

Health Law



Practice Contacts:

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With one of the largest and most influential health law practices in Northern New England, Preti Flaherty is the recognized leader in Maine health care matters. We represent the full range of health care providers, including hospitals, nursing homes, home health agencies, rehabilitation centers and other health care facilities, as well as insurers and individual practitioners. As counsel to the Maine Hospital Association and the Maine Health Care Association, we work hard to adjust regulations and advance laws and interpretations in support of our clients' interests. We are the unquestioned authority on emerging health care issues and their legal ramifications.

We provide services such as:

- Obtain Certificate of Need approval for institutions facing increasingly complex state regulatory issues
- Assist with licensing and compliance with regulatory and accreditation requirements
- Represent hospitals at hearings and proceedings before the Department of Human Services
- Assist with malpractice claims, medical staff disputes and complaints of employment discrimination directed against hospitals and other providers.

REPRESENTATIVE MATTERS

- Represented a consortium of three Maine hospitals – Maine Medical Center, Southern Maine Medical Center and Goodall Hospital– in obtaining Certificate of Need approval for a radiation treatment facility in South Sanford, the Cancer Care Center of York County (CCCYC). Because two other hospitals were also seeking approval in a competitive review, the hearings and other proceedings before the Department of Human Services were hotly contested. Several court appeals followed in which the CCCYC has prevailed.
- Represented Rumford Community Hospital when it sought additional Medicare payments to help recover from an economic downturn and physician recruitment problems, Medicare denied the request. Our lawyers worked with the hospital to appeal to the federal Provider Reimbursement Review Board in Baltimore. After a full hearing, the Board reversed the initial Medicare decision and awarded hundreds of thousands of dollars in additional reimbursement.
- When Great Northern Paper (GNP) filed for bankruptcy protection, its self-funded employee health care plan was in jeopardy. We worked with GNP, the Governor's office, major health care providers and creditors to create and fund an interim health program to preserve employee coverage and make GNP more attractive to prospective purchasers. The federal bankruptcy court approved the interim health care funding protocol, assuring employees, retirees and their dependents continued health care until the company was sold.
- Preti Flaherty worked with Franklin Memorial Hospital to secure needed approvals to permit transfer of \$16 million in investment funds from the hospital to its parent, the Franklin Community Health Network, a national award winner for its community health programs. Approvals were secured from the Maine Attorney General and a Franklin County Superior Court Justice. This change will provide the Hospital and its parent with greater flexibility to fulfill community needs.
- Successfully worked on behalf of Acadia Hospital and Spring Harbor Hospital, Maine's two non-profit psychiatric hospitals to obtain enactment of supplemental appropriation of \$5.6 million to treat indigent mentally ill patients. Handled legislative approval of the appropriation necessary to make up for significant shortfall in so-called disproportionate share of hospital (DSH) Medicaid pool.
- Prevailed in a federal administrative law hearing before a Cleveland Ohio judge on behalf of a Maine osteopathic physician, Judy Hetzler Shedd, D.O. The Judge concluded that the regional Medicare carrier had improperly recouped payments for hundreds of osteopathic procedures performed by Dr. Shedd and restored these funds to her. The court rejected the carrier's denial, based on a 1994 local coverage determination. The administrative law hearing was the third level appeal, following reviews by Massachusetts and Florida Medicare entities, where Dr. Shedd had been denied relief.
- Represented Genesis HealthCare, one of the nation's largest providers of long-term health care and support services to the elderly, in obtaining its Certificate of Need approval to enter into a long-term lease to operate 11 nursing facilities previously operated by Sandy River Health Systems. Worked closely with officials of the Maine Department of Health and Human Services, and assisted Genesis in meeting the detailed standards for obtaining the CON. The CON also approved a purchase option.