

Health Care

The Health Care Practice Group at Pashman Stein Walder Hayden leverages the firm's skilled advocates to represent health care entities including medical practices, dental groups, nursing homes and other long-term care centers, and pharmaceutical companies, as well as individual health care professionals in medical and dental practices. Our lawyers counsel clients on private and public criminal investigations, advise on business negotiations and transactions, and guide clients on employment law matters including those involving the lawful use of cannabis. Moreover, our team has successfully litigated cases on behalf of health care entities and individuals in state and federal courts as well as represented their interests before agencies.

Criminal Defense

Pashman Stein Walder Hayden offers health care clients access to skilled and respected litigators who have extensive experience in criminal defense. Our attorneys have represented health care professionals and entities against governmental and private adversaries and have appeared before investigative agencies, as well as federal and state courts.

Our attorneys have handled complex cases involving a wide range of health care allegations, including:

- Violations of the Anti-Kickback statute and self-referral regulations
- Improper billing and coding
- Improper prescribing and distribution of controlled dangerous substances
- Antitrust compliance
- Fraud and abuse investigations by federal agencies, including the Office of the Inspector General of Health and Human Services (OIG), Department of Justice (DOJ), Drug Enforcement Administrations (DEA), and Federal Bureau of Investigations (FBI)
- Fraud and abuse investigations by state agencies, such as departments of health (DOH), Department of Banking and Insurance (DOBI), and State Attorneys General (AG).

Health Care Litigation

In addition to investigations and criminal defense, our attorneys represent clients in the healthcare industry in a wide range of litigation matters, including complex commercial litigation involving business torts such as tortious interference and unfair competition.

Health Care Employment Matters

We represent physicians and other health care professionals in employment negotiations with hospitals and medical practices.

Health Care Transactional Matters

We provide counseling on diverse transactional matters that affect health care professionals and businesses by advising health care providers on how to deal with the constantly evolving medical marketplace. This work includes advising clients on mergers and acquisitions, various business ventures, and health care business arrangements.

We also represent physicians in their non-medical related business, such as outside business ventures, investments, and contracts.

Medical Cannabis

We represent clients in the highly regulated industries of medical cannabis and hemp-derived products, such as cannabidiol (CBD), by assisting companies, health care professionals, and medical marijuana patients in navigating the complex developing laws, including those related to the authorization of medical cannabis. We also advise companies and individuals on the specific protections afforded to medical marijuana patients under the Jake Honig Act in employment, the receipt of medical services, and real estate.

Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

- Represented an international publicly-held pharmaceutical company in connection with responding to multiple third party subpoenas in a multi-district litigation.
- Representation of medical practices and other health care providers with regard to investigations by the New Jersey State Attorney General's Office and the New Jersey Office of the State Comptroller, Medicaid Fraud Division, as well as the New York State Attorney General's Office.
- Representation of doctors accused of improper billing practices and health care fraud in federal court.
- Representation of an individual in a tele-health company accused of health care fraud and a kickback scheme in federal court.
- Representation of a doctor in a federal health care fraud case related to kickbacks from blood lab.

- Obtained a favorable result for two prominent doctors from New Jersey who were indicted by the Attorney General's Office of New Jersey for healthcare fraud, committing bribery, and acting as a runner for medical providers. In the initial round of pre-trial motions, the defense obtained a dismissal of healthcare fraud and acting as a runner charges. Ultimately, the defense persuaded the office of Attorney General to permit the doctor involved to be accepted into the Pre-Trial Intervention Program which resulted in the ultimate dismissal of the commercial bribery charge – without any admission of guilt or culpability by the doctor involved. At all times, each doctor steadfastly maintained his innocence.
- Successfully represented on appeal a prominent doctor who had been convicted of two criminal charges involving unlawful sexual contact with a patient. Although this firm did not serve as trial counsel, it was established before the Appellate Division that the doctor in question did not receive a fair trial and the conviction was reversed
- Represented physicians in employment negotiations with hospitals and medical practices.
- Represented prominent cardiology group and individual cardiologists in a business tort case brought against them by a specialty hospital asserting claims of tortious interference and unfair competition relating to the group's referral practices. Retained after the trial court had just denied defendants' motions for summary judgment and facing a trial that was expected to last several months, we spearheaded the filing of new motions for summary judgment that raised dispositive issues that had not yet been addressed in the more than seven-year-old litigation. Following extensive briefing, the trial court dismissed all of the hospital's claims with prejudice. The hospital had been seeking nearly \$30 million in compensatory damages and an award of punitive damages. On appeal, the Appellate Division affirmed the dismissal of 99% of the hospital's damages claim and remanded for further proceedings on claims valued at less than \$300,000. The case settled during trial, shortly after the parties selected a jury and delivered opening statements.
- Represented a physician in a federal prosecution for allegedly receiving kickbacks from a laboratory-services provider.
- Representation of a client in connection with the sale of a former nursing home site in Jersey City.