

Fran Ciardullo

She | Her | Hers

Of Counsel

Syracuse

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Education

- Syracuse University College of Law, *Syracuse Law Review,* Survey Editor, JD
- Cornell University, BA

Practices & Industries

- Health & Human Services Providers
- Health Care

Admitted to Practice

- New York

Court Admissions

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

Biography

Fran primarily concentrates her practice on health care and risk-management issues. She routinely counsels physicians, physician groups, dentists, hospitals and health systems, nursing homes and assisted living facilities, and other providers on matters involving professional misconduct, professional liability, medical-staff issues, scope of practice, mandated reporting, peer review, and regulatory compliance. Fran also handles subpoena responses, consent for treatment and surrogate decision-making, patient care, and health-information privacy issues.

A former Town of Schroeppel town justice, Fran is also trained in alternative dispute resolution and has mediated and arbitrated a variety of civil actions and disputes. She routinely publishes industry articles and presents educational programs on legal matters to hospitals, medical and dental practices, and trade associations.

Bar Associations

- American Bar Association, Health Law Section
- New York State Bar Association, Health Law Section
- Onondaga County Bar Association, Former Director, Health Law Section Member
- Central New York Women's Bar Association, Former President

Selected Memberships & Affiliations

- Barclay Damon's Women's Forum
- Central New York Healthcare Business Alliance, Member

Representative Experience

- Served as counsel to the largest writer of professional-liability insurance in New York State, providing legal risk-management services for insured physicians, dentists, hospitals, nursing homes, and other facilities.
- Served as defense counsel in *Balaklaw v. Lovell*, a federal Second Circuit case involving the grant of an exclusive contract by a hospital to an anesthesia group. The case is now widely cited in health care antitrust litigation as an example of the principle of antitrust injuries.
- Represented CNY hospitals in disputes involving medical staff membership and corrective action under the medical staff bylaws.
- Provided risk-management services to MLMIC-insured hospitals, clinics, nursing homes, surgery centers, physicians, and dentists. Also provided legal guidance to facilities and professionals on a wide range of organizational and patient care issues, including HIPAA and the disclosure of medical information under NY law, EMTALA, peer review, consent for treatment, professional liability, patient discharge/abandonment questions, and the scope of practice.

Prior Experience

- Fager Amsler Keller & Schoppmann, LLP, Counsel
- Costello, Cooney & Fearon, LLP, Partner
- Town Justice, Town of Schroeppel

Selected Community Activities

- Menorah Park of CNY, Inc., Board of Directors, President
- NYS Office of Court Administration, Former Senior Faculty Instructor for Town and Village Justice Training Programs
- The New School for Social Research, Graduate School of Management and Urban Policy, Former Health Care Administration Faculty Member
- SUNY Health Science Center Medical Humanities Program, Former Lecturer
- Syracuse University College of Law, Board of Visitors Member and Former Adjunct Professor of Health Law

Selected Honors

- *The Best Lawyers in America*®: Health Care Law, 2022–2023, 2025–2027
- *The Best Lawyers in America*®: Syracuse "Lawyer of the Year": Health Care Law, 2025
- Jewish Federation of Central New York, Esther and Joseph Roth Award in Recognition of Outstanding Jewish Community Leadership, 2023
- NYS Commission on Judicial Conduct, Appointed by Former Chief Justice Judith Kaye as Vice Chair, 2001–2004

Selected Speaking Engagements

- New York Health Information Management Association Annual Conference, "Back to Basics: Access and Release of Patient Information"
- LeadingAge New York Annual Conference & Exposition, "Getting Paid: Best Practices to Avoid Nonpayment"
- New York Medical Group Management Association Annual Conference, "2024 Legal Update"
- Buffalo Niagara Dental Meeting, "Legal Pitfalls in the Modern Dental Practice"
- Empire State Association of Assisted Living 39th Annual Conference and Trade Show, "Accommodation of Disabilities and Language Interpreters"

Selected Media

- MGMA New York *New York Beat*, "Recent Enforcement Actions Demonstrate That Cyberattacks Present Huge HIPAA Liability for Medical Practices"
- MGMA New York *New York Beat*, "FY 2025 Executive Budget Contains Surprising Consumer Protection Laws Aimed at Medical Practices"
- Yahoo! News, "NYC Wiping Out Billions in Medical Debt for 500K Residents"
- Bloomberg Law, “Coronavirus Liability Shields for Nursing Homes Only Go So Far”
- Law360, "NY Immunity Law Shields Nursing Homes as Virus Toll Soars"
- New York State Bar Association *Health Law Journal*, “Understanding Subpoenas: Guidance for Medical Providers”

Selected Alerts & Blog Posts

- NYS Department of Health Issues Consumer Protection Guidance on Payments for Health Care Services
- NYS Governor Hochul Signs Legislation Prohibiting Hospitals, Health Care Professionals, and Ambulance Companies from Reporting Medical Debt to Credit Agencies
- Temporary Health Care Staffing Agencies Can No Longer Charge for Hiring Their Personnel
- NYS DOH Issues New Notice Requirement for Facility Fees
- Board Members Included in COVID-19 Vaccination Mandate