



Joy Heath

Partner

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Joy Heath has over 30 years of experience representing clients in the health care industry in business and regulatory matters, primarily focusing on Certificate of Need (CON), acquisitions and compliance-related matters.

She has a well-established track record in helping providers efficiently navigate CON regulations in North Carolina, advising them in all phases of CON strategic planning and litigation, so they can expand their services by increasing the number of their facilities, beds and equipment offerings.

Joy's health care clients include providers across the spectrum of health care delivery, including hospitals and health care systems, long-term care providers, physician practices, home health and hospice providers, medical equipment suppliers, diagnostic imaging companies and specialty providers. She works alongside the firm's attorneys in North Carolina and Virginia, a number of whom have practices focused exclusively on the representation of health care clients, to help clients address compliance matters, achieve their growth goals and contend with a variety of issues in the highly regulated health care industry.

Joy and the attorneys in the firm's Health Care Section are well-versed in a range of compliance topics such as HIPAA and the federal and state Stark and Anti-Kickback laws. Together with others in the firm, Joy advises on work related to federal and state health care fraud and abuse regulations and the representation of health care providers in multiple courts and jurisdictions. She offers providers timely, competent advice on day-to-day operational issues, as well as matters of special concern such as surveys, subpoenas, audits and the like. Our lawyers frequently work with health care industry clients to structure deals ranging from single facility purchases to large scope acquisitions that are tailored to address the unique considerations that arise for provider clients.

Prior to joining Williams Mullen, Joy owned her own firm, where she practiced for 15 years. Before that, Joy headed the health care practice for the Raleigh office of Moore & Van Allen, PLLC. Before that, she

practiced in Washington, D.C. with Akin, Gump, Strauss, Hauer & Feld, one of the nation's largest law firms.

Joy is a graduate of the University of North Carolina at Chapel Hill with a degree in public policy and received her law degree with honors from the University of Florida in 1986. She is admitted to practice law in Florida, the District of Columbia and North Carolina. Joy is a Council Member of the Health Law Section of the North Carolina Bar Association and the Health Law Section of the American Bar Association, and she is a member of the North Carolina Society of Health Care Attorneys.

In 2015-2016, Joy offered conference presentations at the request of The Carolinas Center for End of Life Care, the North Carolina Association for the Treatment of Opioid Dependence and the North Carolina Association of Long Term Care Facilities. In 2015, Joy co-hosted a webinar program titled "Buying and Selling Skilled Nursing Facility and Assisted Living Beds in North Carolina." She is the author of a number of published articles, including, most recently, a piece titled '[Government Highlights New Focus on Physician Fraud](#),' which appeared in the ABA's flagship publication, *The Health Lawyer*.

Practice Areas

- Health Care
- Certificate of Need Litigation
- Health Care Litigation
- Health Care Reform
- Administrative and Regulatory Litigation
- Senior Housing Transactions
- Post-Acute and Long-Term Care

Experience

- Represented an orthopaedic physician practice in securing Certificate of Need (CON) approval for the development of a new surgery center. Following CON approval, worked with firm attorneys to assist the client in all phases of project development from real estate to governance to financing.
- Represented a hospital client in an American Health Lawyers Association Arbitration matter involving a dispute over medical equipment leasing arrangement.
- Represented a physician practice in a negotiated resolution of a CON matter involving competing proposals for a surgery center development.
- Represented multiple physician groups and surgery center management companies in obtaining CON approval to enter hospital-dominated markets.
- Represented interests of diagnostic imaging provider in a joint venture arrangement with a hospital.
- Assisted in the representation of a physician practice in a Federal Departmental Appeals Board (DAB) Medicare reimbursement matter.
- Advised on the application of North Carolina's Corporate Practice of Medicine doctrine to a proposed transaction.
- Represented a large orthopaedic physician practice in defending CON approval for the development of a surgery center against a challenge from a major hospital system. Handled all phases of the CON matter, including discovery and representation in a two-week Office of Administrative Hearings (OAH) hearing.
- Represented a Wake County long-term care provider in defending a CON approval for the development of a new 100-bed skilled nursing facility in a multi-party CON litigation matter.

- Represented a hospital client in the defense of a CON approval for the development of a surgery center against a challenge by a major hospital system.
- Assisted a specialty diagnostic services provider in addressing CON requirements applicable to its North Carolina facility operations. Identified a strategy for addressing the CON concern and implementing plans to resolve the issue to ensure client compliance with applicable requirements.
- Challenged a Centers for Medicare and Medicaid Services (CMS) determination to withdraw a supplier number from a medical equipment company based on the operation of business within multiple locations. Appealed the CMS action to the Departmental Appeals Board and worked to resolve the dispute through a negotiated settlement.
- Assisted a client in responding to a subpoena for records issued by the U.S. Department of Health and Human Services' (HHS') Office of Inspector General (OIG). Coordinated the review of voluminous client records and negotiated limits with government attorneys to facilitate a proper client response to the subpoena.
- Represented a health care provider in an acquisition of new health care capabilities in North Carolina. Handled all phases of the legal representation, from initial negotiations through due diligence, and execution of transactional documents.
- Assisted a health care client in the review and comprehensive re-write of agreements for various categories of employees within its health care organization. Provided representation and advice in connection with various employment-related issues arising within the provider's workforce.
- Regularly counsel clients on how to address HIPAA breach issues through appropriate actions within required timeframes. Assist in ensuring that scenarios are handled effectively and in accordance with legal requirements.
- Represented a large diagnostic imaging provider in a CON matter involving a competitive proposal for medical equipment. Worked to resolve a CON dispute through a negotiated settlement.

Education

- University of Florida Fredric G. Levin College of Law (J.D.), 1986
With Honors; four American Jurisprudence Awards for Highest Class Grade
- University of North Carolina at Chapel Hill (B.A., Public Policy), 1983
Intern, North Carolina Department of Justice & Department of Correction

Professional Affiliations

- North Carolina Bar Association - Health Law Section, Council Member
- North Carolina Society of Health Care Attorneys