

## Healthcare

The healthcare industry is evolving by the minute. Healthcare companies and organizations need lawyers with a deep understanding of the business of healthcare and legal experience across multiple practice areas to help navigate this challenging and exciting evolution. The White and Williams healthcare industry team is a cross-disciplinary group of attorneys who collaborate to assess and mitigate risks and develop thoughtful strategies that enable our clients to capitalize on opportunities.

We provide a broad spectrum of legal services to entities and individuals who are directly part of and/or affiliated with the healthcare industry, including healthcare providers; hospitals and health systems; private individual and group practices; investors; research organizations; continuing care, long-term care, assisted living facilities and home health agencies; and payors, self-insured plans and plan administrators. Our attorneys also counsel companies and investors actively involved in developing and marketing innovative technologies in the life sciences, medical device and digital health arenas, as well as buyers and sellers, tenants, landlords and lenders with respect to real estate used in the healthcare industry, in particular medical office buildings and assisted living facilities.

To help clients succeed and thrive in this ever-changing environment, we monitor and review healthcare industry developments, trends, laws and regulations to aid our clients in implementing strategies to achieve optimal and positive outcomes.

## Areas of Focus

### Business and Corporate Transactions

We provide healthcare industry clients with corporate, tax, regulatory and transactional advice on a wide range of business-related matters. We collaborate with clients to develop strategic solutions to the complex legal and business issues they face, while helping them achieve their business objections.

### Cyber Law and Data Protection

We assist clients with developing and implementing comprehensive data security and privacy programs to meet their legal needs under growing state and federal data protection laws and regulations, including the Health Insurance Portability and Accountability Act (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HI-TECH Act) and the 21st Century Cures Act.

### INDUSTRY CONTACT

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### RELATED PRACTICES

Appellate  
Class Actions  
Commercial Litigation  
Construction and Surety  
Corporate and Securities  
Cyber Law and Data Protection  
Financial Restructuring and Bankruptcy  
Healthcare  
Intellectual Property  
Labor and Employment  
Life, Health, Disability and ERISA  
Litigation  
Product Liability  
Real Estate  
Tax  
Trusts and Estates

### PRACTICE HIGHLIGHTS

**Highlights.** Donec gravida posuere arcu. Nulla facilisi. Phasellus imperdiet. Vestibulum at metus. Integer euismod. Nullam placerat rhoncus sapien. Ut euismod. Praesent libero. Morbi pellentesque libero sit amet ante. Maecenas tellus. Maecenas erat. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas.

## Health Insurance, Tax and ERISA

We help clients navigate the myriad changes in how healthcare is being delivered and paid for, which exposes payers to liability, while eroding existing protections. We represent insurers, employers, brokers, re-insurers, third-party administrators, self-insureds, ERISA plans and related entities in a wide array of matters. Our lawyers have a wealth of experience and broad knowledge from years of handling complex and unique issues under both individual and group plans.

## Intellectual Property

Our interdisciplinary team regularly advises clients in acquiring, protecting and monetizing intellectual property rights and litigating or alternatively resolving disputes regarding such rights in the U.S. and abroad.

## Labor and Employment

Our extensive experience in representing hospitals and healthcare institutions, as well as physicians and allied health professionals, gives us unique perspective in terms of institutional issues, including hospital/medical staff relationships, physician group structure, personnel and insurance coverage and risk management issues.

## Litigation and Dispute Resolution

The group has a well-earned reputation for handling high-stakes, high-risk cases across a broad spectrum of issues, including professional liability, fraud and abuse claims and out-of-network coverage litigation. We also provide general representation and counseling in various areas of healthcare law, including administrative and court proceedings involving licensure issues, staff privileges and credentialing, payment disputes and potential antitrust implications.

## Professional Liability and Medical Malpractice

The group has developed a niche for handling the most complex cases including catastrophic birth injuries, brain injury, emergency care, surgical care, cardiac care and oncology. We provide training to clients to minimize future risk and potential liability by identifying areas of improvement. We also conduct audits for insurance providers to assess policies/procedures, ensure compliance with contracts and stated policies/procedures, evaluate claims handling, and monitor/assess for proper reserves and risk management.

## Real Estate Acquisition, Sale, Leasing and Finance

The ability of our real estate lawyers to understand the nuances of a transaction, their diverse and extensive industry and legal experience, and fostering a team approach with their clients has garnered the group a well-deserved reputation for being deal makers whose primary goal is always the success of the client.

## Regulatory and Compliance

We ensure that clients are compliant with all federal and multi-state healthcare laws and regulations, including Medicare/Medicaid, HIPAA, the CURES Act, Stark Law, the Anti-Kickback Statute and the False Claims Act, among others. We also represent clients in investigations, audits and litigation or disputes arising from regulatory and compliance issues.

## NEWS

White and Williams Announces Partner and Counsel Promotions

*Press Release*, 1.17.24

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars

5.25.23

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars

7.13.22

White and Williams Announces 15 Lawyer Promotions

1.3.22

White and Williams Welcomes Ten New Associates

11.4.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars

11.1.21

Rafael Vergara Weighs In On New Jersey Assisted Living Decision

*McKnight's Senior Living*, 7.2.21

Anthony Miscioscia Recognized by JD Supra 2021 Readers' Choice Awards

3.31.21

White and Williams Participates in Two Robotics and AI Conferences Focused on Surgical Applications in the Healthcare Industry

8.18.20

Kevin Cottone Provides Insight on Inconclusive PA Med Mal Venue Report

*Law360*, 2.5.20

William Kennedy Appointed to Institute for Surgical Excellence Executive Board

1.21.20

## PUBLICATIONS

PA Superior Court Imposes Heavy Burden on Defendants to Challenge Propriety of Venue

*Healthcare Client Alert*, 2.15.24

Supreme Court of Pennsylvania Discards Long-Standing Percentage Revenue Test for Assessing Venue But Its Application to Healthcare Services May Be Different

By Joshua Gajer and Margaret MacDonald

*Client Alert*, 12.5.23

Appellate Court Upholds Denial of Property Tax Exemption to Non-Profit

*Healthcare Alert*, 3.3.23

Mental Anguish Claims and Punitive Damages in Delaware: Plaintiffs Must Do More Than Plead

*Healthcare Alert*, 11.8.22

New Jersey Appellate Court Requires Affidavit of Merit in COVID-19 Litigation Against an Assisted Living Facility

*Healthcare Alert*, 9.30.22

What Comes Next? Implications of the Supreme Court of Pennsylvania's Repeal of the Medical Malpractice Venue Rule

*Healthcare Alert*, 9.1.22

BREAKING NEWS: PA Supreme Court Amends Venue Rule for Medical Malpractice Matters

*Healthcare Alert*, 8.25.22

Information Blocking: What Providers and Programmers Need to Know

Part One: Ramped Up Enforcement Against Healthcare Providers

*Healthcare Alert*, 4.22.22

Superior Court of Pennsylvania to Address Requirements for Application of the MCARE Patient Safety Privilege

*Healthcare Alert*, 4.12.22

'Non-Charitable' Nonprofit Hospital Ordered to Start Paying Property Taxes

*Bloomberg Tax*, 1.7.22

Medical Device Update: Third Circuit Certifies Questions Concerning Device Manufacturers' Liability Under Pennsylvania Law

*Litigation Alert*, 7.16.21

New Jersey Disallows Private Causes of Action Against Assisted Living Facilities for Breach of the Statutory Bill of Rights

*Healthcare Alert*, 6.23.21

Making Safer Robotic Devices

*The Journal of Robotics, Artificial Intelligence & Law*, Volume 4, No. 4 | July – August 2021

UPDATE: New Jersey Employers Must Pay for Pot

*Workers' Compensation Alert*, 4.14.21

Are Telehealth Laws Here to Stay? A Survey of Legislation in NJ, DE, NY, PA and MA

*Healthcare Alert*, 3.30.21

HITECH Act Amendment Offers New Incentive to Reduce Fines and Other Remedies

*Cyber Law and Data Protection and Healthcare Alert*, 1.8.21

No Trial Credit in NJ Appellate Decision for Non-Settling Successive Tortfeasors – Must Demonstrate Proof of Initial Tortfeasor

Negligence and Proximate Cause

*Healthcare Alert*, 1.4.21

US Supreme Court's Oral Argument in *California v. Texas*: Reports of the Affordable Care Act's Demise May be Greatly Exaggerated

*Healthcare Alert*, 12.14.20

HHS Proposes Significant HIPAA Privacy Rule Changes: Amendments Would Increase Individual and Institutional Access and Coordination of Care

*Cyber Law and Data Protection and Healthcare Alert*, 12.11.20

PA Bill Offering Healthcare Providers COVID-19 Civil Immunity Vetoed

*Healthcare Alert*, 12.7.20

HHS Purports to Expand Civil Immunities Related to COVID-19 Vaccine

*Healthcare Alert*, 12.4.20

New PA Bill Offers COVID-19 Civil Immunity to Healthcare Providers

*Healthcare Alert*, 11.25.20

Are We Nearing the End of the ACA?: Return to *California v. Texas*

*Healthcare Alert*, 11.5.20

Between a Rock and a Hard Place: Advisories Target Ransomware Victims, Insurers

*The Legal Intelligencer*, 11.2.20

Federal Advisory Warns Hospitals Facing "Increased and Imminent" Cyber Threat; 400 Hospitals Already Targeted

*Cyber Law and Data Protection and Healthcare Alert*, 10.30.20

Update on Cannabis Reform Introduced as a Response to the COVID-19 Crisis

*Taking Care of Business*, 10.19.20

Court Decides on Joint Tortfeasors Under PA Law

*Healthcare Alert*, 10.16.20

PA Supreme Court to Revisit Peer Review Protections for Credentialing

*Healthcare Alert*, 10.1.20

Medico-Legal Issues in WOC Nursing

*WOCTalk Podcast*, 9.18.20

PA Issues New Detailed, Comprehensive Guidelines for SNF Visitation and Activities

*Healthcare Alert*, 9.8.20

Supreme Court Agrees to Hear Additional Challenge to the Affordable Care Act

*Life, Health, Disability and ERISA Alert*, 8.28.20

"The Devil Is in the Details": Delaware Supreme Court Affirms Decision Demanding Strict Compliance for Notices of Intent to Investigate Medical Negligence Claims to Toll Statute of Limitations

*Healthcare Alert*, 7.17.20

CMS 2021 Proposed Home Health Payment Rule May Make Certain Telehealth Changes Introduced During COVID-19 Pandemic Permanent

*Healthcare Alert*, 6.30.20

Telehealth and Medical Liability

*MDedge Med Tech Report*, 6.24.20

Cannabis Reform Introduced as a Response to the COVID-19 Crisis

*Taking Care of Business*, 6.18.20

Liability in the Telehealth Era

*Healthcare Alert*, 6.18.20

A National Registry of COVID-19 Patients: The Legal Implications

*Privacy & Cybersecurity Law Report*, 6.5.20

CMS Announces New COVID-19 Surveys and Enforcement

*Healthcare Alert*, 6.2.20

Not So Likely That PA Employers Must Pay For Pot

*Workers' Compensation Alert*, 6.1.20

New Jersey Wants You to Return to Your Doctor's Office

*Healthcare Alert*, 5.22.20

COVID-19 Testing At Skilled Nursing Facilities: Guidance Based on PA DOH Advice

*Healthcare Alert*, 5.14.20

CMS Issues New COVID-19 Reporting Requirements for Long-Term Care Facilities

*Healthcare Alert*, 5.12.20

Governor Wolf Signs Executive Order Providing Limited Immunity to Healthcare Providers

*Healthcare Alert*, 5.8.20

COVID-19 CMS Blanket Waivers

*Healthcare Alert*, 5.4.20

PA Superior Court Continues to Heighten the Bar on Establishing Evidentiary Privileges Under the Patient Safety Quality Improvement Act and Peer Review Protection Act

*Healthcare Alert*, 5.1.20

Healthcare Goes Viral: Guidelines for Returning to the Front Lines

*Healthcare Alert*, 4.24.20

A Framework for Mitigating Liability Claims for Eldercare Facilities

*Healthcare Alert*, 4.20.20

Human Research in the COVID-19 World: Boundaries, Obligations and Guidance

*Healthcare Alert*, 4.20.20

Multi-Agency Guidance Clarifies Statutory Impact on Employer Health Plans

*Labor and Employment Alert*, 4.16.20

Will Pennsylvania Join Other States and Provide Immunity for Healthcare Workers Treating COVID-19 Patients?

*Healthcare Alert*, 4.15.20

Enforcement Guidance for Recording Cases of COVID-19

*Labor and Employment Alert*, 4.15.20

Nursing Homes and Long-Term Care Facilities: The Next Front Line

*Healthcare Alert*, 4.9.20

What Is a 'Fair' Venue for Medical Malpractice Litigation?

*The Legal Intelligencer*, 4.9.20

COVID-19 Pandemic Relief for Healthcare Providers Participating in Quality Reporting Programs

*Healthcare Alert*, 3.25.20

Fighting COVID-19 Across State Lines: Relaxing Provider Licensure and Renewal Requirements

*Healthcare Alert*, 3.25.20

To Combat COVID-19, Delaware Opens Its Doors to Out-of-State and Retired Healthcare Providers (and Limits Their Liability, Too)

*Healthcare Alert*, 3.24.20

HHS Finalizes New Rules Seeking Interoperability for Electronic Health Information

*Taking Care of Business*, 3.13.20

Making the Stars Align in Your Healthcare System: The Growing Importance of Transparency in Patient Experiences

*Healthcare Bulletin*, 3.12.20

FTC Acts to Block Jefferson/Einstein Hospital Merger

*Taking Care of Business*, 3.2.20

Peer Review Privilege Continues to Weaken

*Healthcare Alert*, 2.17.20

PA Legislature Cannot Determine the Anticipated Impact of the Proposed Repeal of the Medical Malpractice Venue Rule

*Healthcare Alert*, 2.4.20

Pennsylvania Senate Report on the Anticipated Impact of the Proposed Repeal of the Medical Malpractice Venue Rule Delayed by One Month

*Healthcare Alert*, 1.3.20

Individual Mandate Ruled Unconstitutional

*Healthcare Alert*, 12.20.19

White and Williams Files Amicus Brief in Pennsylvania Medical Malpractice Time-Limit Ruling

*Healthcare Alert*, 11.18.19



Pennsylvania MCARE's Statute of Repose Declared Unconstitutional  
*Healthcare Alert*, 11.7.19

## EVENTS

Non-Profit Healthcare Organizations: How to Keep Your Property Tax Exemption  
Webinar, 3.23.22

MEDx Talks 2021  
Webinar, 3.23.21

Wound Documentation: Avoiding the "Pressure" and Litigation "Injuries"  
Caring Communities/Peace Church Risk Retention Group and ECRI Webinar, 8.18.20

Digital Health: Navigating the Reimbursement Landscape  
PBI Health Law Institute 2020 (Philadelphia, PA), 3.12.20

Marijuana Business Law in New Jersey  
National Business Institute (Mount Laurel, NJ), 12.6.19

Marijuana Business Law in New Jersey  
National Business Institute (Cherry Hill, NJ), 12.10.18

MEDx Talks  
WHYY Studios (Philadelphia, PA), 5.10.17

