

Fundamentals of Health Law

Third Edition

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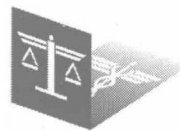


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HEALTH LAWYERS
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INTRODUCTION

In the last several decades, health law has emerged as a growing and evolving area of practice. Even since the publication of the first edition of *Fundamentals of Health Law* in 1995, dramatic changes have occurred in terms of the types of persons and entities who provide healthcare services, how these services are paid for, and the ways in which they are delivered. As a result, a great wealth of information exists which is commonly referred to as “health law.”

Today, a health lawyer’s practice encompasses a wide variety of legal issues, and includes a correspondingly diverse group of clients. Health lawyers may represent hospitals, physicians, and other traditional healthcare providers—or their practices may represent more exotic clients such as pharmaceutical entities, healthcare Internet companies, insurance companies, or persons involved in bioethics. Despite the breadth of this spectrum, a fundamental core curriculum of health law issues exists, about which anyone practicing any aspect of health law should be knowledgeable.

This third edition addresses the fundamental legal issues that need to be understood by a practicing health lawyer, regardless of the area or specialty in which she may practice. The topics in this book address not only the fundamental legal issues a health lawyer may face, but also the structural and operational issues affecting healthcare providers and payors. In addition, this book provides a basic understanding of how healthcare is rendered. Some of the key legal topics addressed in this book are an understanding of tax and tax-exempt issues, federal and state fraud and abuse issues, self-referral laws, false claims issues, antitrust issues, confidentiality, and Medicare and Medicaid reimbursement issues. Our goal in preparing this book is to provide lawyers new to the health law arena with a fundamental resource to aid them in developing their practice, as well as to provide a basic education of health law.

In compiling this book, Health Lawyers has selected authors who have an expertise in health law. Each chapter concentrates on a fundamental aspect of health law and is written by an expert in that area. We would like to thank the authors for participating in this project and for lending their expertise.

We hope that this book will serve as a useful tool in your endeavors in health law and the healthcare industry.

Bernadette M. Broccolo, Esquire (Chapter 5, Tax-Exempt Issues), is a partner in the law firm of McDermott Will & Emery LLP, based in its Chicago, IL, office. Bernadette is a member of the Health Department, where she has been advising health-industry organizations for twenty-four years on legal and regulatory compliance matters, information technology acquisition, and health information privacy. Bernadette is a frequent speaker and author on topics in her areas of specialization. She also serves in leadership positions for organizations serving the health industry and the legal profession, including the American Health Lawyers Association, the Illinois Association of Hospital Attorneys, and the American Bar Association. She currently serves as Chair of the Tax & Accounting Interest Group of the American Bar Association's Health Law Section.

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