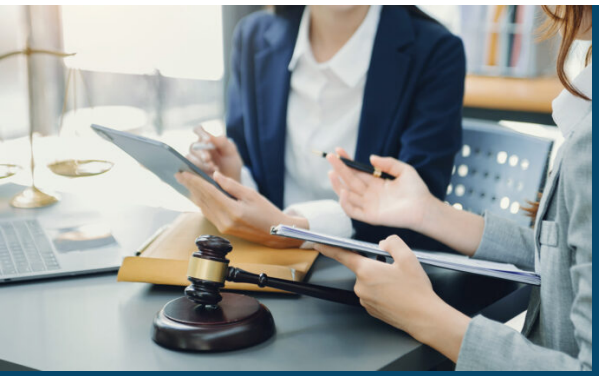

Health Care Regulation and Litigation

Overview

From hospital groups to clinical laboratories to individual practitioners, health care providers trust the AP&S Health Care team to give them responsive, efficient and reliable legal counsel that helps them grow, prosper and successfully navigate complex litigation and regulatory issues.

The AP&S Health Care team is active before state and federal regulatory bodies, including the Rhode Island and Massachusetts Health Departments and Attorneys General offices, as well as in courts and arbitration venues. We guide clients through complicated compliance matters, investigations, prosecutions and litigation, including Medicaid fraud and abuse claims, white-collar criminal charges and other disputes.

Experience

- Defending a health insurance company in a federal antitrust action brought by an out-of-state health care system alleging that the insurer monopolizes the health care insurance market in the State of Rhode Island and that it refused to negotiate in good faith regarding reimbursement rates for a Rhode Island hospital.
- Defended a Rhode Island hospital in an investigation by the United States Attorney's Office and the Office of Inspector General concerning alleged Stark violations.
- 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.
- Represented a physician in an investigation by the Board of Medical Review concerning alleged inappropriate supervision of staff.
- 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 provider of radiation therapy services in successfully obtaining a certificate of need ("CON") from the Rhode Island Department of Health and in defending the provider in litigation brought by an out-of-state competitor challenging the grant of the CON.
- Represented community health centers appealing the recoupment of monies paid for services rendered to their patients.
- 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

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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.
- Represented a variety of health care providers in medical malpractice cases.

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