

Healthcare

Winstead has experience in a wide range of transactions, regulatory compliance, and dispute resolution matters involving the growing and dynamic healthcare business sector. We seek creative solutions to the difficult issues our clients face. We deploy the resources of our integrated firm, with a strategic combination of big-picture perspective and industry-specific technical and tactical knowledge.

We represent hospitals, ambulatory surgery centers, physician groups, home health agencies, senior living and long term care facilities, wellness companies, third party administrators, pharmaceutical manufacturers, medical device manufacturers and various healthcare facilities, vendors and business entities on transactions, litigation, government investigations, and corporate and regulatory healthcare issues.

Regulatory

Our attorneys know the healthcare business is highly regulated at federal and state levels. We handle a range of statutory and regulatory issues including compliance matters relating to HIPAA, the HITECH Act, and final Omnibus Rules with regard to privacy and security. We counsel our clients on the Stark Law, Anti-Kickback Statute, state anti-referral and fraud and abuse laws, facility licensure, accreditation and governance; Medicare and Medicaid reimbursement; managed care contracting; and Affordable Care Act legislation.

Government Relations

We represent healthcare clients before federal, state and local governments, positioning their concerns at the forefront of the agendas of legislative and regulatory decision makers. Our achievements include securing federal appropriations for non-profit health research institutions.

Corporate, Mergers & Acquisitions

Our corporate lawyers play key roles in representing healthcare clients in their business transactions. We have first-hand knowledge and experience in the healthcare industry and deliver a practical, hands-on approach to closing deals without overlawyering the process. Matters regularly handled by these attorneys include entity formations and capitalizations; tax planning; private placements; recapitalizations; financings and refinancings; and acquisitions, dispositions and other liquidity transactions. Our health law attorneys regularly conduct healthcare due diligence for business transactions or in support of a client's corporate counsel.

Healthcare & Life Sciences Real Estate

We represent hospitals, healthcare systems, physician groups, developers, senior living and long term care facilities, investors and operators in a wide range of health care real estate transactions, including the development, acquisition, financing and disposition of acute and non-acute real estate assets on a national platform. We assist our hospital clients in structuring hospital campus transactions, including counseling them on control issues, monetization structures and physician alignment strategies. Our Healthcare & Life Sciences Real Estate Practice also includes land use planning, economic development, project finance, construction and leasing (including ground leases, space leases and build-to-suit transactions for healthcare facilities). Whether representing the provider or the user, we bring a unique blend of real estate excellence and health care industry acumen to each transaction.

Find out more about Winstead's [Healthcare & Life Sciences Real Estate](#).

Insurance & Administrative

Our administrative law attorneys handle a variety of matters on behalf of our healthcare clients before the Texas Department of Insurance, the Texas Attorney General, and other administrative bodies. Our longstanding relationships with governmental authorities provide our clients with unique accessibility to agencies important to healthcare industry participants. As a result, we offer our clients a range of solutions that align business interests and public policy.

Labor & Employment

Winstead attorneys advise our healthcare clients on all aspects of employee-employer relationships. Conflict prevention is a major component of our practice; however, when disputes do arise, we help our clients minimize risks by ensuring regulatory compliance and protecting our clients' interests.

Business Litigation

Representing our healthcare clients in business litigation is a significant portion of our practice. We leverage the knowledge, resources, and experience of our full-service business law firm with a litigation bench of 50 attorneys strong. When litigation is necessary, we work vigorously to protect our clients' rights and interests, while helping evaluate, manage, and control the risks, costs, and uncertainties associated with litigation.

Information Technology, Biotechnology & Life Sciences

Powering innovations in information technology, biotechnology and life sciences, Winstead helps clients make the most of their investments, ideas and inventions. From small start-ups to integrated corporations, Winstead's biotechnology attorneys address and understand each stage of company growth. We counsel biotech innovators, organizations and investors through a wide range of phases and issues. We advise pharmaceutical manufacturers, software vendors and medical device companies on their interactions with healthcare providers and governmental healthcare programs. Our health law attorneys assist healthcare providers to evaluate and negotiate electronic health records and outsourced information technology agreements.

Benefits & Compensation

Our benefits and compensation attorneys work closely with our healthcare clients on the development and implementation of all types of traditional benefit plans, including qualified and non-qualified retirement programs and consumer-driven healthcare programs. Furthermore, we assist our healthcare clients in administering their benefit programs and maintaining regulatory compliance. In addition, we develop and advise on innovative strategies to attract, retain and motivate talent to ensure our clients' overall success.

Healthcare Lending

Our healthcare lending attorneys represent lenders in bilateral and syndicated transactions involving loans to hospitals, medical service providers, medical clinics, senior care facilities and other industry related companies. We represent lenders in real estate loans for senior care, medical clinics and nursing facilities. We also represent senior lenders in healthcare loans involving complex capital structures and intercreditor issues including 2nd lien financing, mezzanine financing and equity sponsored transactions.

Digital Health

Winstead attorneys are very familiar with the evolving landscape of digital health and other healthcare technologies, including data use agreements, technology licensing, cybersecurity protocols, population health management IT solutions, telehealth, emerging blockchain, machine learning and artificial intelligence technologies, mobile apps, online health programs and other web-based tools, electronic health records, and health information exchanges. Our attorneys understand how these technologies are used, and can help guide clients to handle operational impacts and contractual issues. Our attorneys also counsel clients on best practices for the management of business associates and business associate agreements.

Telehealth and Telemedicine

Winstead's attorneys have the experience needed to assist clients nationally with telemedicine program assessment, development and implementation, including counseling on operational issues, contracting, credentialing, professional liability risk management, intellectual property (IP) issues, medical record management, and corporate formation,

operation and governance. Our attorneys handle regulatory issues related to telemedicine that include scope of practice, corporate practice of medicine, reimbursement, state licensure, remote prescribing, mobile technologies, privacy and security requirements such as breach response, HIPAA and other state, national and international laws, FCC oversight and TCPA compliance, remote device monitoring, chronic care management services, outsourcing agreements, and compliance with fraud and abuse laws such as fee-splitting, physician self-referral (Stark laws), the Anti-Kickback Statute (AKS) and False Claims Act (FCA). Our attorneys also advise organizations throughout the nation including traditional telemedicine companies, specialty telehealth companies such as tele-Advanced Care Planning (ACP), startup healthcare and digital health companies, outsourced CCM providers, and hospital districts and large institutions looking to be at the forefront of health care delivery by expanding their service offerings through telemedicine/telehealth and other digital solutions.

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