



Farooq Mir
Attorney

T: 310.203.2800
F: 310.203.2727

fmir@nelsonhardiman.com

Admissions

State Bar of California

Affiliations

Los Angeles County Bar Association Health
Care Section

American Health Lawyers Association

California Society for Healthcare Attorneys

Education

Loyola Law School, J.D.

University of California, Los Angeles, M.P.H.

University of California, Irvine, B.A.

PROFILE

Farooq Mir concentrates his practice on business litigation, transactions, and dispute resolution on behalf of health care providers and payors. Farooq has a broad range of experience in healthcare factoring and asset based lending and provides creative solutions to clients throughout the health care industry.

Healthcare Factoring and Regulatory Counsel for Healthcare Providers

Medical providers, including physicians, medical practices, diagnostic and imaging facilities, nursing homes, hospitals, home healthcare companies, and surgery centers call upon Farooq for advice on California's evolving healthcare factoring industry. Likewise, hedge fund managers and investment firms have retained him to structure transactions in asset based lending and factoring in response to changes in California legislation. Farooq has a broad range of experience in asset based lending and healthcare factoring matters, focusing on California's workers' compensation system as well as personal injury, where providers offer services on a lien basis. Given the fluidity of the legislative climate for factoring and his deep relationships with key industry leaders, Farooq keeps clients up to date with changes in California's regulatory landscape.

False Claim Act, Fraud and Abuse and Other Healthcare Litigation

In fraud and abuse actions, Farooq defends providers against False Claims Act cases investigated by state and federal governments or brought by whistleblowers alleging over billing, upcoding, and unnecessary testing. He represents healthcare providers in civil litigation on a range of matters in the healthcare industry including contract disputes, labor and employment and real estate matters. Farooq also represents providers and institutions in peer review proceedings, including fair hearing practices and litigation associated with peer review proceedings. Among his institutional clients, he has advised university-affiliated medical centers in disciplinary proceedings involving medical staff.

Life Outside the Firm

When he is not immersed in the intricacies of healthcare law, Farooq can be found shooting hoops, weight training or cheering the Lakers. His boundless energy is tempered by the serenity that comes with his interest in coral reef aquariums, hiking, and international travel.

EXPERIENCE

- **California Medical Board** Successfully resolved a longstanding investigation by Operation Safe Medicine, a project of the Medical Board of California, helping a doctor avoid criminal prosecution by proactively addressing a physician compliance issue involving medical marijuana recommendations.
- **Civil Litigation** Obtained favorable settlement for medical billing provider in billing dispute involving \$900,000 in Medicare and private insurance claims.
- **Civil Litigation** Obtained terminating sanctions on behalf of a client against a business competitor for unfair competition and declaratory relief.
- **Healthcare Factoring** Secured a victory on behalf of a healthcare factoring company that received discovery requests from a personal injury litigant that sought to discover virtually all confidential and proprietary information related to the factoring company's purchase of accounts receivable from various healthcare providers. Farooq moved to quash the deposition on the grounds that the subpoenas sought documents that were irrelevant to the subject matter of the litigation, were confidential and proprietary in nature, and the scope of the subpoenas were oppressive and overly burdensome. The Superior Court agreed, finding that the information sought was not relevant to prove damages in the underlying case.
- **Healthcare Factoring** Successfully structured factoring transaction for six health care providers and three investment firms involving \$20 million in workers' compensation accounts receivable in response to changes brought forth by California Senate Bill 1160.

- **Fraud & Abuse** Successfully defended Special Investigative Unit (SIU) investigation brought by insurance carrier alleging worker's compensation billing fraud on behalf of prominent imaging facility.
- **Fraud & Abuse** Successfully defended Special Investigative Unit (SIU) investigation brought by insurance carrier alleging insurance fraud on behalf of a factoring company.
- **Peer Review** Successfully defended Petition for Writ of Mandate on behalf of institutional medical center involving discipline imposed upon a member of medical staff.
- **Peer Review** Successfully defended Petition for Writ of Mandate on behalf of prominent institutional medical center involving discipline imposed upon a member of medical staff. The petitioner, a medical staff member at the hospital, argued that she was denied due process when the medical center terminated her medical staff privileges. After briefing oral argument of the issues, the Superior Court ruled in favor of the medical center, finding that the decision of the medical center to terminate petitioner's medical staff membership was supported by the weight of the evidence and was not taken arbitrarily, capriciously or unreasonably.
- **Court of Appeal** Nelson Hardiman obtained an important victory for a hospital medical staff in the Court of Appeal. The Court upheld the client medical staff's decision, following peer review hearing, to terminate a physician's medical staff membership and privileges based upon the peer reviewers' determination that the physician's treatment in 6 cases was substandard, constituted poor clinical judgment and deficits in clinical knowledge. The physician claimed lack of notice that all privileges would be terminated and maintained the care provided was appropriate. The physician challenged the medical staff's actions and the decision of the peer review body. Nelson Hardiman successfully defeated the physician's action in Superior Court and then convinced the Court of Appeal to affirm the Superior Court's decision. The Court of Appeal determined that the physician failed to exhaust her administrative remedies at the peer review level because she failed to challenge the adequacy of the medical staff's termination and revocation notice until she sought to overturn the medical staff's decision in court. The Court of Appeal also noted that, in any event, the revocation and termination notice was legally sufficient. Furthermore, in response to the physician's argument that the medical staff's decision was defective because it was based in part on an unnoticed charge as to one of the 6 cases, Nelson Hardiman was able to convince the Court of Appeal that, even if there was error in the unnoticed charge, there nonetheless was more than sufficient grounds in the record to uphold the medical staff's decision.
- **\$750 Million Conspiracy** Claim Nelson Hardiman moved a doctor to quickly drop a \$750 million conspiracy claim against our client by threatening to seek attorney's fees if forced to defend a frivolous case.
- **Special Investigation Unit (SIU)** Successfully defended a healthcare factoring business from a two-year investigation by a major insurer challenging its business practices in dozens of cases.