



## Health Care

### Overview

With deep industry experience and legal and regulatory savvy, the AP&S Health Care team assists clients in a wide range of health care matters, from mergers and acquisitions and equipment leasing to joint ventures, licensing, regulatory review and litigation. We deliver timely and on-target legal service that helps you close deals, minimize taxes, avoid costly disputes and boost your bottom line.

### Areas of Concentration

- Civil and criminal investigations
- Day-to-day prevention counseling on all health care matters
- Financing and financial restructuring
- Hospital alignment strategies
- Labor and employment issues
- Litigation
- Mergers and acquisitions
- Regulatory compliance – CONs, CHOWs and state and federal surveys.

### Experience

#### Transactions

- Retained by the Governor's Office and the Department of Administration to represent the Governor's COVID-19 Task Force to respond to all COVID related legal issues including litigation, employment, construction, health care, regulatory, executive orders and dealing with the other federal, state and municipal officials and the Legislature.
- Successfully represented Encompass Health in the regulatory review for a Certificate of Need to establish a 50-Bed Rehabilitation Hospital Center in Johnston, RI.
- Represented American Shared Hospital Services in its acquisition of a 60% majority equity interest in two radiation therapy providers from the Chapter 11 Bankruptcy Estate of GenesisCare USA, Inc. as well as its CON approval to provide proton beam radiation services.
- Represented a hospital system that is alleged to have violated the American with Disabilities Act, The Rehabilitation Act and the

Affordable Care Act by failing to provide effective communication in the course of delivering medical care to deaf or hard of hearing patients.

- Represented FAITHworks Health & Wellness Institute d/b/a SMART FAITHworks to obtain Organized Ambulatory Care Facility and School Based Health Center licensure to provide health care services in schools to students and staff.
- Represented a physician specialty practice in connection with the sale of the practice's multi-location sites to a national organization and the concurrent entry of the specialty practice professional corporation into the practice management agreement with the purchaser.
- Represented a cardiology practice in the sale of the practice to a hospital and the concurrent entry into an employment agreement between the hospital and the cardiologist's owners.
- Represented an ophthalmology practice in its purchase of another ophthalmology practice, the lease of a new practice location, the construction of leasehold improvements at that location, and employment contracts with the physician owners of the seller.
- Represented the transacting party in the first Hospital Conversions Act Application accepted by the Rhode Island Department of Health and Attorney General.
- Successfully represented St. Joseph Health Services of Rhode Island in connection with its affiliation with Roger Williams Medical Center, the Special Master for The Westerly Hospital in connection with its acquisition by Lawrence + Memorial Corporation, CharterCARE Health Partners in connection with its joint venture with Prospect Medical Holdings and The Centurion Foundation Inc. in connection with the acquisition of Roger Williams Medical Center and Our Lady of Fatima Hospital.
- Represented all types of health care providers in connection with negotiations with national third-party payors on issues of reimbursement, CON licensure, regulatory approval, joint ventures, collaborations and strategic alliances, financing arrangements, and operational issues.
- Represented a community hospital in a court-ordered mastership including sale through the state regulatory process, pension termination, resolution of federal regulatory claims, renegotiation of labor agreements, and assisting Special Master with claims from major creditors.
- Represented Rhode Island's largest outpatient mental health provider in affiliation with the state's largest health care network.
- Provided government relations advice regarding proposed legislation and regulations affecting health care providers.
- Represented a variety of out-of-state health care providers to obtain regulatory approval for the acquisition of Rhode Island licensed nursing homes, hospice and home nursing care providers.

## Litigation

- In a case of first impression, represented a Chinese pharmaceutical company in a multi-state, multi-jurisdictional regulatory and criminal prosecution arising out of baseball's "Mitchell Report" that involved the distribution of HGH in the United States and abroad. AP&S successfully negotiated a plea that resulted in a fine and community service payments and a misdemeanor with no jail time for the company's president.
- AP&S defended a Rhode Island insurer in a federal antitrust action brought by an out-of-state health care system alleging that the insurer monopolized the health care insurance market in the State of Rhode Island.
- Successfully represented a Rhode Island health insurer in litigation brought by the Special Master of a not-for-profit community hospital in state mastership proceedings.
- Represented health care providers in matters before the Rhode Island Department of Health Licensing Boards, the Rhode Island Attorney General Medicaid Fraud Unit, and the United States Attorney's office.
- Represented a health care facility in a wrongful death action resulting from the administration of Haldol to a woman suffering from neuroleptic malignant syndrome.
- Represented a major teaching hospital in a wrongful death action brought on behalf of a female patient whose pap smear was allegedly

misread, resulting in an alleged failure to properly diagnose cervical cancer.

- Represented a dental clinic in a dental malpractice action arising out of alleged substandard treatment by an orthodontist operating as an independent contractor.
- Represented a national pharmacy chain in a wrongful death case arising out of alleged misreading of prescription for morphine.

## Seminars/Publications

### Seminars

- Patricia Rocha, Informal Dispute Resolution and Independent Informal Dispute Resolution, 2022 and 2022.
- Patricia Rocha, Behavioral Health Contract Roundtable, February 2024.
- Susan Leach DeBlasio, Medical Records Law in Rhode Island, November 2013.
- Susan Leach DeBlasio, Healthcare Reform: Are You and Your Company Ready?, November 2012.
- Susan Leach DeBlasio, Medical Records Law, November 2012.

### Publications

- Susan Leach DeBlasio, Former legal writer for the monthly Health Care Professional (five years).

### Awards

- Rated Tier 1 Metropolitan “Best Law Firm” by Best Lawyers®.