

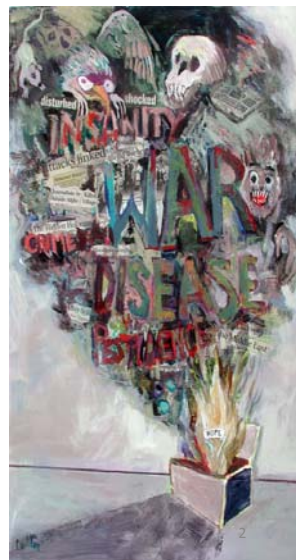
**Opening Pandora's Box:  
Regulatory Due Diligence in Healthcare Deals**



Donald H. Romano      27<sup>th</sup> Annual Health Law Conference      Sidney S. Welch  
**FOLEY**      May 1, 2015      **KILPATRICK**  
FOLEY & LARDNER LLP      Houston, TX      TOWNSEND  
ATTORNEYS AT LAW

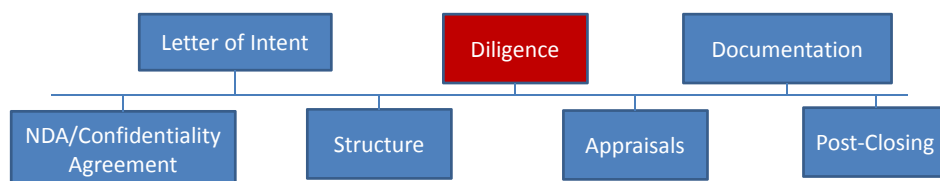
## Agenda

- Due diligence: Where to start and where to stop
- The Regulatory Hodgepodge & Checklist
- Identified Issues & Disclosure
- Documentation Concerns
- Managing Expectations
- Maximizing Privilege, As Appropriate
- Integrating Compliance
- Different Deals/Different Issues





## The Transaction Timeline & Opportunities for Diligence & Derailment



# Diligence

- Who
- What
- How
- Where
- When

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## Diligence: The Who

- Role of parties & their counsel
  - Assignment of responsibilities
  - Client assistance
    - Time consumption and staffing
    - Confidentiality concerns
    - Communications consistency
    - Time deadlines
    - Reasonable expectations
    - Third party alternatives
    - Authorized representatives
    - In-house counsel
  - Managing the non-healthcare attorney



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## Title search: Opening Pandora's Box: Regulatory Due Diligence in Healthcare Deals

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[M&A and Healthcare Transactions](#)

First appeared as part of the conference materials for the  
27<sup>th</sup> Annual Health Law Conference session

"Due Diligence Considerations in Today's Healthcare Deals"