

# OUTSIDE GENERAL COUNSEL



## Outside General Counsel

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When coordinating with your health care organization's existing team to consolidate or enhance its legal functions, the Hall Booth Smith, P.C. Outside General Counsel (OGC) approach helps to enable small and medium health care organizations to compete with larger operators by providing statewide, high quality legal counsel at a fraction of the cost.

### About Our Practice

Federal and state regulation of health care providers, suppliers, and other industry participants has become increasingly complex in recent years. In addition, enforcement tactics of government agencies can be both confusing and intimidating for these organizations. When serving in an OGC capacity, the attorneys at HBS strive to complement and/or increase a small or medium health care organization's legal capabilities through a client-team centered approach. Together, we help guide them through the compliance maze, helping all varieties of care companies understand and manage their approach to patient care within government standards. The OGC will serve as the point of contact for all of the organization's legal health care issues throughout the State of Georgia, serve as an advisor to the organization's senior management team, and as an on-call resource for midmanagers.

HBS does not view a client matter or lawsuit as an economic advantage to our firm. Instead, we believe it is an opportunity to assist our clients in moving their business forward while providing the best solutions possible. We also believe that there is a difference between a lawyer marking time and a lawyer solving problems with innovative thinking. HBS brings a broad structure to serve our clients across many areas, allowing for the development of a multifaceted relationship that can create economic efficiencies.

Every client is unique and requires a bold plan to achieve a resolution to fulfill his or her respective goals. We start out understanding the goal and desired outcome while maintaining communication to keep you informed of progress at each stage of the project or litigation process. We continue to evaluate progress to reach the ultimate goal and adjust if circumstance demands. OGC relationships can be structured in a variety of ways, from monthly subscription agreements to hourly billings.

Our statewide network of offices allows us to provide high quality legal services to all of Georgia, without the expense of traveling from our headquarters in Atlanta. OGC contracts can provide for incentives or penalties based on company performance on agreed to metrics. Typical functions of our health care OGCs include:

- Provide statewide, on-call and emergency response to critical events including criminal acts, involuntary discharges and unexpected media attention, including response to all subpoenas for regulatory and clinical care (civil, government, etc.).
- Supervise survey, certification, enforcement issues, government investigations, compliance and OSHA related matters including STARK and anti-kick back issues.
- Handle professional license enforcement issues, assist in litigation and provide general legal advice and representation at trial.
- Advise senior managers on the implementation of new laws and the business impact, compliance with HIPAA, and overall compliance and regulatory representation.
- Provide guidance in all employment, contracts and workers' compensation programs.
- Participate in insurance or self insurance programs including securing coverage counsel, writing policy language and dealing directly with brokers and underwriters.
- Advise and assist in business expansion activities including the negotiation and structuring of mergers and acquisitions, and the preparation of buy-sell, stock purchase, and asset purchase agreements.
- Assist and advise on matters of internal corporate governance.
- Assist in governmental relations on key legislation, enactments, and certificates of need.

## Teams

## Leadership



### **Rush S. Smith, Jr.**

**Partner**

HBS Atlanta Office

T: 404.954.6937

**rsmith@hallboothsmith.com**

[VIEW OUR FULL TEAM](#)

## Related Industries

## Health Care

Already among the most regulated industries, and now grappling with the uncertainty regarding the impact of the Patient Protection and Affordable Care Act and other reforms, the health care industry and those doing business with the sector rely on HBS to advise on and effectively resolve their business, legal, and regulatory challenges. We advise on all aspects of our clients' healthcare related businesses from structuring, employment issues, office management, corporate governance and transactional matters to malpractice issues, patient privacy, records retention and data protection.

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