



Robert A. Anderson

Partner

Offices: Merrillville, Chicago

randerson@kdlegal.com

p: 219-227-6104

f: 219-227-6101

Robert Anderson is a skilled attorney 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 serves on the firm's Executive, Innovation, and Information Technology Committees.

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)

Practices

- Litigation and Dispute Resolution
- Nonprofit and Exempt Organizations

- Health Care Litigation
- Stark Act Compliance
- Long-Term Care Providers
- Hospitals and Health Systems
- Pharmacy and Pharmaceutical Law

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

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

Publications & Presentations

- 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, "Is Your Non-Compete Buy-Out Reasonable?" Krieg DeVault Health Care Newsletter, January 2021
- Co-Author, "Don't Get Caught Information Blocking: What You Need to Know," Indiana State Medical Association E-Report, January 2021
- Co-Author, "Court of Appeals Clears the Way for CMS's Hospital Price Transparency Rule," Krieg DeVault Health Care Newsletter, December 2020
- Co-Author, "Speak Now or Forever Hold Your Peace: HHS Proposes Modifications to the HIPAA Privacy Rule," Krieg DeVault Health Care Newsletter, December 2020
- Co-Author, "COVID-19, Faith, and 'Technical Assistance' from OCR," Krieg DeVault Health Care Newsletter, November 2020
- Co-Author, "ONC Extends Information Blocking Deadlines," Krieg DeVault Health Care Newsletter, November 2020
- Co-Author, "CMS's Dramatic Price Transparency Rule Set to Take Effect January 1, 2021," Krieg DeVault Health Care Newsletter, October 2020
- Co-Author, "OCR Seeks Balance Between COVID-19 Precautions and Fundamental Religious Liberties," Krieg DeVault Health Care Newsletter, July 2020
- Co-Author, "Indiana Imposes Requirements on Physician Noncompete Provisions," Krieg DeVault Health Care Newsletter, May 2020
- Co-Author, "CMS Announces Recommendations for Reopening Facilities to Provide Non-Emergent Health Care," Krieg DeVault Health Care Newsletter, April 2020
- Author, "Proposed Bill Would Require Medical Bill and Out of Pocket Estimates to Patients," Krieg DeVault Health Care Newsletter, January 2020
- Co-Author, "Students, Consultants and Other Business Visitors...Important Safeguards", Krieg DeVault Health Care Newsletter (May 2019)

- Co-Author, "Medical Record Documentation: Is it a "No" or a "Not Completed"?", Krieg DeVault Health Care Newsletter (April 2019)
- Co-Author, "OCR Concludes Investigation of Allegations that the State of Hawaii Unlawfully Discriminated Against Pregnancy Resource Centers", Krieg DeVault Health Care Newsletter (April 2019)
- Co-Author, "HIPAA Violation leads to Criminal Conviction of Former Patient Coordinator", Krieg DeVault Health Care Newsletter (March 2019)
- Co-Author, "Illinois Appeals Court Upholds Denial of Property Tax Exemption for Hospice Center", Krieg DeVault Health Care Newsletter (March 2019)
- Co-Author, "Conscience and Religious Freedom Division of the Office of Civil Rights Concludes California Violated Conscience Protection Laws", Krieg DeVault Health Care Newsletter (January 2019)
- Co-Author, "HIPAA Business Associates...How Do I Know Thee?", Krieg DeVault Health Care Newsletter (November 2018)
- Co-Author, "Court Finds Restrictive Covenant Unenforceable Against Hospital-Based CRNAs", Krieg DeVault Health Care Newsletter (June 2018)
- Co-Author, "The Joint Commission to Require Immediate Notification for Loss of Deemed Status", Krieg DeVault Health Care Newsletter (June 2018)
- Co-Author, "CMS Proposes FOur Rules - SNF, IRF, Hospice, IPF", Krieg DeVault Health Care Newsletter (May 2018)
- Co-Author, "Indiana Legislature Modifies Medical Consent and POST Statutes", Krieg DeVault Health Care Newsletter (March 2018)
- Co-Author, "Recent Indiana Supreme Court Medical Malpractice Ruling", Krieg DeVault Health Care Newsletter (April 2017)