

OUR PRACTICE

Labor & Employment – Health Care

Baker Donelson's knowledge and experience in both health care and labor and employment law means we understand the needs of employers in the health care industry and can move quickly to help them identify and respond to risks and challenges. Our dedicated Health Care Labor & Employment Group combines the talents and experience of veteran labor and employment lawyers with the knowledge of attorneys from our nationally recognized Health Law Department.

The attorneys in this group assist health care employers nationwide with all aspects of work force management, from compliance and training to litigation and mounting union counter-organizing campaigns. This group thrives because collaboration and teamwork are integral to Baker Donelson's culture, and they are able to provide knowledgeable advice and strategic counsel in many areas, including:

Contracts. Our lawyers have extensive experience drafting and interpreting contracts between health care companies and various professionals, including physician employment agreements, non-compete agreements, medical director agreements, exclusive provider agreements, coverage agreements and physician recruitment agreements. Because of our extensive industry experience, clients can trust that these contracts comply with federal and state fraud and abuse laws, Medicare prohibitions on reassignment and other statutory and regulatory challenges that are unique to health care.

Compliance Advice. Our employment attorneys provide compliance advice to pharmaceutical manufacturers, hospitals, physicians' groups, and many other health care clients on a full range of issues, including wage and hour, employee termination, disability, family and medical leave, hiring, drug testing and background checks.

Employment Policies and Handbooks. We regularly prepare employment policies, handbooks and training for health care providers and others, paying special attention to complicated regulatory issues.

Defense of Employment Claims. Our employment attorneys have successfully defended discrimination claims and lawsuits brought by current and former employees of health care companies before the Equal Employment Opportunity Commission (EEOC), the Department of Labor and state and local agencies. We represent clients in administrative actions and state and federal courts across the U.S., including actions that involve allegations of discrimination on the basis of age, religion, race, disability, sex and retaliation.

Labor. Baker Donelson attorneys have proven success helping health care employers resist union organizing activities. We have represented numerous clients in hearings at the National Labor Relations Board (NLRB), some of which involved groundbreaking disputes that addressed significant public policy issues. We also help clients negotiate with existing unions, including those representing nurses.

Immigration. Our Health Care Labor & Employment Group includes experienced immigration attorneys who help health care providers and companies secure work visas for executives, physicians and nurses, among others.

OSHA. Our attorneys regularly advise and assist health care clients with their often unique and complicated OSHA compliance needs.

ERISA Compliance and Litigation. Our benefits attorneys counsel health care companies on ERISA compliance and benefit plan administration issues.



Representative Matters

- Obtained judgment in favor of a health care system in arbitration proceedings against claim brought by former employee alleging the system breached his employment agreement by failing to pay him severance benefits after he claimed he had experienced a diminution of authority, duty, or responsibility following a change of control transaction.
- Defended a large health care practice in a lawsuit filed by a former affiliate and physician members alleging breach of contract, tortious interference, and wrongful termination. Reached a favorable settlement for the client at mediation.
- Defended a large physician-owned health care practice in a breach of contract and defamation lawsuit filed by former physician partner. Won a jury verdict in favor of the client on all counts, and obtained confirmation of judgment before the Maryland Court of Special Appeals.
- Defended a national health care provider and one of its employees in a lawsuit filed by a former employee alleging race and national origin discrimination and retaliation. Secured dismissal or summary judgment on all claims filed by the plaintiff.
- Represented a national physical therapy provider and four of its affiliates and subsidiaries in a lawsuit filed by a former employee alleging retaliation under the federal and New York State False Claims Acts.
- Defended a complex breach of contract complaint filed against an individual related to an employment agreement that included non-competition, non-solicitation, and confidentiality provisions. Reached a favorable settlement for the client.