

Dena DeFazio

She | Her | Hers

Counsel

Albany

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Education

- Albany Law School, *Summa Cum Laude*; *Albany Law Review*, JD
- University at Buffalo, MSW
- State University of New York at Brockport, BS

Practices & Industries

- Health & Human Services Providers
- Health Care Controversies
- Data Security & Technology
- Health Care

Admitted to Practice

- New York

Biography

Dena focuses her practice on regulatory and compliance issues in the health care and human services industry and not-for-profit governance matters. She assists health care and human services providers with a wide range of regulatory and compliance matters, including advising on confidentiality requirements, reimbursement issues, compliance programs and self-disclosures, audits and investigations, professional practice issues, the provision of telehealth services, licensure and certification, and health information privacy and security compliance. Dena also advises not-for-profit providers on matters related to corporate formation and governance, corporate reorganizations, and regulatory compliance and approvals.

Dena has experience working with behavioral health, mental health, and substance use disorder providers; agencies serving individuals with developmental disabilities; nursing homes; hospital systems; federally qualified health centers; and home care agencies, among others. Dena's experience as a former social worker gives her a unique perspective in working with health care and human services providers and helps her develop comprehensive approaches to the challenges these providers face.

Dena also routinely conducts trainings and presentations for a wide range of industry stakeholders, including health care practitioners, administrators, employees, associations, and others, on providing affirming care and supporting the LGBTQIA+ community in professional health care environments. She also assists employers with labor and employment–related matters pertaining to the LGBTQIA+ workforce, including preparing and implementing workplace gender transition policies and gender transition plans to support transgender employees and providing corresponding training to management, administrators, and staff.

Bar Associations

- New York State Bar Association, Committee on Diversity, Equity, and Inclusion, Former Co-Chair; Health Law Section, Member; LGBTQ Law Section, Member; Young Lawyers Section, Member

Selected Memberships & Affiliations

- Barclay Damon's LGBTQIA+ Employee Affinity Network
- Barclay Damon’s Women’s Forum

Representative Experience

- Served as counsel to a home health care agency and provided representation in multiple audits by the Office of Medicaid Inspector General (OMIG), resulting in significant reductions in overpayment amounts. Also negotiated settlement agreements with OMIG, resulting in agreements for even lower overpayment amounts.
- Served as counsel to a direct support professional of a developmental disabilities provider and appealed a substantiated Category 2 physical abuse finding by the NYS Justice Center for the Protection of People With Special Needs, resulting in the findings being unsubstantiated.
- Served as counsel to a direct support professional of a developmental disabilities provider and provided representation appealing Category 1 serious physical abuse and Category 2 neglect findings by the NYS Justice Center for the Protection of People With Special Needs, resulting in both findings being unsubstantiated.
- Representing a not-for-profit rural health care enterprise in restructuring and corporate governance matters.
- Assisting a domestic violence education and advocacy agency with its corporate dissolution, not-for-profit incorporation, and 501(c)(3) status.
- Represented various pro bono clients seeking legal name and sex designation changes, and obtained orders granting leave to change name and sex designation from the applicable county supreme court.
- Assisted a licensed mental health counselor with the formation of a professional limited liability company.
- Assisted a hospital with preparing and implementing a Workplace Gender Transition Policy and Gender Transition Plan to support a transgender employee, and provided training to management, administrators, and staff on sexual orientation, gender identity, and gender expression.
- Assisted a federally qualified health center with health care regulatory and compliance matters, including confidentiality

requirements, Medicaid compliance requirements, and health information privacy and security compliance.

- Assisted a licensed mental health counselor and a licensed marriage and family therapist with professional practice issues, including confidentiality and related obligations.
- Assisted a behavioral health provider with a compliance investigation and corresponding self-disclosure regarding Medicaid billing compliance.
- Guided an assisted living program through the licensure and Medicaid enrollment processes.
- Assisted a behavioral health provider with amendments to its corporate bylaws and Certificate of Incorporation.
- Assisted in the merger of two behavioral health providers, including preparation of transaction documents, receipt of regulatory approvals for merger, and assignment of various contracts and other arrangements.

Prior Experience

- Barclay Damon LLP, Summer Associate
- Albany Law School Government Law Center, Law, Technology, and Entrepreneurship Legal Intern
- Albany Law School Clinic & Justice Center, Health Law Clinic, Legal Intern
- Albany County Family Court to Judge Susan Kushner, Summer Legal Intern

Selected Honors

- *Best Lawyers: Ones to Watch® in America*: Health Care Law, 2023–2027
- Selected to *Super Lawyers* Upstate New York Rising Stars: Health Care, 2021–2026
- Legal Aid Society of Northeastern New York, Private Attorney Involvement Pro Bono Award, 2025
- New York State Bar Association, Empire State Counsel, 2024
- Albany Law School, Gold Public Service Award, 2018; Moscowitz Health Law Clinic Prize, 2018
- In Our Own Voices, LGBT Community Advocacy Award, 2017
- Prisoners' Legal Services of New York, Robert F. Bensing Award, 2017

Selected Speaking Engagements

- 45th Annual Association for Community Living Agencies in Mental Health (ACLAIMH) Conference, "Pride in Practice: Advancing LGBTQIA+ Inclusivity in Mental Health Settings"
- Anxiety and Depression Association of America, “Telemental Health and the COVID-19 Pandemic: The Basics”
- New York Medical Group Management Association, “The New Information Blocking Rule: What Providers Need to Know” Webinar
- In Our Own Voices, Inc. Unity Through Diversity National Lesbian, Gay, Bisexual, and Transgender People of Color Health Conference, “Legal Considerations in LGBTQIA+ Health Care”
- American Bankruptcy Institute Annual Spring Meeting, “A Primer on Gender Identity and Pronoun Usage,” Diversity Working Group Presentation

Selected Media

- SUNY Brockport Department of Women and Gender Studies, "Alumni Check-In: Dena DeFazio"
- Healio, "What Providers Should Know About Changes to Substance Use Confidentiality Regulations"
- New York State Bar Association *Stride*, "The Supreme Court’s Affirmative Action Cases and the Impact on Diversity Initiatives"
- *Albany Law Review*, “Justice or Injustice? A History and Critique of the New York State Justice Center for the Protection of People With Special Needs”
- Syracuse.com, "Coronavirus Tips: How to See a Doctor Without Leaving Your House"
- Syracuse.com, "Coronavirus Way-of-Life: Doctors, Patients Turn to Telemedicine Like Never Before"
- *USLAW Magazine*, “When an Employee Transitions: What Every Employer Should Know”

Selected Alerts & Blog Posts

- NYS Department of Health Publishes Adopted Cybersecurity Regulations for Hospitals
- NYS Department of Health Publishes Amended Proposed Cybersecurity Regulations for Hospitals
- NYS Board of Regents Adopts Regulations on the Mental Health Diagnostic Privilege
- New York State Adopts Key Changes to Nation-Leading Cybersecurity Rules for Financial Industry

- OMIG's Abbreviated Self-Disclosure Process: What Providers Need to Know