



HEALTH CARE

In the area of health care litigation, Diamond McCarthy's attorneys and trial lawyers represent plaintiffs and defendants in disputes related to billing, regulatory compliance, insurance coverage, Medicare and other allegations of fraud, business conflicts, bankruptcies and restructurings.

In addition to litigation, we help medical professionals, hospital executives and associations understand – and comply with – the latest developments in health law and the rapidly changing regulatory environment. We also provide counsel on ways to prevent fraud and abuse. In addition, our attorneys are often called upon to share their insight with members of the health care community through speaking engagements, conferences and seminars.

Our experience in health care litigation spans a wide range – from the defense of health care institutions, including hospitals, surgery centers and others, to the prosecution of contract rights, federal and state benefit programs, including Medicare and class actions.

In 2010, Diamond McCarthy successfully defended on appeal to the 8th U.S. Circuit Court of Appeals a dismissal it obtained from an Iowa district court on behalf of its client, a health care industry leader that furnishes coordination of benefits and program integrity services to health care payers in the public and private sectors. The case, which sought over \$90 million in damages from Diamond McCarthy's client, required decision of an issue of first impression involving the interplay between Iowa state law and federal Medicaid law. Diamond McCarthy successfully argued that the Iowa State law, which removes medical expenses as an element of damages in medical malpractice cases, was not preempted by federal law, and that Diamond McCarthy's client's (and the State of Iowa's Medicaid program's) reliance on the law not to seek to recoup medical expenses from third-party tortfeasors did not constitute a violation of the federal False Claims Act.