This is your new

Health Care Mergers and Acquisitions Answer Book 2014

Edited by
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The complexities of mergers, acquisitions, and similar transactions are made even more challenging when the entities involved do business in the heavily regulated health care industry. Whether the deal involves a pharmaceutical company’s acquisition of a biotechnology company to fill its product pipeline, a nonprofit hospital’s sale of its assets, the formation of a joint venture or a subsidiary to develop and market a medical device, the acquisition of a physician practice, or some other type of deal, health care M&A transactions require a basic understanding of diverse areas of law and practice.

That understanding is provided by Health Care Mergers and Acquisitions Answer Book 2014, where more than fifty experts in the field, led by Andrew L. Bab and Kevin A. Rinker, share their knowledge and substantial practical experience. They offer their insights and analysis in a clear question-and-answer format, addressing hundreds of questions like these:

- When should a transaction be structured as a stock purchase as opposed to an asset purchase? What are contingent value rights? What is the most common type of purchase price adjustment used in health care M&A transactions? What are common joint ventures and strategic alliances involving pharmaceutical and biotechnology companies?
- What is the Medical Device User Fee and Modernization Act? What is five-year “new chemical entity” exclusivity under the Hatch-Waxman Act? What information must be provided to FDA if a company initiates a recall? What are the differences between the Stark law and the Anti-Kickback Statute? What is criminal “health care fraud”?
- How may the benefit of a health care facility license be “transferred” from seller to buyer? What limitations arise in connection with the transfer and maintenance of patient medical records?

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• What are the key intellectual property due diligence issues in health care M&A transactions? What due diligence should be conducted to determine whether the proposed transaction triggers a change-of-control or anti-assignment provision in any of the target’s contracts?

• What industry-specific representations and warranties are typically included in health care acquisition agreements? What types of regulatory approvals and third-party consents may be included as closing conditions in health care M&A agreements? What purposes do indemnities serve in health care acquisition agreements?

The book also highlights current trends in health care M&A, assesses the impact of health care reform legislation, and provides extensive notes to guide further research. It includes a glossary and table of abbreviations as well as a topical index.

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