



# Susan Benz

She | Her | Hers  
*Of Counsel*

*Buffalo*

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## Education

- Northeastern University School of Law, JD
- State University of New York at Binghamton, Harpur College, *With Honors*, BA

## Practices & Industries

- Corporate
- Health & Human Services Providers
- Health Care
- Health Care Controversies

## Admitted to Practice

- New York
- Massachusetts
- Vermont

## Biography

Susan represents health care and human services providers in regulatory compliance, audits and investigations, data privacy and security, and corporate matters. Her clients include provider networks, independent practice associations, and care coordination organizations (CCOs). Susan also represents intellectual and developmental disability providers; behavioral health providers; hospitals; skilled nursing and assisted living facilities, adult homes, and independent senior housing facilities; CCRCs; home care agencies; and physicians.

## Bar Associations

- Bar Association of Erie County, Health Law Committee
- New York State Bar Association, Health Law Section

## Selected Memberships & Affiliations

- Barclay Damon's Women's Forum

## Representative Experience

- Handled IPA formation, corporate governance, contract negotiations, value-based payment agreements, and data privacy and security issues for behavioral health care collaboratives (BHCCs).
- Represented care coordination organizations (CCOs) regarding vendor contracts, data-use agreements, security attestations, corporate matters, and HIPAA compliance.
- Facilitated a provider's telehealth delivery by designing its corporate and regulatory structure.

- Negotiated managed care contracts for physicians, skilled nursing facilities, and behavioral health agencies.
- Prepared corporate compliance plans and policies and conducted training for health care and human services providers.
- Successfully challenged Medicaid rates for agencies servicing individuals with intellectual and developmental disabilities.
- Trained HIPAA business associates of a Fortune 100 company and developed an industry-specific business associate manual.
- Successfully defeated an Office of the Medicaid Inspector General (OMIG) audit involving \$1.6 million in exposure against an intellectually and developmentally disabled (I/DD) agency based on a finding that the I/DD agency's documentation was insufficient to support the reimbursement it received.
- Handled numerous HIPAA and state law data privacy breaches for providers involving forensic investigations, disclosures to and settlements with the US Department of Health & Human Services Office for Civil Rights (HHS-OCR), the NYS Attorney General, and Canadian provinces.
- Represented a consortium of numerous not-for-profit behavioral health care providers in designing and developing a behavioral health care network intended to engage in value-based contracting under a statewide Medicaid reform initiative, including assisting with corporate governance, contract negotiations, value-based payment agreements, and data privacy issues.
- Prepared HIPAA privacy and security policies and forms for a wide range of health care and human services providers.
- Acted as outside counsel to a not-for-profit development disability health care provider in its transfer of assets to another provider.
- Represented a not-for-profit outpatient mental health facility in its petition to the attorney general to transfer substantially all of its assets to another not-for-profit corporation.
- Designed and handled corporate restructuring for numerous health care and human services providers to achieve regulatory compliance as well as their business objectives.
- Represented a client in relation to a data breach situation involving an employee who may have compromised the security of the system, resulting in PII being available on the internet. Coordinated with the forensic investigator to evaluate the disclosure of data and with law enforcement in relation to the investigation of the employee's potential criminal conduct.

## Prior Experience

- Barclay Damon LLP, Partner
- Damon Morey LLP, Partner
- Krokidas & Bluestein, Boston, Massachusetts, Associate

## Selected Community Activities

- The East Aurora Cooperative Market, Founding Member

## Selected Honors

- *The Best Lawyers in America*®: Buffalo "Lawyer of the Year": Health Care Law, 2022, 2024
- *The Best Lawyers in America*®: Health Care Law, 2009–2024
- *Buffalo Business First*, Health Care Champion, 2016
- *Buffalo Business First*, Who's Who in Law, 2012

## Selected Speaking Engagements

- Healthcare Financial Managers Association (HFMA) Region 2 Annual Conference, "Riding the Wave of Provider Consolidations, Regulatory, and Antitrust Hurdles"
- Developmental Disabilities Alliance of Western New York (DDAWNY), "Annual Update on Hot Compliance Issues"
- Barclay Damon LLP, "Achieving Success in Affiliations & Consolidations: Best Practices for Avoiding Deal Meltdown"
- Healthcare Financial Managers Association (HFMA), "Hot Legal and Compliance Topics"
- Healthcare Financial Managers Association (HFMA), "Managed Care Contracting: A Brave New World"

## Selected Media

- *Buffalo Business First*, "Experts Stress Importance of New Health Care Transparency Laws"
- Wolters Kluwer White Paper, "Trump's Win Expected to Bring Significant Legal and Regulatory Changes"
- *Buffalo Business First*, "Providers Face Novel Medicaid Issues"
- *Buffalo Business First*, "Wake-Up Call for Nonprofits"

## Selected Alerts & Blog Posts

- NYS Comptroller Audit Critical of OPRA Oversight, Foreshadowing Aggressive State Audit Recoveries From Providers
- American Rescue Plan Act: Initial New York State Spending Plan, New York State Then Subverts Federal Assurances
- NYS Health and Mental Hygiene Budget Legislation Summary
- Delay in Stark Law Modernization
- COVID-19: NYS OPWDD Adds Flexibility for Certain Day Service Providers After Retainer Program Termination