

Health Care Group Of The Year: Ropes & Gray

By **Andrew Karpan**

Law360 (February 1, 2022, 2:04 PM EST) --The ongoing pandemic has meant more billable hours for health care lawyers at Ropes & Gray LLP, who spent last year advising on COVID-19 testing regimes at universities in between their regular work of putting together billion-dollar health insurance deals, earning the firm a place among Law360's 2021 Health Care Groups of the Year.

For lawyers in the health care sector, the COVID-19 era has been a boom time for landing work from telehealth businesses. Deborah Gersh, who co-chairs Ropes & Gray's health care practice, told Law360 that her firm spent the last year swimming in new kinds of requests from clients.

"What it really did was put doctors in a position where, because offices were closed for nonessential services, they could still get online, if you will, with their patients," Gersh said. "We did a lot of work addressing those issues, from confidentiality to security to HIPAA privacy and state privacy laws, to licensing of physicians who were now reaching out to people across state lines."

Timothy McCrystal, another Ropes & Gray lawyer who also co-chairs the firm's health care practice, added that a lot of these changes are here to stay.

"The thinking in the market, generally, is that telehealth is here to stay," McCrystal said. "The expectation is that some of the loosening of the rules around site-of-service and licensure and providers and the like hopefully will stay in place, in some form at least."

The firm likes to boast that its health practice's response to the pandemic had been among the best in the country. In 2020, Ropes & Gray lawyers quickly landed work advising COVID-19 response task forces in New York and Massachusetts and sold its services to a number of health care providers on their day-to-day operations amid the pandemic.

Last year, as the pandemic continued, the firm worked with health care companies to market emergency use-authorized PCR tests to universities, which the firm's lawyers said were essential to keeping those campuses open without weathering more lawsuits over the tuition fees they charge.

"It was sent to universities to allow them to open campuses," Gersh said. "It was critical, especially



earlier on, in moving that forward and getting people back to normalcy."

Deals were another element of modern business life that Ropes & Gray lawyers helped return to normalcy.

Big deals in the insurance sector hung over the firm's work over the past year. Attorneys in the firm's health care practice packaged a dental benefits sales company called DentaQuest in its \$2.48 billion cash-and-debt sale to Sun Life Financial.

Here's an even bigger number: \$8 billion. That's how much the firm estimates the deal it worked on between Harvard Pilgrim Health Care and Tufts Health Plan was worth, which created a single health care company to bill 2.4 million people in the United States.

"There's general consolidation that's been going on for years in the industry that continued — for strategic [reasons] for buyers and investors as well," McCrystal said. "COVID [also] drove additional forms of acquisitions."

Datavant, the San Francisco health care technology provider that helps run the COVID-19 Research Database, also generated some work for lawyers at Ropes & Gray last June when the private equity-backed Ciox Health wanted in via a combination. That deal ended up totaling about \$7 billion.

The loosening of the laws also helped.

"Laws were relaxed under emergency use orders by [the Office of Inspector General], [the Office for Civil Rights] and the Department of Health and Human Services to allow licensing and whatnot, but what that really did is that it opened up the avenue for acquisitions," Gersh said.

The firm's lawyers have also been on the receiving end of interest from other private equity investors who have started to see home care as a great place to make some more money.

They were hired, for instance, to package a Chicago-based company called Help at Home in its sale to Centerbridge Partners and the Vistria Group for an undisclosed sum. The response to COVID, McCrystal said, was responsible for driving attention to those companies among investors.

"I think we'll continue to see more care delivered outside of traditional, institutional settings," McCrystal added.

--Editing by Steven Edelstone.