

Health Insurance Giant Anthem Presses for Cigna Takeover at \$54 Billion, Los Angeles Times

In this [article](#), Rob Fuller discusses the Anthem Inc. \$54-billion merger with Cigna Corp. despite a spurned bid and increasing concerns about industry consolidation.

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What You Need to Know From the New PwC, Kaufman M&A Analyses, Business Drive

In this [article](#), Rob Fuller discusses the spike in both horizontal and vertical M&A deals, and driving force behind this uptick.

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Controversial AB 1775 Expands

Mandatory Reporting Requirements of Mental Health Professionals



Nelson Hardiman partner [Mark Hardiman](#) appeared on the [KPCC radio show "Airtalk,"](#) hosted by Larry Mantle, to address the controversy concerning AB 1775, the recent law that expanded mental health professional mandatory reporting to law enforcement under the Child

Abuse and Neglect Reporting Act. The law requires psychotherapists and psychiatrists to report to the authorities any patient who "downloads, streams, or accesses images of any person under the age of 18 engaged in an act of obscene sexual conduct."

Listen to this hot topic discussion and learn more about issues circling around the child protection controversy: [HERE](#)

To learn more about the controversy concerning AB 1775 in the Washington Post: [READ MORE](#)

ACA Expansion of False Claims Act Liability



NH Partner [Mark Hardiman](#) is quoted extensively in the July 23 Daily Journal on the Affordable Care Act's expansion of the grounds for potential violation of the federal False Claims Act (FCA). The change in the law creates FCA liability for over-payments that are not

returned within 60 days. According to Hardiman, this change has "rocked the provider community because it turns any claim overpayment into a false claim. It essentially creates liability under the False Claims Act for clerical errors. Because of this rule, the distinction between a mistake and a true false claim has largely been conflated now."

Since Hardiman joined the firm in 2013, [Nelson Hardiman](#) has become a leading choice for hospitals and healthcare organizations concerned about potential FCA liability or facing cases brought by both the government or plaintiff lawyers. Hardiman describes the ways in which the rules for handling these cases have changed, such as the need to involve lawyers earlier, even in questionable cases, to demonstrate pro-activity in "beating the 60-day clock for repayment. "I'm generally advising clients that old timelines [for responding] should basically be thrown in the toilet."

Read the full article: [HERE](#)

Hospital Venture Funds



The May 22 *Daily Journal* lead story by Dominic Fracassa covers the growing number of hospitals forming venture capital funds. Firm managing partner [Harry Nelson](#) is quoted on the trend: “We’re living in a time when there’s a receptivity to all kinds of new [healthcare]

ventures. . . . The way the system is changing is driving interest in new consumer-oriented kinds of services and goods.” The trend of hospital venture funds reflects the focus on finding new sources of revenue to make up for the decline in revenues being experienced by hospitals nationwide. Nelson Hardiman work with [hospitals](#) and other healthcare providers developing new services, products, and strategies, with particular expertise in telehealth ventures and consumer-oriented health services and products. “Healthcare reform and pressure from payors is suppressing hospital utilization and shrinking reimbursement for traditional services, driving the need to innovate.” commented Nelson. “Hospitals that are going to survive and thrive need to be taking active steps now to adjust.”

Evolution in Meeting Healthcare Provider Needs



The April 9th Los Angeles *Daily Journal* reports on evolutions in the healthcare legal marketplace, focusing on [Nelson Hardiman](#) and its recent alliance with Epstein Becker & Green. Over the past decade, significant numbers of physicians have migrated from

self-employment in solo and small groups towards larger organizations, including Accountable Care Organizations (ACOs) and hospitals. According to a February 13, 2014 *New York Times* article, the American Medical Association (AMA) reports that roughly 60% of physicians are now employees rather than independent. This shift in physician practice has affected boutique healthcare law firms like Nelson Hardiman. The article quotes firm managing partner [Harry Nelson](#) on the need to broaden regulatory expertise to meet more complex needs of healthcare organizations today, from the ability to guide clients on telehealth, medical technology, and FDA issues to the Stark/Anti-Kickback aspects of collaborative ventures. Nelson Hardiman has expanded to representation of both a much broader range of healthcare provider types over the past decade and a broader range of issues, such as managed care and health privacy and data security. "Nelson Hardiman continues to lead the way to the future of healthcare," said firm partner [Mark Hardiman](#).

Take a look at the full article: [here](#)

ACA Changes to the Healthcare Litigation Landscape



Co-founder and managing partner [Harry Nelson](#) was recently interviewed by Alexandra Schwappach of the *Los Angeles Daily Journal* discussing the Affordable Care Act and how it will change the litigation landscape for plaintiff's lawyers.

“By requiring insurance companies to cover all applicants within new minimum standards and offer the same rates regardless of pre-existing conditions, the Affordable Care Act pits an end to a list of legal battles that ravaged the health care sector for years. But attorneys anticipate a bank of fresh litigation as the new [health care law's](#) individual mandate kicks in the beginning in January – everything from bad faith disputes to allegations against employers – and it's in this new realm that plaintiffs' lawyers could find their next big thing.”

“My sense is [plaintiffs' attorneys] are going to do just fine with a variety of Affordable Care Act-generated opportunities,” said Harry Nelson, co-founder and managing partner of Nelson Hardiman LLP, who counsels [health care providers](#) on business issues and challenges.

Nelson said he's been seeing many signs that plaintiffs' lawyers are gearing up for health care-related disputes. Bad faith insurance practitioners will start going after insurers over policy cancellations, but also for changes to their health care options, he said.

“There are also likely to be challenges to denials of access as the health insurers shift to a model of narrow networks, ” Nelson said. “This is going to lead to fights over whether insurers are unfairly limiting access.”

Full Article Here: [FULL ARTICLE](#)

The Pandemic of Prescription Drug Overdose



Co-founder and Managing Partner [Harry Nelson](#) was featured discussing the national pandemic of over-prescribing on the “Money for Lunch” radio-show with Bert Martinez on November 18th at 10:30am PST.

The pandemic of prescription drug overdose – expanding at more than five times the rate of the decade ago – has important implications for doctors, patients, and pharmacies. See the attached CDC report that outlines the growth rate of this issue, the government crackdown, and what it means for patients and [healthcare](#) providers. ([CDC Report](#))

Listen to the Full Replay: [HERE](#)

Latest Trends in Healthcare Law Practice



Co-founder and managing partner [Harry Nelson](#) was recently interviewed by Alexandra Schwappach of the *Los Angeles Daily Journal* about trends in healthcare law practice. In the *Daily Journal* article, which appeared October 22, 2013, Schwappach quotes Nelson about

on the topic of law firms trying to enter the Los Angeles healthcare law marketplace: “We have heard from a number of firms that lost their L.A. health care practices years ago and want to re-enter the market, but are struggling to do so because of the shortage of dynamic leadership with the skill set and necessary book of business to grow a health care practice group.”

While there have been numerous law firms attempting to develop or merge healthcare law practices in Los Angeles into their firm, Nelson Hardiman remains the second largest group of healthcare lawyers in Los Angeles and in California, behind the Hooper Lundy & Bookman law firm. In a survey last year, *Modern Healthcare.com* ranked Nelson Hardiman as the 65th largest group of healthcare lawyers nationally, with the vast majority of larger practices being large “national” law firms that combined healthcare law practices across major cities outside California. [Nelson Hardiman](#) was one of the only [healthcare law firms](#) operating from a single office, although

the firm is exploring opening additional offices in other parts of California to support its regional practice.