

## Health Group Of The Year: Epstein Becker Green

By **Rachel Graf**

*Law360, New York (January 23, 2018, 4:41 PM EST)* -- Epstein Becker Green demonstrated its versatility of health care offerings in 2017 by counseling companies in transactions, notching antitrust victories and defending against False Claims Act allegations, earning the firm a place on Law360's list of Health Groups of the Year.

Since its founding as a health care firm in 1973, Epstein Becker has worked to solidify and grow its reputation within the industry. More than 125 of the firm's roughly 250 attorneys are focused exclusively on health care, allowing it to provide expertise in issues related to the U.S. Food and Drug Administration, fraud and abuse, transactions, tax, government litigation and investigations, said George Breen, head of the firm's health care and life sciences practice.

"The notion of us focusing on our health care practice has given us experiences across the health care space," Breen told Law360. "It's something we strive to have clients take advantage of given that length of experience."

Its diversity of offerings enabled the firm to both counsel hospital operator Palmetto Health in creating a new nonprofit entity with the Greenville Health System in November and defend the company against antitrust allegations brought by a smaller hospital system.

Epstein Becker advised Palmetto Health and Greenville on the creation of a new nonprofit organization with 13 hospitals and \$3.9 billion in annual revenue, making the entity the largest health system in South Carolina, the companies said at the time. The firm advised the companies on structure, due diligence, tax and antitrust issues.

With regard to the litigation, U.S. District Judge Joseph F. Anderson Jr. last February granted Epstein Becker's bid to dismiss 11 antitrust claims brought by Providence Hospitals as part of its \$50 million suit alleging Palmetto Health was operating a monopoly within the Richland County, South Carolina, area. Palmetto Health's acquisition of orthopaedic providers including the Moore Clinic didn't exacerbate the harm Providence would have suffered if the providers had independently exited the market, and therefore does not constitute an antitrust injury, the court found.

Epstein Becker also defended Southeast Health System Inc. against a False Claims Act suit brought by a



whistleblower alleging the health care network participated in a scheme to bill the government for unnecessary services. The firm successfully urged the court to drop the claims against Southeast.

Currently, the firm is defending Hi-Tech Pharmaceuticals Inc. against criminal allegations brought by the government on charges of money laundering, wire fraud and misbranding of drugs for purportedly falsifying documents regarding its drugs' compliance with certain regulations.

Epstein Becker has worked with more than 100 private equity clients as well, Breen said. The firm has counseled transactions including Cognizant's August purchase of TMG Health, as well as Express Scripts' December purchase of medical benefits manager eviCore.

In all, the health care practice group works with providers, payors, manufacturers, suppliers and other clients that are affected by the industry, Breen said.

"To be able to handle virtually any matter [clients] face in the health care space really sets us apart," he noted.

The firm's registered trademark is "Thought Leaders in Health Law." Epstein Becker says it demonstrates this commitment to thought leadership through initiatives such as a thought leaders in health law video series. Video topics include drug pricing, issues facing the dietary supplement industry, fraud and abuse, and health care fraud enforcement.

It additionally created an online portal with resources and insights intended to keep clients informed about regulatory, enforcement and legislative changes under the Trump administration. The portal includes sections dedicated to various aspects of the Affordable Care Act and the 21st Century Cures Act, a biomedical funding bill signed into law by President Barack Obama.

"We looked at it as way for clients to be able to have a source where they could go and keep up to date with areas that most impacted their work," Breen said of the portal.

Breen anticipates further changes to the health care system in 2018, and expects demand for counseling services from clients that rely on Medicaid dollars. He also expects increased activity within the M&A space, and said the firm's transactional practice will likely grow.

Epstein Becker's government investigations and litigation practices will likely remain busy as well, given the high numbers of FCA suits that were pursued by the U.S. Department of Justice and relators in 2017, Breen noted.

Concerns about cybersecurity and privacy issues will likely affect the health care industry this year, too, he said.

--Editing by Catherine Sum.