

## Health Law

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### Professionals

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Jeanne M. Born

Bob Coble

Darra James Coleman

John W. Davidson

C. Jones DuBose, Jr.

Jenna K. Godlewski\*

Alice V. Harris

Jennifer J. Hollingsworth

Mary Stuart King

Shannon V. Lipham

Chandler Martin

Nikole Setzler Mergo

Mark C. Moore

Michael A. Parente

Matthew B. Roberts

John E. Skvarla III

### Comprehensive health care counsel

Health care is perhaps the most dynamic, complex, and heavily regulated industry in our country. Because changes to the health care delivery system occur on a regular basis, health care providers, suppliers and payors must be aware of the changes to the system and be able to adapt to a new and still uncertain environment. This makes the need for experienced legal counsel to be more important than ever.

We represent several hundred physicians and numerous hospitals on an ongoing basis throughout the southeast. Many health care clients also call upon our lawyers for special projects dealing with a broad range of issues.

We provide a wide range of health care related legal services, including:

- Antitrust advice and litigation
- Managed care contracting
- Health care information systems
- Development and operation of integrated delivery systems and other health care joint ventures
- Mergers, acquisitions, and consolidations
- Payor/patient/provider relationships
- Physician/hospital relationships
- Long-term care
- Regulatory matters
- Certificate of need proceedings
- Medical staff matters
- Tax advice for tax-exempt and taxable organizations
- Securities advice and representation for public and private organizations
- Various licensure matters

- Reimbursement planning
- Creation and maintenance of compliance programs
- Health care fraud and abuse matters
- Risk management issues
- Various health care litigation matters including contract disputes and other commercial disputes
- Provider/payor disputes
- Professional disciplinary proceedings
- Legislative advice and representation\*
- Physician referral issues
- Advice on accreditation matters
- Alternative dispute resolution
- Defense of False Claims claims
- Various employment and benefits advice in the health care sector
- Privacy breaches in health care sector

## Experienced advice for critical decisions

Nexsen Pruet supports our clients with attorneys located throughout the southeast who are experienced in all areas of law concerning the regulation, delivery, and financing of health care services. We provide advice on an ongoing basis to several major provider networks in South Carolina. In addition, Nexsen Pruet provides counsel to hospitals and physicians relating to the purchase and sale of physician practices.

Our health care lawyers are frequent speakers at seminars on topics such as physician/hospital relationships, managed care contracting, the formation of integrated delivery systems and physician-hospital organizations, and other regulatory topics.

In addition, the Firm's service to its health care clients is enhanced because the health care team is able to draw upon the knowledge of other specific teams, such as corporate, finance, litigation, labor and employment, intellectual property, economic development, legislative and regulatory, tax, and employee benefits.

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For more information on our Health Care Team, contact Matthew Roberts, Health Care Team Leader, at 803.253.8286 or by email.

*\*Nexsen Pruet's staff includes experienced, registered lobbyists.*

## Experience

3D Systems

## News

12.01.2021 | Media Mention

Alice Harris Discusses Avoiding False Claims Act Lawsuits

06.01.2021 | Media Mention

Darra James Coleman Discusses OSHA Plans and Complaints

05.26.2021 | News from Nexsen Pruet

Nexsen Pruet Ranked Highly in Chambers USA: America's Leading Lawyers for Business for Another Year

05.11.2021 | Media Mention

Darra Coleman Quoted in Accreditation & Quality on 1135 Waivers

09.25.2020 | Media Mention

Alice Harris Discusses Nursing Home Visitation During the Pandemic

07.16.2020 | News from Nexsen Pruet

Jenna Godlewski Discusses Fraud Accusations in Telehealth

06.25.2020 | Media Mention

Chandler Martin Discusses The Stark Law Blanket Waivers

05.12.2020 | News from Nexsen Pruet

New Podcast on Health Care in the Carolinas Debuts

05.07.2020 | News from Nexsen Pruet

Meet Alice Harris and Darra Coleman

04.03.2020 | News from Nexsen Pruet

Nexsen Pruet Deepens Health Care Roots in the Carolinas

11.05.2019 | News from Nexsen Pruet

Nexsen Pruet Receives National Recognition from U.S. News

08.15.2019 | News from Nexsen Pruet

76 Nexsen Pruet Attorneys Named to 2020 Best Lawyers in America® List

## Events

Winter 2022 | Webinar

Webinar Series: Life Sciences

## Insights

06.30.2022 | Article

Health Care Price Transparency Update – New Rules and Recent Enforcement

06.27.2022 | Article

CMS Affirms Access to Reproductive Health Care on Same Day Supreme Court Strikes Down *Roe v. Wade*

06.21.2022 | Article

Eliminating Kickbacks in Recovery Act (EKRA) Updates

06.21.2022 | Article

No-Poaching, No Longer: Federal Agencies Target No-Poach Agreements in the Healthcare Industry

06.15.2022 | Article

When Health Care Systems and Life Science Companies Collaborate: Benefits and Key Issues

06.08.2022 | Article

What Happened to Healthcare Regulatory Reform in South Carolina? The Saga is To Be Continued

06.07.2022 | Article

North Carolina Senate Passes Medical Cannabis Bill

05.18.2022 | Article

New Law Attempts to Place Limitations on Vaccine Mandates in South Carolina: Necessitating Affidavit to SC DEW in Certain Circumstances

04.26.2022 | Article

CMS Publicly Releases New Hospital and Nursing Home Ownership Data

04.14.2022 | Article

CMS Appeals: Anticipated Changes at ALJ Level Signal Need to Ramp Up Audit Defense

04.11.2022 | Article

To Ask or Not to Ask: Navigating Post-Leave Inquiries and Medical Examinations Under the Americans with Disabilities Act

04.05.2022 | Publication

Abolishment Closer Than Ever Before for Beleaguered South Carolina Public Health and Environmental Agency

03.17.2022 | Article

Does This Arrangement Require a Business Associate Agreement?

02.25.2022 | Article

Will South Carolina Hospitals Expand the Use of Economic Credentialing if the Certificate of Need Program is Repealed?

02.18.2022 | Article

Federal Enforcement Actions Against Clinical Laboratories

02.08.2022 | Article

No Surprises Act: Good Faith Estimate Guidance for Physicians and Other Providers

01.31.2022 | Article

SMRC Targets for 2022: After Heavy Focus on Hospice, the SMRC Moves On to Home Health and Other Projects

01.25.2022 | Article

Hospitals Held to Task While Insurers Get Time: *An Update on CMS Transparency Rules*

01.20.2022 | Article

New Year, New You? The Appeal of Aesthetic Medicine

01.05.2022 | Article

Provider Credit Balances Under the Microscope: Increased Enforcement Means Need to Review Credit Balance Procedures

12.15.2021 | Article

Fifth Circuit Curtails Nationwide Reach of Injunction Against CMS Vaccine Mandate

12.10.2021 | Article

Lawsuit Filed Challenging the No Surprises Act

12.06.2021 | Article

The South Carolina Supreme Court Issues an Important Decision on the Viability of Legal Claims by Former Employee for Termination of At-Will Employment

12.02.2021 | Article

The Impact of COVID-19 on Clinical Research in the Life Sciences Industry: Is there a Silver Lining?

12.01.2021 | Article

CMS Vaccine Mandate Temporarily Halted for Covered Health Care Employers Nationwide

11.23.2021 | Article

HHS Withdraws Policy Concerning Laboratory Developed Tests | FDA Updates Certain COVID-19 Test Policies and Review Prioritization

11.12.2021 | Article

New IDR Rules Under The No Surprises Act

11.10.2021 | Article

Buyers Beware: FTC Policy Change Brings Back Prior Approval Provisions

11.05.2021 | Article

CMS Vaccine Mandate Update

11.02.2021 | Article

Update: Enforcement of Hospital Price Transparency Rules

10.29.2021 | Article

For Employers Making the Tough Calls in the Vaccine Mandate Trenches: EEOC Issues Welcome Guidance Clarifying What is -- and Is Not -- a Proper Religious Exemption

10.19.2021 | Article

CMS' Upcoming COVID-19 Vaccine Mandate: What Healthcare Employers Need to Know Now

10.12.2021 | Article

Department of Labor Responds to COVID-Related Medical Premium Discounts and Surcharges

Blog Post

Taking the Pulse

10.01.2021 | Article

Provider Relief Fund Recipients: Do You Have an Obligation to Conduct a Federally Mandated Single Audit?

09.27.2021 | Article

CMS Reinforces Certain EMTALA Obligations

09.17.2021 | Article

"The Future of DHEC Still Pending at the General Assembly?"

09.16.2021 | Article

Prepare Now to Manage Employee Accommodation Requests Resulting from a Potential COVID-19 Vaccine Mandate

09.13.2021 | Article

Health Care Consumerism

09.03.2021 | Article

TPE Audits Are Back: What Providers Need to Know

08.25.2021 | Article

FDA Full Approval of Pfizer's COVID-19 Vaccine: To Mandate or Not to Mandate, That is the Question

08.25.2021 | Article

Workplace Protests and Mandatory Vaccinations

08.06.2021 | Article

The Epic Week of July 26, 2021: a COVID-19 Vaccination Consensus, the ADA, the CDC, and a Mandate

07.28.2021 | Article

Your Next Hospital Stay May Be at Home: The Accelerating Movement Towards Hospital Care in the Home Setting

07.08.2021 | Article

The FDA Revokes EUAs for Decontamination Systems and Non-NIOSH-Approved Respirators (i.e., KN95 Respirators)

07.01.2021 | Article

Trend Toward Transparency in Pricing Continues

06.17.2021 | Article

Mental Health, Substance Use, and Family Distress: COVID-19's Penumbra

06.11.2021 | Article

SMRC Intensified Auditing in 2021:

06.03.2021 | Article

HHS Issues New Value-Based Care Exceptions and Safe Harbors to Stark Law and Anti-Kickback Statute

05.26.2021 | Article

South Carolina Lightens COVID-19 Restrictions

05.18.2021 | Article

Divide in Order to Conquer? Major Changes Proposed to the Department of Health and Environmental Control

05.12.2021 | Article

The FDA Issues Report Regarding its Oversight Activities

04.30.2021 | Article

South Carolina Life Sciences Industry: A Bright Future

04.19.2021 | Article

Suspension of the Johnson & Johnson Vaccine Due to Safety Concerns

04.14.2021 | Article

As the J&J COVID-19 Vaccine Administration is Paused for Safety Concerns: What is the Impact on South Carolina and its Citizens?

03.29.2021 | Article

COVID-19 Passport: Will We Need a Ticket to Ride?

03.19.2021 | Article

Rapid Rise in Telehealth Leads to Significant Oversight: How to Prepare Now for New Audit Activities

03.05.2021 | Article

How to Avoid Healthcare Overpayments: Top Five Mistakes Providers Make and the Real Cost of Non-Compliance

02.26.2021 | Article

Regulation of Office-based Surgery in South Carolina: What's Old is New Again

02.22.2021 | Article

Latest Developments in Health Care Consolidation

02.16.2021 | Article

Behavioral Health Scores a Big Win with Telehealth Waivers During Pandemic, but Audit Risks are High

01.29.2021 | Article

Top Ten Health Care Issues to Follow in the Carolinas in 2021

01.20.2021 | Article

Dealing with the Opioid Threat in the Construction Industry

01.12.2021 | Article

Update on Hospital Price Transparency Rules Effective January 1, 2021

12.14.2020

Permanent Expansion of Telehealth Services – A Silver Lining?

12.07.2020

Can, and Should, Employers Require that Employees be Vaccinated for Covid-19?

12.07.2020

To Combat COVID-19 Surge, CMS Expands the “Hospitals Without Walls” Program by Launching the “Acute Hospital Care At Home” Initiative, as well as Implementing Increased Flexibility for Ambulatory Surgery Centers

12.02.2020

OIG Issues Special Fraud Alert on Drug and Device Companies' Speaker Programs

11.13.2020

Transparency in Pricing Trend Continues with New Federal Rule that Applies to Health Plans

11.04.2020

Retain Payment for Your Services! Claiming Offsets in Overpayment Appeals

10.30.2020

Federal Agencies Warn Health Care and Public Health Sector of Ransomware Threat

10.28.2020

Nursing Homes and Assisted Living Facilities Visitation in South Carolina: New DHEC Guidance and Enforcement

10.26.2020

HIPAA Enforcement Remains Strong in 2020



10.23.2020

How Confident Should Consumers Be? Types of Tests and Recent Regulatory Actions to Enhance COVID-19 Testing Integrity

10.13.2020

Considerations for Private Equity and Venture Capital Groups Interested in the Health Care Industry

09.24.2020

The Modernized South Carolina Hospital "Peer Review" Law: Mission Accomplished?

09.21.2020

Health Care Reimbursement

09.21.2020

Revised Department of Labor Regulations Necessitate Job-Specific Assessment by Health Care Providers for Employees' Potential FFCRA Leave Entitlement

09.14.2020

CMS is Here to Help with Temporary Expansions

09.11.2020

Proactive Coding Compliance: The Best Way to Avoid the CMS Administrative Appeal Process

08.27.2020

CMS Releases Extensive Updated FAQs on Medicare COVID-19 Billing and Documentation Issues and Cares Act Provisions

08.18.2020

It's Time for Hospitals to Prepare for Price Transparency

08.17.2020

Serving on the Board of Directors of a Health Care Provider Organization During COVID-19

08.17.2020

VIDEO: Health Care Coding, Compliance and Credentialing- a Critical Aspect of All Medical Practices

08.14.2020

HHS Informs Providers of the Timing of Provider Relief Fund Reporting Requirements

07.31.2020

Preparing for Increased Nursing Facility Survey Activity Related to COVID-19 and Infection Control

07.29.2020

The Pros and Cons of Federal COVID-19 Liability Protections

07.22.2020

CMS Directs Increased Nursing Facility Survey Activity and Penalties Related to COVID-19 and Infectious Control

07.21.2020

Who is Filing Coronavirus-Related OSHA Complaints?

07.20.2020

Darra James Coleman on COVID Related OSHA Complaints

07.13.2020

Provider Relief Fund Overpayments: "Reverse" False Claims Considerations

07.12.2020

Key Steps In Responding to a COVID-driven OSHA Complaint

07.08.2020

DHEC Issues Guidance to S.C. Employers on COVID-19 Exposure Scenarios

06.18.2020

Staying Ahead of Changes to the Bad Debt Rule

06.03.2020

FDA Revises its Enforcement Policy for Respirators During the COVID-19 Public Health Emergency

05.20.2020

FTC Warns Nursing Homes and Assisted Living Facilities Not to Take Residents' Stimulus Checks

05.12.2020

A Glimpse at Recent State and Federal COVID-19 Testing Developments

04.21.2020

Nexsen Pruet and SCHA Team Up for a Q&A on Labor Related COVID-19 Topics

04.17.2020

COVID-19 Fraud and Law Enforcement Responses - In the Middle of the Pandemic, the Government Warns it Very Much CARES About Compliance and Enforcement

04.09.2020

CMS Issues Blanket Waivers of the Stark Law in Response to COVID-19 Emergency

03.27.2020

SC and NC Emergency Regulatory Changes and Telehealth: Guidance, Implementation, and Pitfalls

02.26.2020

Dodge the Bullet - Settlement Prior to VA RAC Audit

08.14.2019

Are Hospital Physician Networks Ready for TPE Audits?

07.01.2019

The Cost of Cost Transparency for Hospitals

06.27.2019

Cooperation Credit in False Claims Act Defense and the Potential Impact of Reimbursement Analysis and Compliance

06.25.2019

Current Payor Audits & Defending Them

05.20.2019

Medicare's Bloodhound in the Southeast: SGS gets the UPIC Auditing Contract

05.10.2019

Stem Cell Recall and Legal Risks

03.15.2019

Overtime: It Just Keeps Changing Over Time

01.03.2019

New All-Payor Anti-Kickback Law in Opioid Bill Impacts Clinical Laboratories

09.19.2018

Chapter 11 Relief for a CMS Debt on Appeal?

06.28.2018

Alert: NCI Awarded Payment Error Rate Measurement Review Contractor (PERM RC) by HHS

06.11.2018

Important and Time-Sensitive Changes in the APRN Statute Effective July 1

05.03.2018

Three Strikes and You're Out: CMS Targeted Probe and Educate (TPE) Process

04.26.2018

Creativity Over Hammers

04.13.2018

UPIC Revolution: CMS Integrity Auditors 2.0

03.22.2018

How to Stop a Steam Roller: Defending the Veterans Affairs Audit by CGI Federal

02.12.2018

Tales of Two Fraud Investigations Terminated and the Lives Blessed by Truth

01.26.2018

NC Legislative Update: January 26, 2018