

Legal Manual for New York Physicians

Sixth Edition
Volume Two



New York State
Bar Association



Medical Society of the
State of New York

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ISBN: 978-1-57969-000-7
Product Number: 413220

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Stacey L. Gulick is Chair of the Garfunkel Wild's HIPAA compliance Practice Group. With over 30 years of experience, her practice focuses on federal and state regulatory, interoperability and technology-related issues, including response to government inquiries, compliance initiatives and transactions. In particular, Ms. Gulick assists clients in implementation of cybersecurity and HIPAA compliance programs and investigations, information security breach response, medical staff hearings and bylaws, and health-care diligence in large transactions such as mergers and acquisitions. Ms. Gulick also has extensive experience in the unique regulatory and business needs of hospitals, clinical laboratories, DSRIP performing provider systems, ambulatory surgery centers and federally qualified health care centers.

Prior to joining Garfunkel Wild in 2001, Ms. Gulick worked in hospital administration as a Fraud and Abuse Compliance Officer and Risk Manager. She received her B.A., Masters in Business Administration and Masters in Health Administration from the University of Pittsburgh and her J.D. from the St. John's University School of Law.

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sure, employment, shareholder and partnership agreements, affiliation agreements and buy/sell agreements. In addition, Mr. Gurman regularly provides outside general counsel services to a variety of entities including and without limitation to nursing home operators and large physician practices. He earned his J.D. from Boston University School of Law and his B.S. from the University of Massachusetts, Isenberg School of Management. He is admitted to practice law in New York and New Jersey.

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Ms. Gustafson is a frequent speaker to legal and health care provider audiences nationwide. She is also a frequent contributor and author to various health care and health law publications. She is actively involved in the American Bar Association Health Law Section, serving as Chair of the Membership Committee, and as Vice-Chair of the Editorial Board of the publication *ABA Health eSource*. She also serves on the Advisory Board to the American College of Physician Advisors. Ms. Gustafson earned her J.D. from Wayne State University Law School in 2005 and her B.A. from Miami University in 2002.

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Philip A. Hammarberg's is an associate at Garfunkel Wild, P.C., where he focuses on advising and representing hospitals, hospital systems, health care management companies and a variety of other clients on a host of business, regulatory, compliance and transactional matters. Mr. Hammarberg is particularly focused on assisting clients with technology transactions, privacy and data security matters. Mr. Hammarberg's practice also includes a focus on intellectual property matters including the management and development of trademark and copyright portfolios, and advising clients on issues related to prosecution and acquisition of intellectual property. In addition, he assists clients in obtaining copyright and trademark registrations.

Prior to joining Garfunkel Wild, P.C., Mr. Hammarberg gained experience in healthcare compliance, drafting and negotiating agreements for healthcare providers, healthcare payer audits, and intellectual property matters. Mr.

Hammarberg frequently worked with healthcare providers to design and implement compliance programs to meet New York State and Federal requirements. He routinely conducted compliance trainings for physician practices, laboratories, and large institutional skilled nursing facilities. Additionally, he was instrumental in negotiating numerous settlements involving alleged overpayments.

WESTON P. HARTY, ESQ.

Weston P. Harty joined Garfunkel Wild, P.C. as an associate in 2019. He is a member of the Health Care practice group, which advises clients on a host of general commercial and regulatory matters. Prior to joining Garfunkel Wild, Mr. Harty was an associate with Manning, Fulton & Skinner, P.A.'s Corporate Law and Mergers & Acquisitions practice group. While there, he assisted clients including tech startups and retail franchisors navigate a variety of transactional, corporate governance, and regulatory issues.

Mr. Harty received his B.A. in 2014 from the University of Richmond and his J.D. in 2017 from Wake Forest University School of Law, where he was a member of the Wake Forest Journal of Law and Policy and Moot Court Board.

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Richard Hochhauser is a senior associate at Cooperman Lester Miller Carus, LLP in their healthcare, employment and litigation groups. Mr. Hochhauser represents individual physicians, practice groups, home care agencies, skilled nursing facilities, and other health care entities on a variety of health-care law and business issues, including transactional, corporate, regulatory, and compliance matters. He has extensive experience representing health-care providers in all legal and regulatory matters. In the employment sphere, on behalf of privately held corporations, Mr. Hochhauser's practice includes compliance advice, and drafting agreements as well as employee handbooks, policies and training materials. He also counsels individuals in need of executive employment and severance agreements. Prior to joining CLMC, Mr. Hochhauser was an Assistant District Attorney in Nassau County for several years, and he continues to handle criminal defense matters of all types. Mr. Hochhauser has been honored as a Super Lawyers Rising Star. Richard is a graduate of Fordham University School of Law.

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Robert S. Iwrey is a founding shareholder of The Dresevic, Iwrey, Kalmowitz & Pendleton Law Group, a division of The Health Law Partners, P.C. Mr. Iwrey is dually licensed in Michigan and New York, and focuses his practice in both health care law litigation and transactional matters including, but not

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Mr. Iwrey is a frequent speaker and author on a multitude of health care legal topics. He graduated with high distinction from the University of Michigan in 1988 and Wayne State University Law School in 1993, where he received the American Jurisprudence Award in Advanced Legal Writing and was an award-winning member of Moot Court. Mr. Iwrey served on the governing board of the Health Care Law Section of the State Bar of Michigan from 2005–2011, during which time he also served as Treasurer and Chair of its Pro Bono workgroup. Mr. Iwrey has earned the highest rating of "AV" offered by Martindale Hubbell, the highest rating of 10.0 by Avvo, and has been named a Super Lawyer for Health Care Law in Michigan every year since 2010.

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Sandra M. Jensen is a Partner at Garfunkel Wild, P.C., which she joined in 2015. Ms. Jensen is a member of the firm's Health Care; Health Care Information and Technology; HIPAA Compliance; and Discharge Planning, Patient Rights and Elder Law practice groups. Ms. Jensen's clients include federally qualified health centers (FQHCs), health systems, hospitals and physicians. Ms. Jensen regularly counsels FQHCs and look-alikes on regulatory issues including issues relating to compliance with HRSA and FTCA requirements.

Prior to joining Garfunkel Wild, P.C., Ms. Jensen was an attorney within the Bureau of House Counsel, Division of Legal Affairs at the New York State Department of Health for nearly 14 years, and served as Acting Director of the Bureau. The Bureau of House Counsel provides advice and assistance to almost all programs within the New York State Department of Health, including in relation to the Compassionate Care Act (Medical Marijuana Program), the Statewide Health Information Network of New York (SHIN-NY), clinical and environmental laboratories, blood and tissue banks, HIPAA, patient rights, Public Health Law Article 28 licensure and surveillance, Early Intervention, and emergency medical services.

While at the New York State Department of Health, Ms. Jensen provided legal counsel on issues related to the Early Intervention Program, a program that provides therapeutic and support services to children with developmental delays or disabilities. Ms. Jensen also provided legal counsel on the implementation of the Compassionate Care Act (Medical Marijuana Program), Executive Order No. 38 and limits on executive compensation, licen-

sure of hospitals, nursing homes and clinics, and matters relating to clinical laboratories.?

Ms. Jensen received her undergraduate degree from the State University of New York at Albany in 1994, and her J.D. from the University of Akron School of Law in 1997, where she was a member of the Akron Law Review.

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Ellen F. Kessler is a partner of Ruskin Moscou Faltischek, P.C., where she is a member of the firm's health law department. Prior to her career in law, Ms. Kessler had a distinguished career in nursing and nursing education at St. Barnabas, Bronx Lebanon and Brooklyn Veterans Hospitals. She is a graduate of the State University of New York Downstate Medical Center College of Nursing, Columbia University Teacher's College and Hofstra University School of Law.

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Stacey P. Klein is an associate at Garfunkel Wild, P.C., where she provides a broad range of advice regarding healthcare, corporate, regulatory, transactional, tax and employee benefits issues to individual and institutional clients. She advises hospitals, nursing homes, assisted living facilities, pharmacies, physician practices and others on corporate governance and transactional issues, employment arrangements, as well as complex compliance, regulatory and managed care issues including Medicare and Medicaid. She provides counsel on fraud and abuse issues, including Anti-Kickback, Stark, and Intermediate Sanctions laws; and manages, defends and settles audits and investigations and advises on self-disclosures.

Ms. Klein advises clients with respect to licensure and accreditation issues, health care initiatives, and prepares a variety of policies, agreements and corporate governance documents for tax exempt and for profit clients. She also counsels clients regarding tax, employee benefits and executive compensation issues, including compliance with the Internal Revenue Code, ERISA, COBRA and other laws affecting employee benefit plans and compensation arrangements. Ms. Klein has experience resolving matters with numerous government agencies including the Office of Inspector General, Office of Medicaid Inspector General, Internal Revenue Service, Department of Labor, New York State Attorney General and New York State Department of Taxation and Finance.

Ms. Klein has been recognized for her achievements, including by New York Super Lawyers – Rising Stars (2014-2019); Long Island Press – Power Women in Business (2019); New York City Family Court Legal Services Project (2008-2011); The Legal Aid Society, Pro Bono Publico Award

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Ms. Klein received her B.A., *summa cum laude*, from Barnard College and her J.D. from Columbia Law School, where she was a Harlan Fiske Stone Scholar.

BARBARA D. KNOTHE, ESQ.

Barbara D. Knothe, a partner in Garfunkel Wild, P.C.'s Health Care Practice Group, has over 20 years of experience in the health care field. A registered nurse with critical care experience, Ms. Knothe has extensive experience in the representation of health care providers, with special emphasis on regulatory and corporate transactions. Transactions include mergers and acquisitions of hospitals, nursing homes, home health agencies, physician practices and other providers, and accounts receivable and asset-based financings. Ms. Knothe has particular experience in EMTALA, the 340B Program, licensure and treatment issues, Joint Commission and HIPAA, as well as physician and medical staff issues, and closure of hospitals and other health care facilities. Ms. Knothe represents physicians and other licensees in investigations before the Office of Professional Medical Conduct and other disciplinary agencies, and in hearings before Medicare and other payors. Ms. Knothe received her B.S.N. from SUNY Brockport and her J.D. from Pace Law School.

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EVE GREEN KOOPERSMITH, ESQ.

Eve Green Koopersmith is a partner at Garfunkel, Wild, P.C. She joined the firm in 1994 and is head of the Discharge Planning and Elder Law Practice Group. Ms. Koopersmith's practice includes discharge planning, elder law, guardianship proceedings, Medicaid planning, litigation on behalf of hospitals and nursing homes, general health care and regulatory matters and compliance issues for nursing homes and home health agencies.

With particular experience in patient rights issues relating to hospitals, nursing homes and home health agencies, Ms. Koopersmith is frequently involved in matters concerning advance directives and life-sustaining treatment, discharge planning, retention and treatment issues for psychiatric patients, and assisted outpatient treatment matters. She also regularly advises hospitals and other providers regarding the confidentiality of specially protected records such as HIV, alcohol/substance abuse and mental health records. She also works with families of Special Needs individuals, establishing Supplemental Needs Trusts and advising families on Medicaid matters and other governmental benefits. She also has represented organizations devoted to working with special needs children.

Ms. Koopersmith serves on the Board of Directors of Community Mainstreaming Associates, Inc., a not-for-profit organization providing services to persons with intellectual and developmental disabilities. Ms. Koopersmith has lectured for the New York State Bar Association, the Association of the Bar of the City of New York, Lorman Education Services and Behavioral Health Care Management Institute. She is also a contributing editor of *Guardianship Practice in New York State*, published by the New York State Bar Association. Ms. Koopersmith received her B.A. from Cornell University in 1979 and her J.D. from American University, Washington College of Law, in 1982.

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Syma Shulman Levine, a Cooperman Lester Miller Carus LLP partner, concentrates in health care transactional and regulatory work, employment law, and general corporate matters. Ms. Levine also engages in commercial and employment litigation. Representing a broad client base, she enjoys significant experience in negotiating complex deals and drafting sophisticated legal documents. Working with health care providers ranging from individual physicians and their practice groups to ambulatory surgery centers, Ms. Levine negotiates and prepares agreements in connection with practice development, acquisitions, and dissolutions. Ms. Levine's focus areas include representation of physicians joining hospital systems and megagroups in a variety of sophisticated structures, as well as all aspects of formation and operation of ambulatory surgery centers. She frequently counsels clients to assure compliance with the regulations affecting the health care industry, including federal and state Stark and anti-kickback laws and has represented clients before the OPMC and in complex insurance audits. Ms. Levine is often involved in employment matters such as hiring, executive compensation and severance packages; negotiation of restrictive covenants; discipline, terminations, and benefits; policy statements and employment and compliance manuals; and counseling and training of management and staff. Ms. Levine has also served as a neutral mediator to facilitate private dispute resolution. Representing multi-national clients doing business in Israel, Ms. Levine also served as special counsel in Labor and Employment Law to Herzog, Fox, Neeman Law Offices in Tel Aviv, Israel. Ms. Levine is a *cum laude* graduate of Harvard Law School, and Harlan Fiske Stone Scholar of Columbia Law School. Ms. Levine can be reached at slevine@clmclaw.com.

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John G. Martin is a Partner in the White Collar and Compliance, and Litigation and Arbitration Groups at Garfunkel Wild, P.C., in Great Neck, New York. Mr. Martin received a BA with Honors from the University of Arizona, and a JD from St. John's School of Law, where he was on the Deans List for all three years. Prior to joining GW Mr. Martin served in the office of the District Attorney of New York County, under Robert Morgenthau, for 18 years. While at the NYCDA Mr. Martin spent three years in the Appeals Bureau and 15 years in the Trial Division, where he was a Deputy Bureau Chief. During that period Mr. Martin argued cases in New York's Appellate Divisions and the New York Court of Appeals, as well as in Federal District Courts and the Second Circuit Court of Appeals. In addition, Mr. Martin drafted the original Penal Law section 470, New York's first Money Laundering statute. Mr. Martin also tried some of the Office's most serious cases, including homicides and police shootings, and he supervised a staff of over 50 Assistant District Attorneys. After his time at the NYCDA Mr. Martin became an Assistant United States Attorney in the Eastern District of New York, where he served 5 years handling complex white collar criminal matters, including health care fraud cases. Since he has joined GW, Mr. Martin represents individuals and organizations in a wide array of interactions with government enforcement authorities, including defending against criminal charges, responding to grand jury and similar investigations, and representing targets of both State and Federal False Claims Act matters. Mr. Martin also represents health care professionals in disciplinary matters. Mr. Martin has written extensively on the intersection of the criminal justice system and the medical profession, including "Inappropriate Identity Theft Charges In White Collar Cases" published in Law360.com, and "Health Care Fraud: What's Intent Got to Do With It," published in the *New York Law Journal*. Mr. Martin has also presented seminars on Health Care Fraud issues, including "Recent Trends in Health Care Fraud Investigations," Nassau County Bar Association (NCBA) Hospital and Health Law Committee, September, 2019, and "Law Enforcement Issues For Physicians and Labs, 2016 New York Metro ASC Symposium, September, 2016.

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Abby Pendleton is a founding shareholder of The Dresevic, Iwrey, Kalmowitz & Pendleton Law Group, a division of The Health Law Partners, P.C. The firm represents hospitals, physicians, and other healthcare providers and suppliers with respect to their healthcare legal needs. Ms. Pendleton has been practicing healthcare law since 1996, and she co-leads the firm's Medicare, Medicaid and Third Party Payor Audit Appeals practice group. She regularly provides counsel to healthcare providers and organizations in a number of areas, including, but not limited to: compliance, Recovery Audit Contractors (RAC), Medicare, Medicaid and other payor audits, fraud and abuse, reimbursement matters, HIPAA Privacy and Security, OIG investigations, contracting, and physician staff privilege and licensure matters. Ms. Pendleton also specializes in legal issues impacting billing and management companies, anesthesia and pain management providers, hospice providers and mental health agencies.

Ms. Pendleton is a frequent speaker and author on a multitude of health care legal topics. She earned her J.D. from Wayne State University Law School in 1996 (graduating *magna cum laude* second in her class).

BARBARA STEGUN PHAIR, ESQ.

Barbara Stegun Phair is a partner at Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone LLP. Ms. Phair represents and advises health care providers on regulatory issues, fraud and abuse, licensing, certification and enforcement, reimbursement issues, contractual agreements and issues, government surveys, investigations and audits, advance directives, health care decision making and patients' rights issues, HIPAA, and the development and implementation of corporate compliance programs.

Prior to becoming an attorney, Ms. Phair worked as a registered nurse. She earned her law degree from St. John's University School of Law, a Master's degree in Public Administration in Health Policy, Planning and Administration from New York University, and a Bachelor of Science degree in Nursing from Hunter College.

Ms. Phair is a member of the Surrogate Decision Making Committee, which is administered by the Justice Center for the Protection of People with Special Needs, and the New York State MOLST Statewide Implementation Team. Ms. Phair has been appointed by the court as court evaluator and guardian under Article 81 of the Mental Health Law. She is a member of the American Health Lawyers Association, the New York State Bar Association and the Nassau County Bar Association, and serves on the Board of Directors of the New York Metropolitan Chapter of The American Association of Nurse Attorneys.

ANDREW B. ROTH, ESQ.

Andrew B. Roth is a partner and head of the New York Health Law Practice of Norton Rose Fulbright US LLP. He represents health industry clients, including health systems, hospitals, nursing homes, physicians and others, on a broad range of regulatory and transactional matters. Mr. Roth also has a national practice involving accreditation of graduate medical education programs in academic medical centers and teaching hospitals by the Accreditation Council for Graduate Medical Education (ACGME). Mr. Roth received his bachelor's degree from the State University of New York at Stony Brook and his J.D. from Hofstra University School of Law, where he was a member of the Law Review.

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Gary S. Sastow is a member of the law firm of Danziger & Markhoff, LLP. He received his B.A. from Long Island University and his J.D. from New York Law School. Mr. Sastow practices in the areas of health law, real estate law and corporate law. He is also prolific author and lecturer on legal issues impacting health care professionals.

MARILYN B. SCHATZ, ESQ.

Marilyn B. Schatz, a graduate of the Benjamin N. Cardozo School of Law, is admitted to the New York State Bar and practices health care law. She has been a medical malpractice claims attorney and counsel for risk management for physicians, dentists, and several major New York teaching hospitals. Ms. Schatz is an associate with the law firm of Fager, Amsler & Keller, counsel to MLMIC Insurance Company. She has written numerous articles on health care law, and lectures on risk management and malpractice prevention.

JEFFREY M. SCHLOSSBERG, ESQ.

Jeffrey Schlossberg is a Principal in the Long Island office of the national employment law firm Jackson Lewis P.C. Mr. Schlossberg has devoted his entire career of 30-plus years to the employment law field. He represents management and has extensive experience in handling all aspects of the employer-employee relationship. Areas of concentration include: employment discrimination prevention and litigation; workplace harassment policy development and compliance; social media and information privacy in the workplace; family and medical leave; disability matters; wage and hour investigations and litigation; and non-competition agreements. Mr. Schlossberg is past Chair of the Nassau County Bar Association Labor and Employment Law Committee. He lectures frequently about various topics to trade and professional associations. Mr. Schlossberg is also a Certified Information Privacy Professional (CIPP/US).

EMILY D. SCHWERD, ESQ.

Emily D. Schwerd joined Garfunkel Wild, P.C. as an associate in 2018. She is a member of the firm's Health Care and HIPAA Compliance practice groups, which advise clients on a host of business, regulatory and transactional matters. Ms. Schwerd's clients include federally qualified health centers (FQHCs), health systems, hospitals and physicians. Ms. Schwerd received her J.D., cum laude, in 2018 from the Benjamin N. Cardozo School of Law and her B.A. in English, magna cum laude, from Queens College in 2014.

AFSHEEN SHAH, ESQ.

Afsheen Shah is a Partner at Garfunkel Wild, P.C., which she joined in 2003. She is a member of the firm's Compliance and White Collar Defense, Health Care and Corporate Reorganization, and Bankruptcy practice groups.

Ms. Shah's practice includes the defense of clients in criminal, civil and regulatory government actions; assisting clients in implementing both fraud and abuse and HIPAA compliance programs; and advising clients on a wide

array of compliance, regulatory and business matters. Ms. Shah also has significant experience in creditor rights, workouts, business acquisitions and restructurings. She has represented various businesses, hospitals, landlords and creditors committees.

Prior to joining the firm, Ms. Shah was an associate at Certilman Balin Adler & Hyman, LLP, where she participated in various bankruptcy related matters, including the representation of banks, landlords and Chapter 7 Trustees.

Ms. Shah was admitted to the New York Bar in 1999 and is a member of the New York State Bar Association. She is admitted to practice in the Eastern and Southern Districts of New York.

Ms. Shah received her B.A. from the University of North Carolina at Chapel Hill in 1995 and her J.D. from Hofstra University School of Law in 1998.

GREGORY R. SMITH, ESQ.

Gregory R. Smith is a Partner at Garfunkel Wild, P.C. With a broad regulatory and transactional background, Mr. Smith routinely counsels clients on a wide range of health care matters. Mr. Smith's practice is focused on compliance and regulatory issues, and includes extensive experience with federal and state anti-referral laws, including the federal Stark law, Anti-Kickback Statute and Civil Monetary Penalties Law.

Mr. Smith has guided a broad range of providers through the voluntary self-disclosure process at the federal and state level, including disclosures of potential Stark law, Anti-Kickback and Civil Monetary Penalties Law violations. Mr. Smith also routinely represents providers appealing Medicare, Medicaid and commercial audits, and has successfully challenged the government's use of statistical sampling and extrapolation. Mr. Smith has also negotiated numerous settlements with a variety of federal and state agencies.

Mr. Smith frequently works with providers to design and implement compliance programs that meet New York State requirements, conducts compliance training, and works closely with compliance officers to ensure that compliance issues are investigated and addressed appropriately. Mr. Smith regularly counsels clients on a wide variety of state and federal regulatory issues, including Medicare and Medicaid reimbursement guidelines, documentation and coding practices, state corporate practice of medicine prohibitions, fee-splitting, federal and state exclusion rules, the federal Anti-Markup Rule, professional misconduct rules, and conflicts of interest.

Mr. Smith received a J.D., with distinction, from the Hofstra University School of Law in 1999, and a B.A. in English from the State University of New York at Plattsburgh in 1993.

AYMAN H. SOLIMAN, ESQ.

Ayman H. Soliman is a Partner at Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP. He focuses his practice on health care transactional, compliance and regulatory matters. He represents a variety of health care providers including Hospitals and Health Systems, Ambulatory Surgery Centers, Article 28 Diagnostic and Treatment Facilities, IPAs, Durable Medical Equipment providers, Management Service Organizations, Imaging Facilities, medical groups and physicians.

Mr. Soliman provides counsel and advice on an array of corporate and regulatory issues that affect health care practitioners such as mergers, acquisitions and joint ventures between health care providers and business persons involved in the health care field; negotiating and drafting various transactional contracts related to professional and management services, employment and independent contractor services, equipment and space leases, marketing and sales arrangements, laboratory services, and software licensing and service agreements. In addition, he prepares legal analyses and offers counsel on matters involving anti-kickback laws, physician self-referral laws “Stark Laws,” the False Claims Act and state insurance fraud laws. Furthermore, he advises clients on self-disclosure protocols and voluntary refunds and provides representation in civil and criminal government investigations and whistleblower (qui tam) actions. Mr. Soliman has successfully negotiated several matters with the Office of Inspector General and the Office of Medicaid Inspector General.

Mr. Soliman advises clients on HIPAA Privacy and Security standards and assists clients in conducting HIPAA risk assessments. He develops compliance policy and employee training programs, provides representation in compliance investigations and government audits, and counsels on privacy breaches and remediation. Furthermore, Mr. Soliman advises on Medicare and Medicaid enrollment, private network and managed care contracting and out-of-network provider billing. He counsels on reimbursement and overpayments, and provides representation in CMS, Medicaid, and private payor audits. Mr. Soliman frequently lectures on various healthcare issues before hospitals, medical groups, and medical associations advising residents on employment agreements, post residency as well as lecturing on risk management and compliance.

Mr. Soliman has been designated a Super Lawyer in New York Health Care Law in 2016 and 2017. He received the Top Attorneys of North America award in 2016 and Top Attorneys in the Metro New York area in 2017. In addition, Mr. Soliman is the recipient of the award of Lawyers of Distinction for 2018 for “Recognizing Excellence in Health Care Law.” He was featured in Long Island Business News in 2014 and 2018 and was recognized as

“2018 New York’s Leaders in the Law.” For five years, Mr. Soliman served as the Administrator of an Article 28, Ambulatory Surgery Center in the New York area.

Mr. Soliman received his J.D. degree from New York Law School and a Bachelor of Arts, from the State University of New York at Stony Brook. He is admitted to practice in the State of New York. He is a member of the American Health Lawyers Association, American Bar Association, New York State Bar Association and American College of Healthcare Executives.

JESSICA F. SONPAL, ESQ.

Jessica F. Sonpal is a Senior Attorney at Garfunkel Wild, P.C., which she joined in 2014. She is a member of the firm’s Health Care and HIPAA Compliance practice groups, which advise clients on a host of business, regulatory and transactional matters including Federal and State law regulatory compliance, technology contracts and matters relating to not-for-profit corporate governance. Ms. Sonpal’s clients include federally qualified health centers (FQHCs), health systems, hospitals and physicians.

Ms. Sonpal regularly counsels FQHCs and look-alikes on many complex and day-to-day issues. Ms. Sonpal prepares FQHCs and look-alikes for operational site visits and assists entities in achieving and maintaining compliance with HRSA requirements and the many other regulations and promulgations applicable specifically to FQHCs and look-alikes. In addition, Ms. Sonpal has extensive experience in structuring and reviewing contracts and services agreements between these health centers and other health care providers, business associates and vendors, while ensuring that the health centers continue to comply with applicable law and regulations.

Ms. Sonpal also advises and assists clients with various other corporate and regulatory issues including matters relating to HIPAA and state privacy law, corporate practice of medicine and fee-splitting restrictions, and reimbursement disputes.

Prior to joining Garfunkel Wild, Ms. Sonpal was an Associate at Winston & Strawn LLP, where she practiced commercial litigation. She received her B.A. in Political Science from Boston College in 2008, and her J.D., cum laude, in 2011 from Fordham University School of Law, where she was a member of the Fordham Law Review.

ROBERT N. SWIDLER, ESQ.

Robert N. Swidler is Vice President of Legal Services for St. Peter’s Health Partners—a system of hospitals, nursing homes, home care, primary care centers, a multispecialty physician practice, hospice, retirement communi-

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ties and other services in New York's Capital Region. Previously, he was general counsel to Northeast Health, a member of Hiscock & Barclay, counsel to the New York State Office of Mental Health, assistant counsel to Governor Mario Cuomo and staff counsel to the New York State Task Force on Life and the Law. He is also Adjunct Associate Professor, Alden March Bioethics Institute of Albany Medical Center, and Adjunct Professor, Clarkson University/Icahn School of Medicine at Mount Sinai Bioethics Program.

COLLEEN M. TARPEY, ESQ.

Colleen M. Tarpey is a Senior Attorney at Garfunkel Wild, P.C., which she joined in 2001. She is a member of the firm's Litigation and Arbitration Practice Group, which represents clients in all phases of civil litigation before both state and federal courts, as well as alternative dispute resolution bodies.

Ms. Tarpey's practice includes litigation for hospitals, physicians, and other health industry clients. She has experience in contract disputes, managed care disputes including ERISA matters, partnership disputes and breakups, restrictive covenants, and employment disputes. Her practice also frequently includes matters concerning retention and treatment issues for psychiatric patients, and assisted outpatient treatment matters. She also handles general commercial litigation for clients of all kinds. In addition, she handles estates and trusts litigation, including will contests, contested administration proceedings, kinship hearings, accountings and cy-pres actions. She has also been involved in environmental litigation and class-action litigation under state and federal wage and hour laws.

Prior to joining the firm, Ms. Tarpey worked as a litigation and intellectual property associate for the firm of Pillsbury Winthrop, LLP. She is a member of the American Bar Association, the New York State Bar Association, and the Nassau County Bar Association.

Ms. Tarpey received her B.A. in philosophy from Hartwick College in 1994, and her J.D. from Hofstra University School of Law in 2000.

SAMANTHA N. TOMEY, ESQ.

Samantha N. Tomey, who joined Garfunkel Wild, P.C. in 2014, is an Associate in the Litigation & Arbitration and Employment Law Practice Groups. Ms. Tomey advises clients in federal and state court, arbitrations, appeals, hearings, and mediations. Her practice includes litigation of a wide variety of commercial and business issues. Ms. Tomey also represents clients in connection with medical staff and peer review matters, as well as professional conduct proceedings before the New York State Department of Health, Office of Professional Medical Conduct (OPMC).

Ms. Tomey’s employment law practice focuses on defending clients against various types of employment actions, including harassment and discrimination based on age, race, gender, national origin, and disability, as well as claims based on whistleblower laws, wrongful discharge, and breach of employment contracts. She also represents clients in connection with claims brought before the Equal Employment Opportunity Commission, the New York State Division of Human Rights, and the New York City Commission on Human Rights. Ms. Tomey also counsels clients concerning Human Resources issues and compliance with state and federal employment regulations.

Ms. Tomey graduated cum laude from New York University with a B.A. in Politics and Art History. She received her J.D. from Boston University School of Law.

CLAUDIA O. TORREY, ESQ.

Claudia O. Torrey is a sole practitioner in Tennessee who received her legal training at New York Law School in New York City, New York, and her undergraduate degree in economics from Syracuse University. Her professional background includes the areas of health law, civil rights, product liability and higher education. Ms. Torrey is listed in several prestigious publications; her efforts have also been recognized by the American Health Lawyers Association and the National Reference Center for Bioethics Literature of the Georgetown University Kennedy Institute of Ethics.

In 2000, Ms. Torrey was one of 115 people from around the world selected to participate in a week-long e-health summit on the campus of Harvard University; in 2009, Ms. Torrey was selected to be part of a delegation to the United Nations on health issues concerning women and girls, with particular emphasis on the Millennium Goal regarding AIDS and caregiving; and in 2010, Ms. Torrey was one of several women highlighted in the global publication by London based Ark Group Publishing, “Success Strategies for Women Lawyers.”

In 2013, Ms. Torrey was honored by the New York State Bar Association as the recipient of the Outstanding Non-Resident Member Award, and in 2016, Ms. Torrey was honored by the NYSBA Committee on Membership for the conclusion of 12 years of service as the Inaugural Chair of the Subcommittee on Non-Resident Membership (now known as the Subcommittee on Out-of-State Membership). A Fellow of both the NYSBA and the American Bar Association, in 2017 Ms. Torrey was selected by “*Marquis Who’s Who*” to be a recipient of the Albert Nelson Marquis Lifetime Achievement Award for demonstrated leadership excellence and longevity.

DONALD J. WALKER, M.H.S.A., J.D.

Donald Walker is senior associate counsel at Albany Medical Center, providing health, hospital, educational and corporate legal services on behalf of AMC's hospitals, medical college, OPO and related entities. He received his bachelor's degree from the State University of New York at Buffalo (1971), his master's degree in health services administration from the University of Michigan School of Public Health (1977) and his J.D. degree from Albany Law School (1989).

ROBERT ANDREW WILD, ESQ.

Robert Andrew Wild is a founding member of Garfunkel Wild, P.C. He has and continues to serve as its chairman since the firm's inception. The firm, which maintains offices in New York, New Jersey, and Connecticut, represents an array of national and regional health care provider institutions, companies, practitioners, and not-for-profit groups, as well as clients in other industries.

Mr. Wild's principal activities include complex transactions for health care providers, including regulatory, compliance, mergers and acquisitions, anti-trust, reimbursement, professional conduct issues, patient issues, real estate, graduate medical education, and many other areas. Mr. Wild is a frequent lecturer and author in the field of health law, and has addressed a broad variety of groups, organizations, and health care providers.

Mr. Wild was formerly an adjunct professor of health law, Hofstra University Law School. He has also served as Assistant Clinical Professor of Health Law at Stony Brook University, Long Island, New York. Mr. Wild is a member of the New York State Bar Association Health Law Section, a past Chair of the Board of United Way of Long Island, current Board and Executive Committee Member of United Way of Long Island, current Board and Executive Committee Member of New York Institute of Technology, on the Advisory Board of United Cerebral Palsy of Nassau County, the Board of the St. John's Law School Alumni Association and a past board member of the Nassau County Interim Finance Authority. Mr. Wild received his B.A. in 1964 from the State University of New York at Buffalo and his J.D. in 1967 from St. John's University School of Law.

CAROLYN REINACH WOLF, ESQ.

Carolyn Reinach Wolf is an executive partner in the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone LLP and director of the firm's Mental Health Law practice. Ms. Wolf holds a J.D. from Hofstra University School of Law, an M.S. in Health Services Administration from the Harvard School of Public Health, and an M.B.A. in Man-

agement from the Hofstra University School of Business. She is admitted to practice in New York State and federal courts as well as the U.S. Supreme Court. Ms. Wolf is an adjunct professor at the Maurice A. Deane School of Law at Hofstra University, teaching Law and Psychiatry. Prior to practicing law, Ms. Wolf was a hospital administrator and Director of Hospital Risk Management.

Ms. Wolf's practice concentrates in the areas of mental health and health care law, representing mental health and health care professionals, major hospital systems and community hospitals, institutional and community outpatient programs, skilled nursing facilities, higher education institutions, individuals and families. Her expertise includes mental hygiene law, including retention and treatment over objection to psychiatric cases, mental health warrants, capacity determinations, informed consent and medical treatment cases, confidentiality and release of records matters, interaction with law enforcement in health care facilities and institutions of higher learning, Kendra's Law applications (Assisted Outpatient Treatment Orders), Article 81 and 17-A guardianship proceedings, civil and criminal litigation and negotiation specific to mental health issues, consultation and advice in navigating the mental health system and legal interventions in the inpatient and outpatient treatment settings, as well as mental health issues in the higher education setting. She also consults with health care institutions on issues of end-of-life decision making, development and ongoing functioning of ethics committees, advance directives, and institutional review boards.

DAVID A. ZARETT, ESQ.

David A. Zarett is a founding member of the law firm Weiss Zarett Brofman Sonnenklar & Levy, P.C., which represents physicians and other health care providers. Mr. Zarett primarily represents physicians in state and federal litigation, arbitration and administrative matters. This representation includes medical staff privileging disputes and state disciplinary cases before the New York State Office of Professional Medical Conduct. Mr. Zarett received a B.A., *cum laude*, from the University of Rochester and graduated from the Benjamin N. Cardozo School of Law, where he was a notes editor of the Law Review and received the Jacob Burns Medal for graduating first in his class. Mr. Zarett is an Adjunct Professor at Fordham Law School and teaches a class in Healthcare Law and Policy.

MADLIN T. ZWERLING, ESQ.

Madelin T. Zwerling is an Associate at Garfunkel Wild, P.C., which she joined in 2011. She is a member of the Personal Services and Estate Planning Practice Group, which advises clients in the preparation of wills and trusts, as well as in estate administration and gift planning for the preservation of family businesses and wealth upon death, and related tax matters. She

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is also a member of the Discharge Planning and Patient Rights and Elder Law Practice Group, and regularly represents hospitals in court proceedings concerning retention and treatment issues for psychiatric patients and assisted outpatient matters as well as in Article 81 and 17 Guardianships. Ms. Zwerling also is a member of the Employment Law Practice Group, and, among other functions, she regularly provides legal advice to clients concerning employment issues (for example, leave issues), develops and drafts employee handbooks, policies and procedures, and represents clients in a wide array of employment litigation matters, including matters before the New York State Division of Human Rights. Prior to joining the firm, Ms. Zwerling was an attorney whose primary areas of focus were real estate, trusts and estates and matrimonial law.

Ms. Zwerling has devoted herself to pro bono work. In 2011, she was honored for her work on behalf of the Nassau County Coalition against Domestic Violence, an entity that provides legal assistance in matrimonial actions to victims of domestic abuse. She also served as an attorney for the Long Island Advocacy Center, an entity that is designed to provide individuals with various forms of assistance relating to the Individual with Disabilities Act, such as Special Education support and lay advocacy training. Ms. Zwerling also provided service as a court-appointed guardian through the Court Appointed Special Advocate (CASA) EAC Family Court Program in Nassau County.

Ms. Zwerling is a graduate of New York University with a Bachelor of Science Degree in Finance. Following her graduation from New York University, she was employed in the financial services industry as an analyst and a corporate speechwriter. She later graduated from Touro College Jacob D. Fuchsberg Law Center in 1991 with honors, having finished near the top of her class.