

Luther.



Health Care and Medical

We care for your business.

The health care market already accounts for slightly more than 10 % of the German gross domestic product and is one of the most important industries in the German and European economy. Because the general economic conditions and health policy have been subsequently reformed, this market is constantly faced with profound changes.

The German health care market can be taken as a representative sample for the recent development in European health care: As Germany is now encountering the end of the convergence phase, the final introduction of so-called Diagnosis Related Groups (DRG) as a compensation model on the basis of case-based flat rates as well as the increase in the morbidity rate and the general demographic development in Germany lead to a greater cost pressure especially for hospitals and to considerable financing gaps in the field of investments, among other areas.

These lasting, extraordinary requirements which managers of health care companies and hospital owners have to face, can ultimately only be handled with concepts well thought out from a legal and economic viewpoint and with a thorough knowledge of the industry.

The Luther industry group Health Care & Medical offers companies and health care institutions alike comprehensive advice in all legal and tax matters pertaining to the health care system. In addition to the traditional specialist areas of transaction advice, physicians' liability law, pharmaceuticals law, medical products law and health insurance company law, our expertise, for example in connection with setting up referral structures and integrated health care systems, also covers the most recent developments in the hospital market.

At Luther we are operating with a team of more than 20 lawyers specialising in the Health Care & Medical industry. Thus we support clients from all sections of the health care market with lasting success especially in matters such as restructurings, (partial) privatisation, financing models and reorganisation plans. The industry group Health Care & Medical is comprised of specialists from various practice areas who, working as a team, are used to bundling their experience and special competencies in each project. As a result of our long-time expertise in the health care market we are regularly collaborating with transaction advisors and medical economists in order to devise tailor-made solutions for our clients.



Our practice areas

Corporate Law/M&A

- Acquisition and sale of companies operating in the health care market and of hospitals, including (partial) privatisations
- Restructurings (in particular mergers of hospitals or establishment of holding structures)
- Joint ventures/stakes in companies from the health care sector
- Formation of (owner) companies and co-operations (health care and medical technology)
- Further development of university medicine, including assistance with legislative processes
- Advice on financing issues (acquisition financing)
- Assistance with corporate reorganisations, insolvency advice

German Hospital Law

- Advice in connection with hospital planning, representation in legal actions
- Hospital financing law
- Hospital promotion and investment costs law
- Hospital per diem charges and operating costs law

Medical and Pharmaceutical Law

- Medical and pharmaceutical law (pharmaceutical industry and medical technology)
- Statutory rules of conduct for physicians
- Medical products law and blood transfusion law
- Curative treatment law
- Drug advertising law
- Law regarding advertising by physicians/ pharmaceutical-promotion
- Competition law, protection of intellectual property

Antitrust Law

- Merger control in the hospital market/ health insurance market
- Misuse control
- Advising on co-operations/joint ventures
- German and European merger control
- Advice on compliance issues and administrative fine proceedings with respect to the formation of cartels

Employment Law

- Employment law matters in the context of transactions and privatisations
- Reorganisations as a matter of employment law
- Reconciliations of interests/social plans
- Collective bargaining and law regarding collective bargaining agreements, including negotiations with respect to collective bargaining agreements
- Works constitution
- Company pension plans
- Employment contracts and service agreements for executive employees and managing directors, chief physician contracts

Public Procurement and Public Commercial Law

- Assistance with complex, structured bidding and privatisation processes with respect to public procurement law
- Advice regarding procurement processes and legal disputes
- Public private partnerships
- Calls for tenders in the health care industry (participations, co-operation agreements)
- Advice in matters regarding national and European constitutional law, administrative law and economic administrative law
- Support with legislative projects
- Subsidy law

Tax Law

- Developing tax structures for transactions
- Devising tax structures for the formation of joint ventures and co-operations
- Tax optimization in connection with restructurings in the health care industry

Luther Rechtsanwaltsgesellschaft mbH advises in all areas of business law. Our clients include medium-sized companies and large corporations, as well as the public sector.

Berlin, Brussels, Cologne, Dusseldorf, Essen, Frankfurt a. M., Hamburg, Hanover, Leipzig,
London, Luxembourg, Munich, Shanghai, Singapore, Stuttgart, Yangon

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