Robert A. Anderson

Partner - Retired

Robert Anderson retired from Krieg DeVault with over 30 years of experience in healthcare, litigation, and issues facing health care providers. His diverse practice gives him a unique and practical understanding of the relationship between legal, compliance, and operational issues and the challenges faced by in-house legal teams in healthcare organizations. He has advised and represented healthcare providers, including hospitals, medical groups, skilled nursing facilities, physicians, residents, nurses, and others in a broad array of compliance, regulatory, and litigation matters. He served as general counsel for a hospital system and multi-specialty physician group for several years, drafted or reviewed hundreds of contracts on behalf of healthcare providers, tried numerous cases to verdict before judges and juries, and appeared before regulators, trial courts, and appellate courts at both the state and federal levels in Indiana and Illinois.

Mr. Anderson assists clients with state and federal privacy issues. He counsels clients on the use of electronic health record systems, meaningful use of certified electronic health record technology, and issues associated with information blocking.

Mr. Anderson previously served for several year's on the firm's Executive Committee, and currently serves on the firm's Innovation, and Information Technology Committee.

Education

- J.D., *magna cum laude*, University of Notre Dame Law School, Notre Dame, Indiana, 1990
- B.S., *Highest Distinction*, Indiana University, Gary, Indiana, 1986

Bar & Court Admissions

- Indiana, 1990
- U.S. District Court for the Northern District of Indiana, 1990
- U.S. District Court for the Southern District of Indiana, 1990
- Illinois, 2009

Certifications

- Legal Lean Sigma® White Belt

Practices

- Litigation and Dispute Resolution

- Nonprofit and Exempt Organizations
- Health Care Litigation
- Stark Act Compliance
- Long-Term Care Providers
- Hospitals and Health Systems

Industries

- Health Care

Representative Experience

- Served as outside General Counsel to multi-hospital system and large, multi-specialty physician group
- Successfully appealed denial of property tax exemptions for physician office buildings to the Indiana Board of Tax Review following full evidentiary hearing
- Obtained numerous preliminary injunctions enforcing restrictive covenants against physicians and defended physicians in restrictive covenant enforcement actions
- Tried numerous medical professional liability cases to jury verdict
- Successfully represented healthcare system in False Claims Act qui tam action

Areas of Practice Concentration

- General Healthcare Litigation
- Restrictive Covenants
- HIPAA Privacy & Security matters
- Mental Health Law and Drug & Alcohol Rehabilitation Regulations
- Medical Professional Liability
- Healthcare Compliance, including Stark, Anti-Kickback, and False Claims Act
- Not-For-Profit law
- Medical Staff Hearings and Disputes

Professional Associations

- Member, American Health Lawyers Association
- Member, Indiana Bar Association
- Member, Lake County Bar Association

Seminars & Presentations

- Presenter, "From Policy to Practice: Hospital Codes of Conduct in Action," Indiana Hospital Association Safe & Sound Webinar, February 5, 2026
- Court Finds Restrictive Covenant Unenforceable Against Hospital-Based CRNA’s
- To Treat, or Not to Treat … Decisional Capacity

- Indiana Legislature Modifies Medical Consent and POST Statutes
- Keys to Successful Admission of Exhibits into Evidence
- Consents/HIPAA & Surrogate Decision Makers
- Nursing Documentation
- Legal E-Holds and E-Discovery
- Depositions for Healthcare Providers
- Avoiding Collisions at the Intersection of Healthcare and Law Enforcement
- Informed Consent: Who, What, When, Where & Why? (Not Necessarily In That Order)
- Basics of Informed Consent
- Confidentiality, Privilege, and Risk Management
- Mental Health and the Law in Indiana
- Restrictive Covenants and the Progression of the Law in Indiana
- The Facts, Just the Facts: Best Practices for Responding to Medical Credentialing Requests after Kadlec

Publications

- Co-Author, "Inquiring Minds Want to Know - Limit Access to PHI to Prevent Snooping," July 6, 2023
- Co-Author, "Hold on a Minute! Indiana Legislature Changes the Rules for Emergency Detentions," June 7, 2023
- Co-Author, "Business Associate Fined Under HIPAA For Maintaining PHI on Unsecured Server," June 6, 2023
- Co-Author, "Religious Health Care Providers, The ACA, And Gender Transition Procedures," December 21, 2022
- Co-Author, "PHI Here, There, and Everywhere - Liability for Improper Disposal of Items Containing PHI," September 14, 2022
- Co-Author, "It’s Time to Come to Terms with New Surprise Billing Laws," February 1, 2022
- Co-Author, "Mental Health Provider’s Tarasoff* Duty is Alive and Well in Indiana," November 18, 2021
- Co-Author, "OCR Shows Unwavering Commitment to Right of Access Initiative," Indiana Lawyer, July 2021
- Author, "Getting Staff to Report Impaired Physicians May Have Just Become More Difficult," August 31, 2021
- Co-Author, "Balancing Patient Privacy with Access to Electronic Medical Records Could Trigger Medical Malpractice Liability," June 14, 2021
- Co-Author, "Taking Health IT to the Next Level - Inoperability and Information Blocking," American Bar Association's The Health Lawyer," June 1, 2021
- Co-Author, "Time for a Check Up: HIPAA Privacy Rule Modified for the First Time Since 2013," March 23, 2021
- Co-Author, "Does Wining and Dining EHR Prospects Trigger False Claims Act Liability?" February 10, 2021
- Co-Author, "Is Your Non-Compete Buy-Out Reasonable?" January 27, 2021

- Co-Author, "Don't Get Caught Information Blocking: What You Need to Know," Indiana State Medical Association E-Report, January 28, 2021
- Co-Author, "Court of Appeals Clears the Way for CMS's Hospital Price Transparency Rule," December 30, 2020
- Co-Author, "Speak Now or Forever Hold Your Peace: HHS Proposes Modifications to the HIPAA Privacy Rule," December 11, 2020
- Co-Author, "COVID-19, Faith, and 'Technical Assistance' from OCR," November 3, 2020
- Co-Author, "ONC Extends Information Blocking Deadlines," November 3, 2020
- Co-Author, "CMS's Dramatic Price Transparency Rule Set to Take Effect January 1, 2021," October 23, 2020
- Co-Author, "OCR Seeks Balance Between COVID-19 Precautions and Fundamental Religious Liberties," July 29, 2020
- Co-Author, "Indiana Imposes Requirements on Physician Noncompete Provisions," May 17, 2020
- Co-Author, "CMS Announces Recommendations for Reopening Facilities to Provide Non-Emergent Health Care," April 19, 2020
- Author, "Proposed Bill Would Require Medical Bill and Out of Pocket Estimates to Patients," January 9, 2020