

Healthcare

The Healthcare Group has a well-earned reputation for handling high-stakes, high-risk cases, including complex medical malpractice litigation and professional liability claims. The group also provides general representation and counseling in various areas of healthcare law, including administrative and court proceedings involving licensure issues, staff privileges and credentialing, contracts for the exclusive provision of services, and potential antitrust implications. We have experience handling Medicare and Medicaid fraud cases and assisting clients in responding to compliance audits in civil and criminal investigations which may arise in defending malpractice claims.

Many of the complicated claims that we defend include those against pharmaceutical companies and makers of medical products and devices. We represent both insured and self-insured developers, manufacturers, distributors and patent-holders of pharmaceuticals, over-the-counter medications, prostheses, implants, hospital equipment and diagnostic devices.

We take a holistic approach to healthcare matters to understand not only the case at hand, but its potential implications for the organization. As such, we take pride in understanding a client's business objectives and provide counsel across a wide-range of healthcare-related matters. Our extensive experience in representing hospitals and healthcare institutions, as well as physicians and allied health professionals, gives us unique perspective on institutional issues, including hospital/medical staff relationships, personnel, privacy and data security, and insurance coverage and risk management. Members of the group also serve as outside general counsel to a variety of diverse health practice groups and hospital networks.

Business and Corporate Transactions

We provide corporate, tax, regulatory and transactional advice on a wide range of business-related matters, including mergers and acquisitions, joint ventures and strategic alliances, debt and equity financings, licensing and outsourcing, IP protection, cybersecurity and data privacy, corporate structure and governance matters and general contract matters. We collaborate with clients to provide strategic solutions to the complex legal and business issues they face, while helping them achieve their business objections.

Our work encompasses acquisition issues, third-party contracts and general contract needs, which have included:

- merger and acquisition agreements

PRACTICE CONTACT

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RELATED PRACTICES

Appellate
Catastrophic/Excess Liability
Commercial Litigation
Corporate and Securities
Cyber Law and Data Protection
Intellectual Property
Labor and Employment
Life, Health, Disability and ERISA
Litigation
Product Liability
Professional Liability
Trusts and Estates
Workers' Compensation

RELATED INDUSTRIES

Healthcare
Insurance
Technology

- joint venture and strategic alliance agreements
- shareholders agreements
- employment agreements
- non-compete agreements
- clinical trial agreements
- confidentiality agreements
- independent contractor agreements
- practice management and billing agreements
- technology license and outsourcing agreements
- affiliation agreements

Health Insurance and ERISA

The healthcare industry has been experiencing enormous upheaval for several years. With the passing of the Affordable Care Act, and its uncertain future, the healthcare system had been under extreme pressure to change, with the ripple effect foisting untold duress upon health insurers, plan administrators, employers and providers. Our group has the experience to help clients navigate through this healthcare minefield.

Recent changes in the law, as well as decisions by State and Federal courts, are shifting the way healthcare is being delivered and paid for, which exposes payers to liability, while eroding existing protections. We have extensive experience in representing and counseling health insurers in the establishment of new healthcare networks, out-of-coverage disputes, antitrust claims, Medicare and Medicaid fraud and abuse and compliance under ERISA and other Federal regulations.

We have extensive experience representing and counseling in various areas of healthcare law, including:

- Establishment of new healthcare networks
- Out-of-network coverage disputes
- Healthcare network contractual disputes
- Provider litigation
- Benefit entitlement
- Compliance Issues under ERISA, PPACA, fraud and abuse laws and pertinent regulations
- Healthcare antitrust claims
- Fraud
- Medicare and Medicaid fraud and abuse
- RICO
- HIPAA analysis and implementation
- Coverage issues

- Counseling third-party administrators
- Bad faith
- Breach of fiduciary duty
- Plan interpretation

Labor and Employment

We counsel clients in their role as employers, dealing with all of the regulatory and common law issues that arise in the workplace, including leave policies, progressive discipline policy design and implementation and litigation avoidance. We regularly provide advice regarding bylaws and related corporate documents for healthcare institutions and have drafted medical staff guidelines, rules and regulations, bylaws and similar hospital policies. Our extensive experience in representing hospitals, as well as physicians and allied health professionals, gives us unique experience in terms of institutional issues, including hospital/medical staff relationships, physician group structure, personnel and insurance coverage and risk management issues.

Litigation and Dispute Resolution

The Healthcare Group has a well-earned reputation for handling high-stakes, high-risk cases, including disputes ranging from the effects of tiered and narrow health plans, out-of-network coverage litigation, fraud and abuse claims, HIPAA and privacy matters, professional liability and medical malpractice claims and medical products liability. We have experience handling ERISA claims litigation, healthcare coverage litigation and the administration of health plans, as well as assisting clients in responding to compliance audits in civil and criminal investigations. We also provide general representation and counseling in various areas of healthcare law, including administrative and court proceedings involving licensure issues, staff privileges and credentialing, contracts for the exclusive providing of services, payment disputes and potential antitrust implications.

Whether a case involves a single plaintiff or myriad multi-district parties, we have the strategic focus and attention to detail demanded for successful outcomes. We use a team approach to defending clients in these complex cases, maximizing experience and strengths to provide a thorough, economical defense. The group includes a number of attorneys who have worked as healthcare professionals themselves, which provides an enhanced knowledge base for the representation of our clients. In addition, our appellate lawyers are involved at each stage of the litigation process to provide assistance with developing litigation strategy, drafting dispositive motions, monitoring trials and crafting post-trial motions.

Long-Term Care, Managed Care and Assisted Living

We provide advice and representation for home health agencies and have considerable experience in representing personal and continuing care communities, as well as traditional nursing homes. We are involved with Departments of Insurance, Aging and Health, and other regulatory agencies having jurisdiction over the development and operation of facilities. We assist in the development and implementation of clinical programs, regulatory compliance (State, Federal, JCAHO) and risk management, and, in general, help skilled nursing facilities, assisted living communities, home health companies, active adult communities and independent living communities manage their business, regulatory, employment and litigation needs. Our attorneys take pride in providing creative, aggressive, yet practical and cost effective defense of personal injury litigation.

Regulatory and Compliance

We ensure that our clients are compliant with all federal and multi-state healthcare laws and regulations, including Medicare/Medicaid, HIPAA, the CURES Act, Stark Law, the Anti-Kickback Statute and the False Claims Act, among others. We also represent clients in investigations, audits and litigation or disputes arising from regulatory and compliance issues.

Additionally, we prepare and present emergency medical petitions for court approval, provide advice to hospital administration and staff members concerning HIPAA/CURES Act compliance, DNR orders, AIDS testing, guardianship and similar legal and medical issues.

REPRESENTATIVE MATTERS

Represented physician practice group in matter involving information blocking of electronic health records (EHR) by a health information technology vendor and obtained multiple temporary restraining orders maintaining EHR access and a comprehensive plan for migration of EHR data (approximately 100 terabytes) from prior EHR vendor to new EHR vendor

Represented a privately held medical device development firm in the licensing of a patent-pending drug delivery instrument from a publicly traded pharmaceutical company

Advised founding physician shareholder in connection with restructuring of diagnostic imaging practice, including recapitalization by private equity investors

Advised and negotiated employment agreement and practice support agreement in connection with cross country relocation of a surgeon to an existing private practice

Represented company developing platform for interface among various electronic health record technologies

Represented company developing digital health mobile application in connection with strategic relationship and ongoing corporate transactional work

Obtained a published opinion from the New Jersey Appellate Division granting a protective order in a matter wherein several hospitals were seeking intrusive discovery concerning the creation and implementation of a health plan. (*Capital Health System Inc., v. Horizon Healthcare Services Inc.*, NJ App. Div. A-2913-15 (June 23, 2016))

Successfully argued for the reinstatement of a surgeon in a health network following a credentialing committee's decision to terminate; presented the appeal to a credentialing committee comprised of multiple physicians from varying specialties; following the presentation, a decision was made to reinstate the surgeon back into the health network

Obtained a trial verdict in a breach of contract claim brought by a physician against a large healthcare network

Successful defense on motion to dismiss of medical doctor accused of repeatedly offering fraudulent expert testimony. Dismissal affirmed by Delaware Supreme Court.

Represented emergency room physician in a case involving an alleged failure to diagnose bacterial meningitis; tried to a defense verdict after seven days of trial

Numerous defense verdicts in catastrophic injury cases involving professional, product and premises liability, on behalf of individual providers, health care systems, hospitals and other health care institutions

CASES & DEALS

White and Williams Secures Superior Court Affirmance of Dismissal of Decade-Old Malpractice Claim Alleging Permanent Brain Damage
5.21.24

White and Williams Trial Team Secures Defense Verdict for Philadelphia-Area Hospital in a Case Alleging Delayed Diagnosis of Bone Cancer
6.3.22

White and Williams Wins Summary Judgment for Geisinger Clinic in Nursing Home Failure-to-Diagnose Case
3.16.22

White and Williams Defeats Emergency Injunction Requests To Force Use of Ivermectin To Treat COVID-19 Patient
12.20.21

White and Williams' Defense Prevails for Employer Client Against ADA, FMLA and PHRA Claims
1.14.21

Healthcare Practice Group Wins Issue of First Impression in the Superior Court of New Jersey, Appellate Division
8.14.20

White and Williams Delivers Trial Victory for Horizon Healthcare Services, Inc.
6.5.19

White and Williams Obtains Defense Verdict Following Arbitration in Case Alleging Wrongful Death Due to Improper Administration of Anesthesia
4.10.18

White and Williams Obtains Dismissal of Civil Rights Claims Against Medical Providers Arising From A Child Abuse Evaluation
4.2.18

Litigation Team Secures Dismissal of Claims Alleging Health Coverage Plan Creates Unfair Business Advantage
9.14.17

White and Williams Secures Reversal of Critical Ruling Involving Confidential and Proprietary Business Information
7.7.16

Defendant Hospitalist Prevails In Wrongful Death Case
9.21.15

NEWS

White and Williams LLP Opens New Morristown, NJ Office
12.23.25

White and Williams LLP is Honored to be Recognized Among the 2026 Best Law Firms Ranked by Best Lawyers®
Best Lawyers®, 11.6.25

Best Lawyers® Recognizes 40 White and Williams Lawyers
8.21.25

White and Williams LLP is Proud to be Selected in the 2025 Best Law Firms Ranked by Best Lawyers®
Best Lawyers®, 12.4.24

Best Lawyers® Recognizes 49 White and Williams Attorneys
8.15.24

White and Williams Announces Partner and Counsel Promotions
Press Release, 1.17.24

Best Lawyers® Recognizes 45 White and Williams Lawyers
Firm News, 8.18.23

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars
5.25.23

Best Lawyers® Recognizes 40 White And Williams Lawyers
Firm News, 8.18.22

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
7.13.22

Two White and Williams Lawyers Included In City & State PA's Law Power 100
6.28.22

White and Williams Proudly Supports the Girl Scouts of Eastern Pennsylvania Take the Lead
4.21.22

White and Williams Announces 15 Lawyer Promotions
1.3.22

White and Williams Ranked in Top Tiers of "Best Law Firms"
11.5.21

White and Williams Welcomes Ten New Associates
11.4.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars

11.1.21

Best Lawyers® Recognizes 38 White and Williams Lawyers

8.19.21

PUBLICATIONS

PA Certificate of Merit Reform: Right Idea, Wrong Approach

Healthcare Client Alert, 3.23.26

PA Supreme Court Signals "New" Med Mal Venue Rules Are Here to Stay

Healthcare Client Alert, 3.11.26

In a Rare Display of Unanimity, the U.S. Supreme Court Rules That State Affidavit of Merit Requirements Do Not Apply in Federal Court

Healthcare Alert, 1.22.26

U.S. Supreme Court to Decide Whether Medical Malpractice Certificate of Merit Requirements Apply in Federal Courts

10.1.25

"Key Witnesses" No More: The Pennsylvania Supreme Court Restores Traditional Forum Non Conveniens Doctrine

9.25.25

Pennsylvania Superior Court Blesses Venue Selection Clauses in Medical Malpractice Cases

By: Josh Gajer and Andrew Feldstein

Healthcare Alert, 8.4.25

Key Takeaways – Coverage College 2024

12.12.24

Revisiting the Treating Physician Rule: PA Supreme Court Limits Ability of Defense Counsel to Represent Nonparty Treating Physician

Healthcare Alert, 7.2.24

PA Superior Court Imposes Heavy Burden on Defendants to Challenge Propriety of Venue

Healthcare Client Alert, 2.15.24

The Devil is in the Details: PA Superior Court Continues to Narrowly Construe Scope of the MCARE Patient Safety Privilege

Healthcare Alert, 12.21.23

Supreme Court of Pennsylvania Discards Long-Standing Percentage Revenue Test for Assessing Venue But Its Application to Healthcare Services May Be Different

By Joshua Gajer and Margaret MacDonald

Client Alert, 12.5.23

Eroding Privileges: Pennsylvania Superior Court Narrowly Construes Scope of MCARE Patient Safety Reporting Privilege

Healthcare Alert, 9.15.23

Pennsylvania Hospitals Provided a Path to Offset Ostensible Agent Liability

Healthcare Practice Client Alert, 8.14.23

NJ Appellate Court Rules Investigative Documents Created in Compliance With the Patient Safety Act Are Protected

Healthcare Alert, 6.27.23

Electronic Medical Records May Be Subject to On-site Inspection

Healthcare Practice Client Alert, 5.2.23

Appellate Court Upholds Denial of Property Tax Exemption to Non-Profit

Healthcare Alert, 3.3.23

Mental Anguish Claims and Punitive Damages in Delaware: Plaintiffs Must Do More Than Plead

Healthcare Alert, 11.8.22

New Jersey Appellate Court Requires Affidavit of Merit in COVID-19 Litigation Against an Assisted Living Facility

Healthcare Alert, 9.30.22

What Comes Next? Implications of the Supreme Court of Pennsylvania's Repeal of the Medical Malpractice Venue Rule

Healthcare Alert, 9.1.22

BREAKING NEWS: PA Supreme Court Amends Venue Rule for Medical Malpractice Matters

Healthcare Alert, 8.25.22

Information Blocking: What Providers and Programmers Need to Know

Part One: Ramped Up Enforcement Against Healthcare Providers

Healthcare Alert, 4.22.22

Superior Court of Pennsylvania to Address Requirements for Application of the MCARE Patient Safety Privilege

Healthcare Alert, 4.12.22

The Superior Court of Pennsylvania Clarifies the Discoverability of Mental Health Records in Personal Injury Lawsuits

Healthcare Alert, 1.18.22

'Non-Charitable' Nonprofit Hospital Ordered to Start Paying Property Taxes

Bloomberg Tax, 1.7.22

New York Now Requires Defendants To Provide Automatic, Early Disclosure of Insurance Information

Litigation Alert, 1.4.22

Non-Profit Hospital Ordered to Pay Property Taxes: A Shot Across the Bow

Healthcare Alert, 10.26.21

PA Supreme Court Protects Hospital Credentialing Files and Data Bank Disclosures From Discovery

Healthcare Alert, 8.19.21

Medical Device Update: Third Circuit Certifies Questions Concerning Device Manufacturers' Liability Under Pennsylvania Law

Litigation Alert, 7.16.21

New Jersey Disallows Private Causes of Action Against Assisted Living Facilities for Breach of the Statutory Bill of Rights
Healthcare Alert, 6.23.21

Are Telehealth Laws Here to Stay? A Survey of Legislation in NJ, DE, NY, PA and MA
Healthcare Alert, 3.30.21

Recent Case Impacts HIPAA and HITECH Act Penalties
Healthcare Industry Alert, 2.1.21

Protecting Access to Post-COVID-19 Telehealth Act Reintroduced to Congress
Healthcare Alert, 1.28.21

HITECH Act Amendment Offers New Incentive to Reduce Fines and Other Remedies
Cyber Law and Data Protection and Healthcare Alert, 1.8.21

No Trial Credit in NJ Appellate Decision for Non-Settling Successive Tortfeasors – Must Demonstrate Proof of Initial Tortfeasor Negligence and Proximate Cause
Healthcare Alert, 1.4.21

Ten Considerations for Financing Medical Office Buildings
An Intersection of Real Estate and Healthcare
Real Estate Alert, 9.21.17

EVENTS

MEDx Talks 2024
Liberty View at Independence Visitor Center, 10.15.24

MEDx Talks 2022
Liberty View at Independence Visitor Center, 9.15.22

Non-Profit Healthcare Organizations: How to Keep Your Property Tax Exemption
Webinar, 3.23.22

MEDx Talks 2021
Webinar, 3.23.21

Emerging Developments in Healthcare Litigation from the Courts and Legislature
2015 Healthcare Summit, 5.7.15

2015 Healthcare Summit
Penn Museum (Philadelphia, PA), 5.7.15

"Can I Get Your Thoughts On This?" – A Look at Informal "Curbside" Consultations and Their Potential Medical and Legal Implications
2015 Healthcare Summit, 5.7.15

Are You Ready for Tech "Savvy" Providers and Patients?
2015 Healthcare Summit, 5.7.15

Litigation Management for Risk Managers: Guidance for Risk Management Professionals to Avoid Depositions, Other Discovery and Trial Testimony in Civil Litigation
2015 Healthcare Summit, 5.7.15

Healthcare and Data Breaches - Vulnerability and Consequences
2015 Healthcare Summit, 5.7.15

Digital Health Workshop
University of Pennsylvania, 3.19.15