



Margaret Surowka

She | Her | Hers

Partner

Albany

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Education

- Albany Law School, *Cum Laude*; *Albany Law Review*, Executive Editor for Production, JD
- Hamilton College, BA

Practices & Industries

- Health & Human Services Providers
- Health Care Controversies
- Labor & Employment
- Lobbying & Election Law Compliance
- Health Care

Admitted to Practice

- New York

Court Admissions

- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York
- US Supreme Court

Biography

Margaret serves as co-team leader of Barclay Damon's Health Care and Health & Human Services Providers Teams. A former general counsel at the New York State Dental Association with over 30 years of legal experience, Margaret has unique experience in health care and labor and employment. Her health care practice includes representing agencies, facilities, and individual providers in compliance matters, licensure, disciplinary, and ethics proceedings. She routinely counsels clients facing Medicaid, Medicare, and other governmental investigations and audits as well as assists with employment and contract matters. She assists clients with compliance programs and has successfully represented health care entities with significant disclosures to the federal and state government. Margaret also defends clients facing license revocation and represents them in disciplinary matters before the Office of Professional Medical Conduct and the Office of Professional Discipline. She also has defended daycare centers in proceedings brought by the New York State Office of Children and Family Services.

Margaret has decades of experience practicing labor and employment law. She counsels and represents employers on employment compliance issues and defends employers before the NYS Division of Human Rights. Margaret has conducted several internal investigations relating to sexual harassment allegations, discrimination complaints, and diversity and equity initiatives. She trains governing boards with respect to not-for-profit law and governance issues.

Bar Associations

- Capital District Women's Bar Association, Former President
- New York State Bar Association, Commercial & Federal Litigation, Health Law, and Corporate Counsel Sections
- Women's Bar Association of the State of New York, Former Legislative Committee Co-Chair

Selected Memberships & Affiliations

- Barclay Damon's Women's Forum
- National Institute of Trial Advocacy
- National Society of Dental Practitioners, Board of Directors Member

Representative Experience

- Represented numerous health care providers in OMIG audits and achieved termination and other successful audit results.
- Represented and advised clients undergoing OMIG compliance-effectiveness reviews.
- Represented health care professionals before state regulatory agencies and federal agencies with respect to licensure and Medicaid participation.
- Represented health care professionals with substance-use disorders in disciplinary, certification, and insurance matters.
- Represented and defended a restaurant owner in a NYS Department of Labor audit.
- Successfully defended a physician in a revocation proceeding and subsequent appeal by the medical board.
- Served as counsel in a trial in which the NYS Department of Health (DOH) and the NYS Office for People With Development Disabilities (OPWDD) were found responsible for funding the reasonable actual costs of administrative overhead in providing services under Medicaid.
- Conducted a sexual harassment investigation involving claims against a CEO.
- Conducted internal investigations relating to discrimination and diversity and equity.
- Trained and advised board of directors in not-for-profit law duties and obligations.
- Handled an internal sexual harassment and hostile work environment investigation for a not-for-profit agency and provided training on sexual harassment prevention.
- Conducted an internal investigation of an agency's policies and procedures in handling discrimination allegations and diversity, equity, and inclusion issues at the behest of the

CEO. An investigation and review were conducted and a summary was given to the CEO recommending new policies and procedures to improve diversity, equity, and inclusion efforts.

Prior Experience

- Hiscock & Barclay, LLP, Counsel
- New York State Dental Association, General Counsel
- McNamee, Lochner, Titus & Williams, P.C., Senior Litigation Associate
- Corbin Silverman & Sanseverino, Litigation Associate
- Chadbourne & Parke, Litigation Associate

Selected Community Activities

- Hubbard Hall Center for the Arts and Education, Board Chair

Selected Speaking Engagements

- Cerebral Palsy Associations of New York State Annual Conference, “Ask the Lawyer: Compliance and Quality Assurance,” Co-Presenter
- 45th Annual Association for Community Living Agencies in Mental Health (ACLAIMH) Conference, “Lawsuits, Audits, Investigation, and Other Legal Threats: Be Prepared for Your Next Legal Challenge,” Co-Presenter
- Barclay Damon, “Will Your Company Survive a Department of Labor Audit?” Webinar
- Greater New York Dental Meeting, “Medicaid Fraud Forum,” Moderator and Presenter
- Henry Spenadel Continuing Education Program, “Dental Jurisprudence and Ethics,” Course Developer and Presenter
- Nurse Practitioner Association of New York State, “Steps to Starting and Maintaining a Successful NP Private Practice”

Selected Media

- *Medical Economics*, "Physician Discipline in the New Age of Telehealth"
- *Medical Liability Monitor*, "Physicians With Multiple State Licenses Face Complex Disciplinary Risks"
- *NYSBA Health Law Journal*, "Nurse Practitioner Practice in New York State"
- *Bulletin for Ninth District Dental Society*, "A Guide to Avoiding OPD"
- *New York State Dental Journal*, "New York Setting the Standard for Responsible Dentistry"
- *New York State Dental Journal*, "Prescription for Passing Inspection"
- *MGMA New York New York Beat*, "COVID-19 Workplace Updates: Vaccinations and Safety Rule"

Selected Alerts & Blog Posts

- OMH's New Self-Disclosure Notification Protocol: What Providers Need to Know
- OMIG's Abbreviated Self-Disclosure Process: What Providers Need to Know
- The No Surprises Act: What Does It Mean for Covered Providers?
- Stay Lifted on OSHA Vaccinate-or-Test Rule: DOL to Begin Enforcement in February 2022
- Louisiana Federal Judge Expands Injunction Prohibiting Enforcement of CMS Vaccine Mandate Nationwide

Selected Podcasts

- *Barclay Damon Live: Labor & Employment Podcast*—"What's Up With COVID-19 Vaccination Mandates? Part 1: CMS and NY Vaccine Rules, With Maggie Surowka"