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HOGAN MARREN
BABBO & ROSE, LTD

ATTORNEYS AT LAW

HEALTH CARE LAW

Health Care Law





HOGAN MARREN BABBO & ROSE, LTD

EXPERT LEGAL AND REGULATORY GUIDANCE FOR HEALTH CARE BUSINESSES

As a Chambers© recognized law firm, Hogan Marren Babbo & Rose, Ltd. (“HMBR”) delivers valuable, actionable advice to our clients across various sectors of the health care ecosystem.

We are national leaders in value-based care, population health, and innovative provider joint ventures, helping health care providers nationwide navigate an evolving landscape. Our team brings years of experience, both as attorneys and as senior executives and operators of health care organizations. HMBR attorneys have served health care enterprises across the country in such roles as General Counsel, Chief Compliance Officer, Chief Privacy Officer, and Chief Executive Officer. This firsthand expertise combined with deep knowledge of health care laws and regulations enables us to provide clear guidance and advice that our clients can readily operationalize.

We advise world-renowned organizations, including physician groups, provider networks, academic medical centers, regional and national health systems, community hospitals, Programs for All-Inclusive Care for the Elderly (“PACE”), pediatric hospitals, pharmaceutical companies, ambulatory surgery centers, private equity firms, and insurance brokers.

HMBR’s boutique practice has the experience and expertise to decipher complex health care laws and regulations and deliver practical, innovative, cost-effective solutions. In every engagement, HMBR is committed to helping our clients minimize risk exposure while achieving clinical and business goals.

Representative Health Care Experience

VALUE-BASED CARE

HMBR attorneys are recognized national leaders in value-based care and population health. Our expertise includes:

- Successfully defending clinically integrated networks (CINs) in litigation and investigations
- Advocating before the Federal Trade Commission (FTC), U.S. Department of Justice (DOJ), and State Attorneys General
- Assisting in the development, implementation, and operation of hundreds of CINs, ACOs, MSOs, and other population health enterprises nationwide
- Securing beneficial value-based agreements from commercial health plans for these organizations

REGULATORY COMPLIANCE

HMBR provides legal guidance on matters related to Stark, Anti-Kickback, Beneficiary Inducement, tax exemption, False Claims Act, and privacy matters.

We advise clients on:

- Complex physician contract arrangements;
- Investigation and remediation of False Claims Act allegations and violations;
- Compliance with HIPAA, HITECH, and the 21st Century Cures Act as well as state regulations such as CCPA, The Shield Act, and BIPA
- Medicare billing and Program integrity
- Compliance program effectiveness assessments and enhancements
- Training senior leaders and boards of directors on regulatory compliance.

MANAGED CARE

With pioneering expertise in managed care, HMBR brings breadth and depth to health system negotiations and disputes:

- Negotiated thousands of contracts with commercial and Medicare Advantage health plans for hospitals, physician groups, and health systems, including shared savings, bundled payment, pay-for-performance, and other emerging value-based models.
- We innovated the development of employer health care purchasing trusts based on value-based contracting and population health.

DATA PRIVACY & CYBERSECURITY

HMBR has recognized expertise in HIPAA and other health care data privacy and security laws. Our experience includes:

- Serving as interim Chief Data Security Officer for major health systems, insurers, and insurance brokers
- Counseling clients across industry sectors, especially emerging health care companies, on privacy and security risk mitigation strategies
- Advising on the development of information governance and regulatory compliance programs, including compliance with HIPAA/HITECH, 42 C.F.R. Part 2, TCPA, FTC regulations and Privacy by Design Principles
- Guiding clients through all phases of data breach responses, including advising publicly traded companies
- Providing data privacy and cybersecurity counsel in corporate and technology transactions

GENERAL & CORPORATE COUNSEL SERVICES

For over 40 years, HMBR has advised physician organizations, hospitals, and health systems. Our attorneys provide general counsel and corporate counsel representation on governance issues, business strategy, regulatory matters, data privacy and security, mergers and acquisitions, managed care contracting, physician/medical staff issues, and reimbursement disputes.

HEALTH CARE TRANSACTIONS

HMBR has significant experience in both classic health system affiliations as well as new, quality-focused joint ventures. Backed by decades of expertise and supported by original thinking, calibrated to support marketplace efforts, we create efficiency, enhance quality, and empower doctors, hospitals, and other health care providers to succeed in emerging, value-based markets:

- Led formation of many national health systems
- National leader in value-based care strategies
- Represent health care entities in mergers, acquisitions, and joint ventures
- Conduct due diligence for transactions
- Provide specialty counsel on niche regulatory and payor contracting issues.

WORKPLACE INVESTIGATIONS

HMBR attorneys who have served in top regulatory enforcement positions in the U.S. Department of Education routinely assist clients in matters involving discrimination, sexual harassment, sexual misconduct, disability accommodations, employee misconduct and performance issues, as well as training administration and staff.

MEDICARE REPRESENTATION

Our attorneys represent providers in third-party payment issues and analyze transactions for Medicare Anti-Fraud and Abuse and Stark Law compliance. We advise as to the appropriate governmental agency for self-disclosure of billing issues and have negotiated settlement arrangements with CMS, OIG and the US Attorney. We draft and implement corporate compliance programs for Medicare and Medicaid regulations. In a case of first impression, we represented a health care system that owns an HMO in an HCFA and OIG investigation regarding health screening.

DEVELOPMENT OF SPECIALIZED MEDICAID STRATEGIES

HMBR has represented clients in several states:

- Forming hospital networks to secure contracts with state Medicaid programs
- Developing a demonstration project for chronic pediatric patients
- Establishing a Medicaid-oriented HMO
- Providing general counsel to Medicaid managed care organizations on provider and vendor contracts, as well as state and federal regulatory compliance

REAL ESTATE

HMBR advises clients on matters like property tax and medical office building and ASC development.

INTERIM STAFFING

Our attorneys frequently serve as interim Chief Compliance and Privacy Officers for health care providers nationwide.

Attorneys

Thomas J. Babbo

Shareholder

With 30 years of experience in the health care industry, Thomas J. Babbo provides advice and counsel to physician groups, provider networks, hospitals, and health systems. Recognized by Chambers USA as having “a fine track record acting for health care professionals on matters related to alignment and integration,” and for “providing thoughtful, nuanced responses to complicated health law issues,” Mr. Babbo focuses his practice on the development of value-based care models, physician/hospital collaborations, population health, and managed care arrangements - including the development of over 300 clinical integration networks (CINs), accountable care organizations (ACOs), value-based enterprises (VBEs), and management services organizations (MSOs) across more than 30 states.

Benjamin D. Bresnick

Shareholder

Benjamin D. Bresnick has more than 25 years of experience in the health care industry. He has served as compliance officer, privacy officer, general counsel, and chief executive officer for numerous health care entities. His practice is focused on providing legal guidance to university and college medical centers, community hospitals, physician groups, insurance brokers, and pharmaceutical companies. Mr. Bresnick's focus is regulatory compliance on matters related to Stark, Anti-Kickback, Beneficiary Inducement, CMS billing, and privacy matters. He also provides legal advice to clients on state and federal breach reporting and complex physician contract arrangement reviews and has provided privacy support to university health systems to ensure compliance with the 21st Century Cures Act.

J. Michael Tecson

Shareholder

J. Michael Tecson has developed a diverse practice representing clients in transactional, litigation, and general corporate matters. His experience in these types of practice provides a unique perspective that benefits his clients.

Mr. Tecson represents organizations in mergers, sales and acquisitions, and related regulatory matters. He regularly represents physician practices and physicians in the merger, sale, and acquisition of medical practices and ambulatory surgery centers. As outside counsel to his clients, he advises them on contracting, corporate governance, real estate, employment, and human resource issues, including employment contracts and employee handbooks.

In litigation matters, Mr. Tecson represents educational institutions, health care clients, corporate clients, and municipal entities in various matters, including enforcement and breach of restrictive covenants, employment discrimination, civil rights violations, insurance coverage disputes, breach of contract, breach of fiduciary duty, misappropriation of trade secrets, and other commercial disputes. He also assists clients in conducting internal investigations in response to governmental regulatory claims or responding to requests for information, such as civil investigative demands.

Jorge Perez-Casellas

Of Counsel

Jorge Pérez-Casellas has more than 20 years of experience in legal and advisory matters pertaining to health care regulations, operational strategies, and conflict resolution. He provides operational, compliance, and privacy advisory services as well as interim compliance support services.

Mr. Perez-Casellas has assisted several corporations in complex regulatory analysis, including hospitals, major payor organizations, and ambulatory surgery centers. He has expertise in health care regulatory compliance, grant management, and governmental compliance, and experience in the field of commercial transactions and financing, including serving as a principal outside counsel for one of the major banking institutions in Puerto Rico. He has acted as Interim Chief Compliance Officer for a preeminent academic medical center in Los Angeles and as Interim Chief Compliance and Privacy Officer for another renowned AMC hospital system located in Palo Alto, California.

George P. Sellis

Partner

George Sellis provides a wide range of services to corporate and institutional clients, with a focus on contract drafting and corporate issues. He has a broad base of experience in commercial transactions, regulatory compliance, and corporate governance. Mr. Sellis has assisted with regulatory matters ranging from ISDA derivatives compliance to corporate medical licensing. He has extensive experience in corporate governance issues having assisted entities on four continents as well as multiple U.S. jurisdictions.

Sheila Sokolowski

Partner

Sheila Sokolowski counsels clients across several industry sectors on a broad array of challenging health care compliance issues. She represents health care providers, as well as clients in the technology, financial services, and advertising sectors. She provides risk-based compliance guidance to her clients that aligns with their business goals and strategies.

Ms. Sokolowski is highly regarded for counsel on the data privacy and security requirements for health information. She advises clients on HIPAA / HITECH, 42 C.F.R. Part 2, TCPA, the FTC Act, and various state laws including Washington's My Health My Data Act. Drawing on years of experience and deep knowledge of the data privacy and security landscape, she provides prompt, efficient, and practical solutions to proposed business use cases of health information.

Kathleen A. Salzer

Partner

Kathleen Salzer's practice focuses on corporate and regulatory issues for health care organizations and tax exemption issues for not-for-profit corporations. Ms. Salzer advises clients on a variety of health care legal issues including health care reform, Stark law, and anti-kickback compliance, as well as the structuring of joint ventures, affiliations, and mergers. She has counseled clients extensively in the development of Pioneer and Medicare Shared Savings Program (MSSP) accountable care organizations and provider networks and related reimbursement models including shared savings, pay for performance, and bundled payment. She regularly advises on tax-exempt compliance issues including executive compensation and exempt organization joint ventures with for-profit entities.



SOPHISTICATED ADVOCATES FOR

REGULATED INDUSTRIES

ABOUT THE FIRM

Established in 1993, Hogan Marren Babbo & Rose, Ltd. (HMBR) has assembled an experienced team of highly skilled attorneys known for their expertise in health care law.

As a boutique firm, we concentrate on practice areas where our team has developed deep, specialized knowledge and can provide exceptional value. We excel in delivering strategic solutions and responding promptly to regulatory and legal inquiries.

Our attorneys are committed to balancing thorough representation with thoughtful cost management and are dedicated to professionalism, integrity, efficiency, and achieving results. This unique blend of attributes positions HMBR distinctively in the market and ensures we consistently offer top-quality service to our clients.



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