



Healthcare Providers Crisis Management and Strategic Response

All crises—whether arising from a corporate emergency, a catastrophic event, or negative publicity—require a coordinated response on an expedited timeline. Sidley has a proven track record of helping leading national healthcare providers manage crises requiring the quick action, strategic insight, and litigation know-how critical to protecting a company's business and reputation. Working closely with our healthcare industry clients in both responding to and handling crises, we provide tailored solutions to meet our clients' needs. Sidley has long counseled healthcare providers of all types through their highest-profile issues, from major enforcement actions involving allegations of billing improprieties, kickbacks, self-referral violations, and quality of care issues, to transformative transactions and reimbursement changes that threaten their financial viability. Based on our experience in the industry and the close collaboration between the lawyers in our healthcare regulatory and litigation and enforcement, government affairs, privacy, and transactional practices, among others, we bring to our work a deep and nuanced understanding of the healthcare industry. With two physician-lawyers and numerous other lawyers with substantial clinical experience, we are able to bring to our matters a very high level of clinical sophistication. We have found this experience to be especially valuable in matters involving our healthcare provider clients.

Major healthcare companies and organizations and their boards seek our counsel in times of crisis because we provide thoughtful, seamless advice for multi-faceted crisis situations. Sidley's healthcare crisis management team draws from this deep industry-specific experience and the significant relevant experience of our lawyers across practice areas to deploy swift, well-planned responses.

Comprehensive, Multidisciplinary Experience

We have decades of experience serving as our clients' first response team in the face of potential and emergent public crises, including those that uniquely impact healthcare providers, to establish and manage both the initial and long-term legal strategies, and assist with remediation efforts. Our work includes providing sophisticated advice in connection with:

- Responses to investigations by the Department of Justice (DOJ), Department of Health and Human Services, Office of Inspector General, state Medicaid Fraud Control Units, attorneys general and boards of licensure, the Occupational Safety and Health Administration, the Securities and Exchange Commission (SEC) and other oversight bodies
- Internal investigations, including whistleblower complaints
- Advising boards of directors, audit, and special committees

SIDLEY PROTECTS CLIENTS ON MULTIPLE FRONTS



Business Interests/
Reputation



Public/Media
Relations



DOJ/FBI/Law
Enforcement



Litigation/
Settlement/
Alternative
Resolution



SEC



Board
Inquiries/
Shareholder
Activism



Congress



Class Action/
MDLs/State
Coordinated
Actions



Government
Agencies

- Counseling on compliance, governance, litigation risks, and potential exposure arising from alleged misconduct, investigative findings, and negative publicity
- Environmental accident response
- Mass tort litigation and multidistrict litigation
- Cybersecurity breach incident response and prevention
- Congressional inquiries and subpoena response
- Managing legal, policy, political, or public relations considerations related to an investigation
- Advising on securities disclosure issues
- Investigating and responding to sexual misconduct and other employment-related allegations

Why Sidley?

We understand the level of trust that is required to handle the challenges that arise during and after a crisis. Our lawyers know how to balance internal and external effects, relationship dynamics, and optics.

Our team includes a number of former U.S. federal and state prosecutors and officials, many of whom served at high levels within the DOJ, SEC, and other key investigative and prosecutorial arms of the government. Several of our lawyers also served in the White House Counsel's Office, and in other senior positions at government agencies such as the Federal Trade Commission, Food and Drug Administration, and Department of Agriculture. With firsthand knowledge of how government agencies conduct investigations and prosecutions, we are able to help clients navigate these processes efficiently and effectively. While no crisis or situation is the same, Sidley has the right experience to guide your healthcare organization, including:

- Advising a hospital board of directors on obligations in the wake of a catastrophic event involving the loss of thousands of fetal embryos
- Advising a national provider's board of directors in the wake of grand jury subpoenas issued to the directors and company executives related to a DOJ investigation into alleged kickbacks
- Advising an academic medical center in connection with a DOJ and state attorney general investigation focused on alleged regulatory violations causing the spread of infectious disease and patient deaths in a NICU

How We Add Value

We will collaborate with you to help frame the narrative, recognizing that your reputation is paramount and media attention will only continue. Steps often include:

1. Mapping out a strategy based on clear objectives considering all stakeholders
2. Managing immediate and longer-term communications, including internal and external strategies
3. Preserving and gathering factual evidence
4. Interacting with regulators and other government agencies proactively and in response to inquiries
5. Coordinating all of the moving pieces so that you can focus on achieving your business goals



"They keep track of the various moving parts and they provide effective and responsive representation on sensitive and difficult matters."

— CHAMBERS USA 2020,
NATIONWIDE: HEALTHCARE

"They have deep expertise and a deep bench of people dedicated to this complex space."

— CHAMBERS USA 2020,
NATIONWIDE: HEALTHCARE

SIDLEY

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