

## Health Care Group Of The Year: Epstein Becker Green

By Daniel Wilson



*Law360, Washington (January 29, 2015, 6:58 PM ET)* -- Epstein Becker Green's recent work across the health care spectrum, successfully assisting clients with a range of major acquisition deals, regulatory issues, and significant False Claims Act cases, has earned the firm a place on Law360's list of Health Care Groups of the Year.

The firm's health care and life sciences group is one of EBG's two primary practices and has been a major force in shaping the national discourse on health care over the past several decades, not only through the firm itself but also through affiliate consultancy EBG Advisors Inc., according to EBG.

"Our registered trademark is 'Thought Leaders in Health Law,'" George Breen, chair of the firm's national health care and life sciences practice steering committee, told Law360. "It's something we take very seriously every day — asking, What can we offer to clients that reflects that?"

The nearly 100 EBG attorneys who work on health care issues — with further "material growth" expected this year, according to Mark Lutes, chair of the firm's board of directors and a health care and life sciences practice member — give the firm a national footprint and the ability to cover a broad range of health care-related areas.

Over the past year, this has included work on a pair of notable FCA cases, helping Alliance Rehabilitation LLC and Active Physical Therapy Services LLC successfully resolve a suit in March alleging improper billing of Medicare and Tricare, and securing a significant ruling for client Pediatric Cardiology Associates PC in January 2014.

In that case, brought by a former PCA employee, a Virginia federal court ruled that 2009 amendments to the FCA stemming from the Fraud Enforcement and Recovery Act do not allow for individual liability for FCA retaliation claims, dismissing claims against individual members of the company. The ruling was the first of its type in the Fourth Circuit, according to Breen.

"I think that's a great example of how our boutique practice works; the way our health care and life sciences and labor and employment practices work together — there's a team approach to addressing client problems," he said.

The firm has recently leveraged its regulatory expertise in a broad range of health care and life sciences industry transactions, for instance serving as health regulatory counsel for medical technology

company Becton Dickinson and Co. in its \$12.2 billion acquisition of medical products maker CareFusion Corp.

It also assisted several private equity firms in deals in the health care space, including Apax Partners LP — serving as regulatory counsel in its \$2.7 billion sale of software provider TriZetto Corp. to Cognizant Technology Solutions Corp. — Blue Wolf Capital Partners LLC, General Atlantic LLC and KKR & Co. LP, among others.

“We are seeing this to be an era of increasingly large health care deals, with materially large regulatory components,” Lutes said. “Real money is being spent in health care acquisitions requiring us to provide regulatory advice.”

And EBG has continued to hold a prominent position as a go-to firm for hospital systems and large physician group practices, assisting Montefiore Health System Inc., New York-Presbyterian Hospital — the nation’s largest hospital — and Johns Hopkins Health System with a number of recent deals and related issues.

The firm also made a significant move to better deal with what Lutes described as the “largest force in health care,” the Centers for Medicare and Medicaid Services, opening an office near CMS headquarters in Baltimore in February 2014.

“We’re not simply in Baltimore. We’re just one block outside CMS,” Lutes said. “No other law firm is remotely as close to CMS. There’s a real need for that.”

The demands placed upon companies by CMS, which has reporting and auditing requirements that aren’t called for by commercial payers, requires specific expertise. And the expansion into Baltimore has enabled EBG to better recruit talented local attorneys and former CMS staff with decades of experience in some cases and who may be reluctant to move away from the area, according to Lutes.

As such, the firm can ably assist clients with aspects of the rapidly changing health care industry that come under the massive agency’s influence — such as insurance coverage under Medicare Part C and Part D, which is an “increasingly important” part of health insurers’ business — placing significant regulatory demands upon them, Lutes said.

Another area where the firm is in a prime position to assist clients is in CMS’ growing use of value-based purchasing, which will continue to be a prominent issue over the next decade, according to Lutes.

“This week CMS has gathered plans, hospitals [and] employers and said they [want value-based purchasing] at 50 percent by 2018,” he said. “It uses more-complex payment methods, and what that means to us is that all these programs have regulations and rules that go with them, and we are well-positioned to advise in this area.”

--Editing by Edrienne Su.