MORANREEVESCONN
ATTORNEYS AT LAW

HEALTH CARE ADMINISTRATION & RISK MANAGEMENT

Administrative, Licensing, and Regulatory Matters

We represent medical providers not only in civil actions but also in administrative matters, including before the various professional boards within the Virginia Department of Health Professions. These matters include DHP complaints, compliance issues, investigations, and hearings.

As well, we represent our clients before various agencies in the Virginia Department of Social Services and the Virginia Department of Health. We have also assisted institutional clients with internal and external investigations and in managing public relations matters on the broadest scale.

Employment and Risk Management

Risk prevention and risk management are key aspects of our practice. Our attorneys represent hospitals, health care systems, academic medical centers, insurers, and self-insured entities in a variety of insurance, risk management, quality assurance, clinical ethics, and claims handling issues. Among the services provided are human resource and health care risk management, issuing coverage opinions, participation on ethics committees, and assistance in developing internal policies, procedures, and protocols.

General Business Counsel

Our health care, business, and real estate attorneys are frequently involved on our clients' behalf in the internal issues of physician practices, physician recruitment, physician services agreements, covenants not to compete, shareholder agreements, operating agreements, stock purchase agreements, deferred compensation arrangements, office leasing, and space planning. We serve as general counsel for some of our health care clients as well, both compensated and pro bono.

Hospital liability issues such as consent, patient care and treatment decisions, and discharge planning are handled by our health care attorneys with sensitivity and successful outcomes. Our attorneys also advise and assist in other complex situations that arise in the delivery of health care, such as the appointment of guardians, custody disputes, and judicial authorization for treatment. We frequently assist our clients with complicated HIPAA and other confidentiality issues, along with EMTALA and the other regulatory requirements our clients are face daily.

COVID-19 Counsel

COVID-19 brought forth changes in the law and to the health care litigation landscape. We serve as COVID defense counsel for several clients that have faced potential liability as employers, business owners, corrections institutions, health care providers, skilled nursing facilities,

Contact

Kathleen M. McCauley
804.864.4807
kmccauley@moranreevesconn.com

Taylor D. Brewer
804.864.4805
tbrewer@moranreevesconn.com

and assisted living communities.

REPRESENTATIVE CASES

- Dismissal of a suit in Lynchburg, Virginia against a health system, school of medicine, and an agent of the health system on Special Pleas of Sovereign Immunity wherein the plaintiff claimed negligent misrepresentation, negligent maintenance and dissemination of reports bearing a forged signature of the plaintiff, bad faith, and failure to investigate or disclose forgery. The plaintiff appealed to the Supreme Court of Virginia, but the Court found no reversible error of the lower Court's dismissal of the case and refused the petition for appeal.
- Dismissal of a suit in Fairfax, Virginia against a hospital involving wrongful death and survival causes of action wherein the plaintiff claimed negligent care of a patient who was treated in the emergency room for intracerebral hemorrhage. The plaintiff appealed to the Supreme Court of Virginia, and it refused the petition for appeal, and later dismissed the petition for rehearing.
- Forced non-suit in the County of Chesterfield, Virginia against a hospital after arguing a Motion to Strike Plaintiff's Expert Designation and Motion for In Camera Review of Plaintiff's Written Expert Certification. The case involved allegations that hospital staff caused the traumatic removal of the plaintiff's Foley catheter after a cardiac bypass procedure.
- Dismissal of an infectious disease physician on a renewed motion to strike at trial, and defense verdict of the remaining four defendant physicians in the City of Richmond, Virginia. Throughout the work-up of the case before trial, a dismissal of the hospital entities and multiple other physicians was obtained. The case involved allegations that the decedent's death was caused by the failure to diagnose and treat a CNS infection.
- Dismissal of a suit in the City of Richmond, Virginia against an internist and physician assistant wherein the plaintiff alleged falsification of medical records and the unauthorized dissemination of protected health information. The plaintiff thereafter appealed to the Supreme Court of Virginia, but the Court found no reversible error in the judgment and refused plaintiff's petition for appeal.
- Dismissal of a suit in the City of Richmond, Virginia against a hospital wherein the plaintiff alleged violation of various constitutional rights and negligence.
- Multiple dismissals of suits in the City of Richmond, Virginia against a hospital wherein the plaintiff alleged falsification of medical records. The plaintiff appealed to the Supreme Court of Virginia, but the Court found no reversible error and refused plaintiff's petition for appeal.
- Dismissal of a wrongful death suit in the County of Chesterfield, Virginia against a hospital and ultimate dismissal of the plaintiff's appeal to the Supreme Court of Virginia.
- Dismissal of a suit in the City of Hopewell, Virginia against a hospital wherein the plaintiff alleged that the hospital failed to appropriately treat the plaintiff's infected finger and inappropriately discharged the plaintiff. The plaintiff thereafter appealed to the Supreme Court of Virginia, but later withdrew his appeal.
- Forced non-suit and final dismissal of a suit in Henrico, Virginia against a nursing home after filing multiple dispositive motions. The case involved allegations that the decedent sustained a non-displaced tibial plateau fracture during a transfer and an improper discharge from the facility.
- Forced non-suit and final dismissal of a suit in the County of Chesterfield, Virginia against a hospitalist after filing and arguing just before trial a Motion to Strike Plaintiff's Expert Witness Designation. The case involved allegations that the defendant failed to properly address, diagnose, and treat the decedent's pressure ulcers and infection that caused her death.
- Defense verdict for an otolaryngologist and his practice group in Richmond, Virginia involving the allegations that defendants negligently caused an esophageal perforation and a myriad of other complications as a result of an attempted esophageal endoscopy.