

SHEEHAN PHINNEY

Healthcare

We at Sheehan Phinney believe that healthcare providers deserve a law firm that combines extensive knowledge of federal and state regulations with wise and seasoned counseling that can only be gained from decades of practice. Our Healthcare Practice Group enjoys the distinction of having served for years as day-to-day counsel to hospitals, long-term care facilities, Continuing Care Retirement Communities (CCRC), home health care and hospice organizations, Federal Qualified Health Centers (FQHC), substance use treatment facilities, physician and dental practices, and individual practitioners. We advise these clients on their full scope of healthcare needs including licensure, corporate governance, regulatory compliance, financing, tax exemption, employment and contract issues, mergers and acquisitions, joint ventures, telehealth, billing compliance, fraud and abuse investigations, drug testing and diversion investigations, bylaws and policies, privileging and credentialing, and disciplinary actions before professional boards. Our clients also tap our years of experience for advice on patient care issues including HIPAA, HITECH, EMTALA, medical records, privacy and security, consent to treatment, and mandatory reporting.

Our Healthcare Practice Group strives to be proactive by alerting our clients in advance to expected changes in federal and state laws and regulations so that they will be ahead of the curve in preparing for and managing such challenges. We offer educational sessions to our clients to assist them in complying with existing and new laws (e.g., HIPAA and Part 2 training, advance directives training, etc.). We also provide a full range of risk management and litigation services in the federal and state courts, in alternative dispute resolution settings, and before administrative tribunals. In addition, we are involved with government affairs matters and help shape healthcare legislation, laws and regulations on behalf of our clients.

Institutional Clients – Representative Matters

- Serve as general and special counsel to hospitals on issues such as Medical Staff Bylaws and policies, credentialing and peer review, and Quality Improvement matters
- Assist long-term care facilities with licensure, record keeping, contracting, collection, licensing, and admission agreement drafting
- Represent Federally Qualified Health Centers on regulatory compliance and federal grant compliance issues
- Draft employment contracts and separation agreements and advise on the full range of employment issues including impaired practitioners, drug diversion, and other misconduct
- Represent Medicare and Medicaid providers in government fraud and abuse investigations, repayment determinations and settlements, and self-reporting matters

Practice Area Chair
Jason D. Gregoire

Members

- Peter T. Beach
- Andrew B. Eills
- Jason D. Gregoire
- Katherine M. Hanna
- Madeline Christie Hutchings
- David W. McGrath
- Kaitlin P. Murphy
- James Q. Shirley
- Douglas G. Verge
- Karen A. Whitley

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- Represent not-for-profit organizations before the Charitable Trust Unit of the NH Attorney General's Office in connection with transactional and other matters
- Represented two NH hospitals in a constitutional challenge to the NH Medicaid Enhancement Tax resulting in a ruling that the enabling statute was unconstitutional and a landmark settlement
- Represented two prominent NH baccalaureate nursing education programs regarding approval by NH Board of Nursing

Professional Practices – Representative Matters

- Advise on the creation of professional corporations and professional limited liability companies, and draft by-laws, operating agreements, shareholder and buy-sell agreements, deferred compensation agreements, retirement plans, and practice policies
- Negotiate the sale and acquisition of professional practices
- Provide HIPAA in-house training and advise on privacy, security, and breach notification issues
- Represent physician and dental practices in negotiations with N.H. Attorney General, U.S. Attorney, commercial insurers, and government payors regarding overpayment issues

Individual Practitioners (*Physicians, Dentists, APRN's, PA's, Nurses, Mental Health Counselors, Nursing Home Administrators*) – Representative Matters

- Represent individual licensees in disciplinary matters before the Board of Medicine, Board of Nursing, Board of Allied Health, Board of Dental Examiners, Board of Nursing Home Administrators, and more
- Serve as personal/excess counsel in medical malpractice cases
- Advise on employment contracts, peer review, credentialing, and mandatory reporting to state licensure boards and the National Practitioners Data Bank