Courts Provide Preview of Coming ACA Confrontations

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End-of-Life Decision Making for Unborn and Newborn Infants

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The ACA's Bumpy Ride

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Congress Sends Mixed Messages to Health Care Providers

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Florida Governor Signs Florida Information Protection Act

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Data Breach Class Action Not Barred by Lack of Individual Injury in West Virginia

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Florida Appellate Court Embraces Daubert Standard and Provides First In-Depth Analysis Under New Law

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Considerations for Insurers in the Aftermath of the MetLife Consent Decree

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Expect Focus on Antitrust Issues in the Health Care Industry

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Assisted Living Facility Reform Likely in 2014

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01.03.2014

The Affordable Care Act Comes of Age

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CMS and OIG Release Final Rules Extending Stark Law Exception and Anti-Kickback Statute Safe Harbor for Donations of Electronic Health Records Technology

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Advance Preparation for Medicare Revalidation Requests: Good Decision for the Bottom Line

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Patient Privacy or Public Protection? Government Attempts to Address Mental Health Issues While Protecting Patient Communications

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HFMA Releases Provider-Patient Financial Communications Best Practices

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A Federal Court Holds HIPAA Preempts a Florida Medical Malpractice Pre-suit Requirement

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Florida's Second District Court of Appeal Issues Important Decision on Inadmissibility of Physician Board Certification Exam Results

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Data Collection Under the Sunshine Act

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8 Tips to Help Health Care Providers Minimize Possible Wage Liability for Student Interns

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Affordable Care Act's Reporting Requirements and Employer Mandate Postponed Until 2015; New IRS Guidance Released

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Florida Medicaid Liens after *Wos*

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07.01.2013

Florida Legislature Passes Medical Liability Tort Reforms in Response to *Hasan V. Garvar* State Supreme Court Decision

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2013 Florida Post-Session Report Released

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06.10.2013

Medical Malpractice Update - Spring 2013

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Healthcare Privacy Issues under the Omnibus Final Rule

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Business Associates and HIPAA Compliance

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Cyber Intelligence Sharing and Protection Act Set for Markup Session

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U.S. Department of Health and Human Services Publishes Final HIPAA Rule Alert

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Electronic Prescribing and Electronic Health Records Exceptions to The Stark Law

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Qui Tam Case Study: Dismissal Based on Whistleblower's Lack of Standing

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Verizon's 2012 Data Breach Investigations Report Provides Latest Findings in Information Security

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Verizon Publishes Findings on Data Breaches in the Health Care Industry

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Florida Hospital Commission Final Report Brings Mixed News for Public Hospital Districts

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Schedule H Revisited After Health Care Reform

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Hospitals and the Non-Delegable Duty of Care

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Claiming NICA Exclusivity: The Florida Supreme Court Clarifies The Law Regarding Notice By Multiple Providers

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Presuit Nuts 'n Bolts

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Court Limits Records Ordered Produced Under “Patient’s Right to Know” Amendment

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Liability Insurers Will Face Enhanced Exposure From New Medicare Requirements in January 2012

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Court Rules that Documents Ordered Produced Under “Patient’s Right to Know” Amendment (“Amendment 7”) are not Admissible at Trial

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Court Confirms Scope Of Statutory Immunity Against Suits Related To Appointment Of Medical Staff Members

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The Clock is Ticking On GME Funding Applications

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Sales Reps in the OR: The Hunt for Non-Preempted Claims

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New Decision Addressing Punitive Damages Award for Excessiveness Under Federal Law

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New Decision on Statutory Limitations on Noneconomic Damages in Medical Negligence Actions

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Must Unexpected Bill from '05 be Paid

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Can Medical Records Be Accessed On Computer?

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Using Technology to Help Win the Trial and Appeal

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Focus on Florida's Peer Review Privilege

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Can the Antitrust Enforcers Live Up to their Press Billings?

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Implications of Internal Data Theft at Hospitals: Tips for Preventing and Handling Data Breaches  
by

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## Our Team

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## Related Capabilities

### Practices

- Banking, Commercial, and Consumer Finance
- Business Transactions
- Corporate Law and Governance
- Development
- Cybersecurity and Privacy
- Distressed Health Care
- False Claims Act, Qui Tam, and Whistleblower Defense
- Government Law & Consulting

### Industries

- Banking, Commercial, and Consumer Finance
- Technology
- Real Estate

- Intellectual Property
- Labor & Employment
- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Mergers and Acquisitions
- Nonprofit Organizations
- Pharmaceuticals and Medical Devices
- Public-Private Partnerships
- Representations and Warranty Insurance
- Technology
- Government Affairs and Lobbying
- Mass Tort and Product Liability
- White Collar Crime & Government Investigations
- Intellectual Property Litigation
- Intellectual Property Protection & Portfolio Management
- Technology & Intellectual Property Transactions
- Estates, Trusts and Probate
- Private Equity and Venture Capital
- Cyber Insurance Coverage Disputes
- Reinsurance
- International: Mexico
- Investment and Ownership
- Lending
- Appellate & Trial Support
- Real Estate
- International Privacy Compliance
- Wage and Hour
- Immigration Planning and Compliance
- Employee Benefits, Compensation & ERISA
- Discrimination
- Antitrust and Trade Regulation
- Qualified Opportunity Zone Task Force

- Blockchain and Digital Currency
- AdTech
- Internal Investigations
- Government Contracts
- Education