

**TEXAS BOARD OF LEGAL SPECIALIZATION**  
**STANDARDS FOR ATTORNEY CERTIFICATION**

**PART II**  
**SPECIFIC AREA REQUIREMENTS**

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I – General Requirements for requirements that apply to all specialty areas.

**SECTION XVI**  
**HEALTH LAW**

*(Area ID: HE / Year Started: 2002)*

- A. DEFINITION.** Health law is the practice of law dealing with federal, state, and local law, rules and regulations, and other jurisprudence affecting the health care industry and health care patients. It primarily deals with the operational, regulatory, and transactional legal issues arising from the application of these laws, rules, and regulations to patients, health care providers, health care vendors, and entities which pay for health care services, including without limitation, the relationships among providers, payors, vendors, and patients in the health care industry; and delivery of health care services.
- B. SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas health law by providing such information as may be required by TBLS.
1. **Certification.**
- a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 35% of his or her time practicing health law in Texas during each year of the 3 years immediately preceding application as defined in Section XVI, A of the Specific Area Requirements for Health Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas health law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
- (1) Applicant must have handled as lead counsel or in a primary capacity, several of the categories listed below in order to sufficiently demonstrate an expertise in Texas health law within the 3 years immediately preceding application by (i) counseling clients and educating clients which may include trade associations, (ii) advising or counseling clients with respect to the establishment or modification of procedures, practices, forms, programs, or transactions to comply with laws in those areas as they relate to health law, or (iii) representing clients in preparation of claims handled through mediation, arbitration, or litigation.
- (a) Health care antitrust;
- (b) Fraud and abuse/referral prohibitions;
- (c) Health care contract issues;
- (d) Managed care and managed care organizations;
- (e) Risk management/quality assurance/utilization review;
- (f) Licensure and certification;

- (g) Patient rights;
  - (h) Medical staff/professional rights;
  - (i) Physicians practice issues;
  - (j) Reimbursement and coverage (state and federal);
  - (k) Finance including tax/tax exemptions;
  - (l) Administrative proceedings;
  - (m) Hospital/institutional operations;
  - (n) Mental health;
  - (o) Drugs, devices, and IRBs;
  - (p) Business organizations, mergers and acquisitions;
  - (q) Labor and employment law;
  - (r) Privacy, confidentiality, and the HIPAA Privacy Rules;
  - (s) Governmental entities/political subdivisions; and
  - (t) Long term care.
2. **Recertification.** Applicant must have devoted a minimum of 35% of his or her time practicing health law during each year of the 5 year period of certification as defined in Section XVI, A of the Specific Area Requirements for Health Law except as provided for in Part I–General Requirements, Section VI, C,1(b).
- C. **REFERENCE REQUIREMENTS.** Applicant must submit a minimum of 5 names and addresses of persons to be contacted as references to attest to his or her competence in health law. These persons shall be substantially involved in health law and be familiar with applicant’s health law practice.
- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving health law matters within the 3 years immediately preceding application.
  - 2. **Recertification.** Applicant must submit names of persons with whom he or she has had dealings involving health law matters since certification or the most recent recertification.
  - 3. **Reference Types.** Applicant must submit 5 Texas attorneys who are substantially involved in health law.