

Partner Annie Kastanek and Co-Counsel Stephen Lee Discuss Seventh Circuit Victory with *Crain's Chicago Business*

Publications

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Annie Kastanek, Co-Chair of the firm's Appellate and Supreme Court Practice, and outside Co-Counsel Stephen Lee discussed the implications of their recent victory in *United States v. Sorensen* for the healthcare industry with *Crain's Chicago Business*.

The article, "Anti-Kickback Appeal May Clarify Legality of Health Care Advertising Deals," discusses the US Seventh Circuit Court of Appeals' rare decision to overturn a defendant's conviction under the Anti-Kickback Statute.

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In the article, Annie says the ruling is significant, as it's the Seventh Circuit's "first comprehensive examination of how the Anti-Kickback Statute applies to advertising and marketing arrangements in the health care sector."

She noted that the court established a crucial distinction between two types of payments: illegal kickbacks to those who can make and influence health care decisions versus legitimate compensation for advertising services.

"This ruling provides much-needed clarity on permissible marketing and advertising relationships in health care," Annie said. "Organizations can engage in certain percentage-based compensation arrangements for marketing services without automatically running afoul of the Anti-Kickback Statute, provided these arrangements don't interfere with independent medical decision-making."

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