Health & Human Services Providers

Our Clients

Our attorneys have extensive experience handling corporate, regulatory, and compliance issues for a wide spectrum of health and human services providers. Our wide-ranging list of clients includes:

- Adult daycare providers
- Ambulatory surgery centers
- Assisted living residences (ALRs)
- Behavioral health providers
- Behavioral health care collaboratives (BHCCs)
- Care coordination organizations (CCOs)
- Clinical laboratories
- Continuing care retirement communities (CCRCs)
- Developmental disability providers
- Health homes
- Health information exchanges (HIEs)
- Home care agencies
- Hospice
- Hospitals and health systems
- Independent practice associations (IPAs)
- Medical transportation companies
- Mental health providers
- Performing provider systems (PPSs)
- Pharmacies
- Physicians, dentists and group practices
- Senior independent living facilities
- Skilled nursing facilities (SNFs)
- Substance use disorder (SUD) providers

Our Services

We deliver value to our health care and human service clients by providing counsel in the following service areas:

- Acquisitions, sales, mergers, affiliations, and joint ventures
- Board, management, and staff trainings
- Certificate of need (CON) applications
- Corporate compliance, internal investigations, and self-disclosures
- Corporate formation and reorganization
- Corporate governance
- Contract review and negotiation, including software and third-party vendor contracts
- Cybersecurity and data privacy
- Data breach response and reporting

- Employment and independent contractor agreements and medical staff issues
- EMTALA and anti-dumping provisions
- Financing and restructuring
- Fraud and abuse issues, including Stark, Anti-Kickback, Civil Monetary Penalties, Fee-Splitting
- Government surveys and enforcement
- Group practice establishment and disputes
- HIPAA and health information privacy
- Independent practice association formation and operation
- Justice Center matters and incident reporting
- Managed care contracting and value-based payment
- Medicare and Medicaid certification and compliance
- Governmental and private payor audits and investigations (OMIG, MFCU, OSC, OPWDD, SED, OIG, HHS-OCR, Attorney General)
- Payor contract review, negotiation, non-renewal, and termination
- Professional licensure and discipline before the Office of Professional Medical Conduct (OPMC) and Office of Professional Discipline (OPD)
- Reimbursement issues and rate challenges
- Risk management, patient care, and familial disputes
- Subpoena responses and production of medical records
- Surrogate decision-making
- Tax exemption and tax planning
- Telehealth

Representative Experience

- Served as counsel to a direct support professional of a developmental disabilities provider that, after an investigation by the NYS Justice Center for the Protection of People With Special Needs, was the subject of a substantiated finding of Category 2 physical abuse. After the client's request for an amendment of the substantiated finding was denied, we requested a hearing before an Administrative Law Judge. Two days before the matter was to go to hearing, the Justice Center's Administrative Appeals Unit amended the finding to unsubstantiated.
- Served as counsel to a direct support professional of a developmental disabilities provider that, after an investigation by the NYS Justice Center for the Protection of People With Special Needs, was the subject of a substantiated finding of Category 1 serious physical abuse and Category 2 neglect. Filed a request for an amendment of the substantiated findings, resulting in the Category 1 claim being dropped and the Category 2 neglect being reduced to Category 3 neglect. After requesting a hearing before an administrative law judge, a few days before the matter was to go to hearing, the Justice Center's Administrative Appeals Unit amended both of the findings to unsubstantiated.
- 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.
- Represented a psychiatry practice in its formation and organization of a NYS professional service limited liability company.
- Represented an optometry practice during its transition to a successor and preparation of the related practice transfer agreement and record transfer agreement.
- Represented a dentist in the sale of his dental practice, associated assets, and office real property.

- Acted as outside counsel to a not-for-profit development disability health care provider in its transfer of assets to another provider.
- Represented a hospital group in the sale of its large urology and radiation oncology medical practice and related real estate.
- Obtained a no probable cause determination for a behavioral health provider in a race and criminal conviction discrimination and retaliation case.
- Obtained a no probable cause determination for an addiction treatment center in a gender discrimination and retaliation case.
- Obtained a no probable cause determination for an addiction treatment center in a gender, conviction record, and parolee status discrimination case before the NYS Division of Human Rights.
- Served as counsel to a NYS Office of Alcoholism and Substance Abuse Services (OASAS) chemical-dependency treatment program in a case of first impression, creating precedent from a NYS appellate court that chemical-dependency-treatment clients who participate in licensed chemical-dependency residential treatment programs are not entitled to an eviction proceeding or substantive due process prior to discharge.
- Handled a HIPAA privacy breach for a provider involving disclosures to and settlements with the US Department of Health & Human Services Office for Civil Rights (HHS-OCR) and the NYS Attorney General.
- Represented behavioral health care providers in their formation of a Medicaid health home.
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- 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.
- Represents an administrative data exchange in organizational planning, governance, regulatory compliance, contract negotiations, and building and implementing business-sustainability strategies.
- Represented a regional health information organization (RHIO) in developing the Statewide Health Information Network of New York (SHIN-NY), including research on cutting-edge privacy, security, and consent issues for governmental, public, and private collaborations. Continues representing the RHIO in organizational planning, governance, regulatory compliance, contract negotiations, and building and implementing business-sustainability strategies.
- 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.
- Represented a consortium of numerous local governments and 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.
- Served as general counsel to a NY-based not-for-profit assisted living provider, including licensing all four of its client residences and helping obtain ALR, enhanced, and special-needs licensure and certification. This included drafting a winning HEAL grant application, resulting in the client receiving $3.8 million from the NYS Department of Health (DOH) to build a new assisted-living facility with enhanced capabilities.
- Assisted a NYS care coordination organization (CCO) with health care compliance matters during its initial formation and once operational, including assisting with vendor contracting, reviewing data-use agreements and security attestations, corporate matters, HIPAA compliance and policies, and preparing a corporate compliance plan and related policies.
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- Served as outside counsel to a residential health care facility operator in the $7.5 million sale of a facility and related real property.

- Served as outside general counsel to a regional pharmacy, pharmaceutical products, and long-term and assisted living consulting company in a $14 million sale of assets.
- Assisted with the restructuring of all secured and unsecured debt related to the $25 million merger of two hospitals, including redeeming and reissuing civic facility bonds, coordinating consents from the PA and NY Departments of Health, and handling all real estate and title insurance work related to financing.
- Performed all legal responsibilities related to the $225 million development, construction, and financing of a children's hospital, including negotiating and preparing all development, design, and construction contracts and preparing all loan and real property documentation related to HUD-insured mortgage financing and EB-5 financing.
- Prepared a HIPAA business associate manual for a Fortune 100 company's electronic medical record vendor and provided training.
- Designed corporate structures for an intellectual and developmental disabilities (IDD) agency to facilitate the telehealth delivery of health care services.
- Successfully challenged improper Medicaid rates for an intellectual/developmental disability (I/DD) agency that was acquired by a larger agency.
- Represented a client in an $85 million transaction involving the sale of a large medical practice specializing in urology and radiation oncology to a captive medical practice controlled by a large regional hospital system together with all related real estate owned by entities affiliated with the practice. The real estate was purchased by a local developer and leased back to the captive practice pursuant to a master lease.
- Successfully defeated a $1.6 million liability arising from an Office of Medicaid Inspector General (OMIG) finding that an intellectual/developmental disability (I/DD) agency documentation was insufficient to support reimbursement it received for services provided.
- Served as outside general counsel to a performing provider system (PPS) in the acquisition of a Rochester-area regional health home network.
- Served as outside general counsel to a WNY behavioral health provider in its merger with a regional child and adolescent behavioral health provider and in obtaining related regulatory approvals.
- Served as outside general counsel for nursing home facilities and related sellers in a $45 million multiyear, progressive equity sale of nursing home entities and in the NYS Department of Health (DOH) regulatory approval process.
- Represented a person-centered not-for-profit organization supporting individuals with developmental disabilities in claims of sexual harassment, sex discrimination, and retaliation in violation of federal and state law. The New York State Division of Human Rights found no probable cause and dismissed the claims.
- Representing a not-for-profit rural health care enterprise in restructuring and corporate governance matters.
- Successfully obtained dismissal of the complaint and denial of a motion for leave amend in a matter against a health services provider and individual administrator concerning an alleged delay of medical treatment where the complaint asserted claims under 42 USC 1983, Article 26 of the Massachusetts Declaration of Right, and the Massachusetts Tort Claim Act.
- Represented a provider in a disability discrimination claim brought by a former patient before the New York State Division of Human Rights. The complainant claimed the provider refused to accommodate her medical condition by making her wear a face mask due to COVID-19. After the investigation, the New York State Division of Human Rights found no probable cause to believe the patient's rights were violated.
- Represented a health care provider in an audit of patient records by an insurance company that alleged approximately $400,000 in overpayments. The insurance company rescinded its determination regarding the overpayment, and the client was not required to repay any of the alleged overpayments.

- 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.
- Handled an internal sexual harassment and hostile work environment investigation for a not-for-profit agency and provided training on sexual harassment prevention.
- Represented an autism services provider being charged for allegedly violating Section 8(a)(1) of the National Labor Relations Act (NLRA) by terminating an employee in retaliation of the employee's protected concerted activities. After investigation, the National Labor Relations Board (NLRB) found no evidence of concerted activities nor animus toward individual concerns the complainant expressed about staffing and other workplace issues. The NLRB found that our client discharged the complainant because she refused to sign a performance improvement plan.