

## HEALTHCARE & LIFE SCIENCES

### OVERVIEW

#### PAVING THE WAY FOR CUTTING-EDGE INDUSTRY TRANSFORMATION

BCLP's global Healthcare team is a leader in providing legal services to the healthcare industry. We use our experience in the healthcare industry to help you to:

- achieve strategic goals;
- provide practical, business-focused guidance on regulatory compliance and operational issues;
- developing and executing complex transactions; and
- representing you in commercial litigation.

As healthcare continues to be transformed by technological advances and an ever-changing regulatory environment, we know you trust us to advise you on cutting-edge, transformational matters including telemedicine, health IT, transparency, and alternative payment methodologies.

We represent a large spectrum of global industry participants from medical device companies, hospitals and health systems to private equity and other investors.

Our cross-discipline approach combines capabilities in compliance, privacy and data security, transactions, real estate government investigations, litigation, corporate, finance, tax, intellectual property and regulatory areas. As a result, we have a thorough understanding, not only of the legal and business issues, but also of the policies and principles that underlie and influence the healthcare sector, ensuring that you receive the best possible support and guidance.

### STRATEGIC OPERATIONS, RISK AND COMPLIANCE PRACTICE

The healthcare industry continues to face unprecedented innovation as regulatory complexity, rate pressure and patient demands keep evolving. These accelerated structural and operational challenges require clients to examine their capabilities and processes and develop a commitment to

drive transformative growth while maintaining ongoing compliance. Working together, we help organizations build tomorrow's healthcare ecosystem by creating skillful models to mitigate risk and address the myriad challenges that are top of mind for healthcare executives across geographies, including:

- ACO, CIN, MSO, PHO formation and operation
- Compliance program structure
- Corporate practice of medicine, dentistry and veterinary compliance (including fee-splitting rules)
- Fraud and abuse compliance (including anti-kickback and Stark law reforms)
- Internal governance
- HIPAA, 42 C.F.R. Part 2 and state-level privacy compliance
- Management services arrangements
- No Surprises Act, Hospital Transparency Act and other transparency law compliance
- Medicare & Medicaid regulations
- Physician practice organization and management
- Scope of practice, licensure and supervision requirements for mid-level providers, nurses, and medical assistants in hospital, urgent care and post-acute care settings.

## **GLOBAL DATA PRIVACY AND SECURITY**

Technology trends in today's digital world can be both an organization's greatest asset as well as vulnerability. It is only by fully understanding the technology that underpins many of the privacy opportunities and challenges that we help healthcare companies address their full suite of privacy needs.

Our team assists clients navigate the intersection of complicated global and US laws that uniquely apply to health care and life sciences organizations, such as the EU and UK GDPR, the CCPA/CPRA and other emerging US state laws, as well as HIPAA, 42 C.F.R. Part 2 and state-level privacy laws.

Having a world-class incident response practice helps you navigate major security incidents and data breaches, such as ransomware. We help you identify and remediate gaps in readiness and train executives on how to respond to breaches effectively.

## **HEALTHCARE POLICY AND GOVERNMENT AFFAIRS**

With healthcare policy top of mind for policymakers, you need a full-service firm that uses turn-key government strategy and regulatory solutions regarding federal healthcare policies for transformative growth. We have experience in:

- legislative drafting and analysis;
- development of regulatory strategies;
- identifying and securing federal funding; and
- policy forecasting that helps healthcare participants sharpen their focus on innovative business plan development.

Our bipartisan team includes many former senior government officials, including assistant U.S. attorneys and chief counsels of congressional committees.

This collaborative team provides us with a wide variety of established strong working legislative, state and congressional relationships with key healthcare decision-makers on Capitol Hill.

## **REAL ESTATE HEALTHCARE**

From single-asset deals to large scale portfolios, our global Real Estate Healthcare Team delivers dynamic client service, and practical, business-oriented advice on the full range of healthcare transactions.

Owners, operators, developers, managers, REITs, institutional investors, public sector bodies, and other health industry organizations rely on our strong understanding of the key issues to anticipate and avoid potential hazards.

[Read our Real Estate Healthcare experience >](#)

## **HEALTHCARE ANTITRUST**

We combine global coverage with local knowledge of markets and regulatory regimes. This means we provide commercially-focused, full-service competition and regulatory counsel to help you identify – and avoid – potential competition issues before they become problems.

However, when concerns do arise, we are well-equipped to offer innovative, efficient, and effective solutions to help you assess your options and develop a strategy to minimize your risks. We are

continually recognized for our work, and *Global Competition Review* has named us “one of the world’s leading competition practices”.

## **LABOR, EMPLOYMENT & BENEFITS**

We offer advice on day-to-day employment matters to high-stakes litigation and transactional support.

Our team spans 21 offices in the U.S., UK, Dubai, France, and Germany, as well as a strong presence and extensive experience advising in Asia.

We have a strong track record of advising healthcare industry participants across these jurisdictions in common employment issues such as:

- policies
- training and benefits
- safeguarding of trade secrets
- enforcement of non-competes
- physician employment and affiliations
- equity incentive arrangements
- physician employment; and
- affiliations.

## **LITIGATION**

Healthcare enforcement continues to be a top priority world-wide. We ensure that your interests are protected today and are prepared to withstand regulatory scrutiny tomorrow. From domestic courts to specialist tribunals and international arbitration, we are known for our experience in handling multijurisdictional matters in all areas, including:

- Acute-care violations
- Class actions
- Commercial litigation and civil disputes
- Contract disputes

- Disputes with third-party payors
- Enforcement actions
- Insurance coverage disputes
- Internal and criminal investigations
- Labor and employment disputes, Non-compete litigation
- Government investigations
- False Claims Act Medical malpractice defense and non-medical personal injury defense
- Physician termination disputes
- Qui tam (whistleblower)
- White collar criminal litigation, including alleged Antikickback, Stark law and False Claims Act violations

## **TRANSACTIONS**

We work in concert with all types of healthcare organizations to develop tailored strategies to drive business and maximize goals through:

- Corporate research and marketing partnerships
- Due diligence
- Financings and reorganizations
- Joint ventures, combinations and strategic alliances, including management arrangement and other innovative alignments
- M&A, including multistate roll-ups and dispositions
- Private equity and venture capital
- Review, negotiation and preparation of agreements
- Structuring review and guidance related to fraud and abuse and corporate practice of medicine compliance.

## MEET THE TEAM



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## RELATED INSIGHTS

Events

Apr 15, 2024

### **American Health Law Association's Health Care Transactions Program**

Insights

Mar 08, 2024

### **What is FemTech and how can it meet the privacy needs of its users?**

In part one of our series "FemTech: how this growing industry can build trust, protect privacy and redress healthcare inequity... one app at a time", we take an introductory look at the industry, and offer some commercially-minded approaches to address users' privacy needs.

Insights

Feb 21, 2024

### **Lessons from the growth of FemTech and women's health**

BCLP's Healthcare & Life Sciences Practice Group recently partnered with EMIG Digital Health Group to co-host an in-person breakfast seminar and networking event focused on FemTech. Specialists from across the FemTech and wider digital health, pharma and life sciences sectors heard speakers from Flo Health, Apricity and Theramex, amongst others, discuss key themes and lessons learnt from the growth of FemTech. Chaired by Darren Spevick, Managing Director of Russell Strategy Partners, topics discussed included the ecosystem and market and how innovation, effective partnerships, high quality content, and a simple and tangible digital strategy can drive growth in the sector. Attendees also heard from members of BCLP's dedicated FemTech team about the current themes in, and the direction of travel for, UK and EU privacy and data protection and how robust compliance can help to fuel trust a...

News

Feb 05, 2024

### **BCLP advise Aedifica on establishment of UK REIT**

Insights

Jan 15, 2024

### **Life sciences - ESG holy grail for the life sciences sector**

Insights

Dec 05, 2023

### **New final rule requires U.S. nursing homes disclose ownership structure**

On November 17, 2023, the Centers for Medicare and Medicaid (CMS) published a final rule implementing additional disclosure requirements for U.S.-located, Medicare skilled nursing facilities and Medicaid nursing facilities (nursing facilities). This additional information will be available to the public via a CMS website. According to CMS, the intent behind the new regulations is to (i) allow the public to be better informed about the ownership of the nursing facilities they use and (ii) allow CMS to better track quality and cost outcomes for facilities owned or operated by private for-profit companies, like private equity companies (PECs) and real estate investment trusts (REITs).

Insights

Nov 03, 2023

## **HHS Proposes Rule to Establish Penalties for Committing Information Blocking: What Providers Need to Know**

Insights

Nov 01, 2023

## **State Regulation of Physician Practice Transactions: What Investors Need to Know**

Insights

Sep 25, 2023

## **Real Estate Outlook 2023**

At the beginning of 2023, our real estate subsector leaders shared their insights on what headwinds and tailwinds they expected for the industry in the coming year. As a follow-up retrospective, we asked the subsector leaders to take another look at what challenges or wins the real estate industry underwent over the last nine months, and what they expect from the rest of the year. These insights help us to determine impacts on our industry, practice, and most importantly, our clients.