



Healthcare Law

Members

- John D. Fanburg
- Riza I. Dagli
- Lani M. Dornfeld
- Joseph M. Gorrell
- Carol Grelecki
- Keith J. Roberts

Counsel

- Shannon Carroll
- Debra W. Levine
- Richard B. Robins
- Jonathan J. Walzman
- Edward J. Yun

Associates

- Colleen Buontempo
- Lindsay P. Cambron
- Paul J. DeMartino, Jr.
- Susan E. Frankel
- Edward Hilzenrath
- Cynthia J. Liba
- Jocelyn E. Ezratty
- Erika R. Marshall

Paralegals

- Rosa M. Ferrey

John D. Fanburg, Chair

In today's complex and ever-changing healthcare environment, institutional and individual providers and healthcare businesses need trusted advisors who can help them negotiate the myriad legal and business issues that arise in the course of practicing medicine and operating health-related businesses.

Brach Eichler pioneered the discipline of health law in New Jersey and has developed – and continues to cultivate – its reputation as a leader in health law representation.

Our deep bench of health law attorneys – 21 strong – represents individuals and entities from every corner of the healthcare industry, encompassing both for profit and non-profit entities. Our clients range from individual practitioners to large physician and dental groups, from hospitals and hospital systems to medical staff organizations, from physician specialty societies to healthcare trade associations, from long-term care facilities to home health and hospice agencies, and from substance use disorder treatment providers to other provider types and patients. Our attorneys also have significant experience with matters and regulations affecting ambulatory surgical centers, other outpatient facilities, and their owners.

Knowledgeable across a wide spectrum of issues, our attorneys deftly handle an array of healthcare business, transactional, licensure, compliance, white collar criminal, and litigation matters.

We are actively involved in all developments affecting healthcare industry participants, and have strong

relationships with public officials on both the state and national level. As such, we are able to effectively advocate on behalf of individual practitioners and healthcare facilities.

And as we help our clients adapt and respond to new economic and regulatory challenges, we tap and smoothly integrate other members of the Brach Eichler team in the areas of corporate tax, labor and employment, financial services, litigation, and real estate, among others.

The leading attorney ranking company, Chambers USA, cites clients who applaud Brach Eichler's health law practice for its "responsiveness and position as a leader in the field of healthcare... They provide an outstanding quality of service at an excellent price. They understand their clients, and if there is a job that needs doing they can be counted on to do it right."

Our comprehensive representation to healthcare industry clients includes:

Institutional and Society Representation

- General and outside legal counsel to hospitals and health systems
- Counsel to nursing home and assisted living facility operators
- General counsel to physician specialty societies

Outpatient Provider Representation

- Representation of ambulatory surgery centers/ambulatory care facilities
- Representation of urgent care facilities
- Representation of federally qualified health centers
- Representation of licensed healthcare facilities and operators, including radiology, lithotripsy, home health, hospice, dementia care homes, and substance use disorder treatment facilities

Other Provider Representation

- Large and small physician organizations, practices, and individual physicians
- Large and small dental organizations, practices, and individual dentists
- Individual practitioners in other health and health-related professions

Corporate and Business Matters

- Business entity formation, bylaws, operational agreements, buy-ins, buy-outs, and dissolution
- Hospital and medical staff bylaws
- Business taxation issues
- Non-profit organization matters

Transactional Matters

- Hospital-physician joint ventures
- Healthcare business purchase and sale transactions, mergers, acquisitions

- Structuring mergers/consolidation of physician practices and healthcare facilities
- Due diligence review
- Drafting and negotiation of vendor, employment, contractor, and restrictive covenant agreements
- General contracting matters
- Leasing matters

Provider Reimbursement Matters

- Managed care and other payor contracting
- Medicare and Medicaid issues
- Audits and Investigations
- Appeals

Compliance Matters

- HIPAA and privacy/confidentiality matters, including policies, training, breach and security incident response, reporting requirements, and government investigations
- Corporate compliance program development, implementation, and training
- Compliance investigations
- Review and preparation of policies and procedures
- Healthcare compliance reporting matters

White Collar Criminal Matters

- Fraud and abuse investigations, allegations, and indictments
- Racketeering and money laundering schemes
- Labor and unemployment fraud
- Environmental crimes
- Government investigations and administrative hearings

Dispute and Litigation Matters

- Shareholder/member disputes
- Contract/transactional disputes
- PIP arbitrations
- Complex insurance litigation
- Hospital medical staff privileges dispute
- Litigation under the state and federal anti-kickback and fraud abuse statutes
- Defense of healthcare providers under the New Jersey Insurance Fraud Prevention Act

Professional Licensing and Medical Staff Matters

- Professional licensing board matters
- Medical staff hearings

Other Matters

- Guardianships
- Patient care issues
- Telemedicine and telehealth
- Protection of intellectual property
- Medical marijuana issues
- Healthcare employment matters

Our Promise

At Brach Eichler, we are committed to a dynamic and meaningful partnership with our clients. We move forward with a shared vision, one that is carefully crafted and thoughtfully and practically implemented. Together, we achieve success.

Insights

Alerts - April 2, 2020

Healthcare Law Alert: Governor Murphy Issues Executive Order Regarding Licensure, Scope of Practice and Liability Waivers For Healthcare Providers

News - April 2, 2020

Fanburg Named to Power 50 Health Care by NJBIZ

Alerts - March 31, 2020

Healthcare Law Alert: OCR Reminds Providers of Non-Discrimination During COVID-19 Emergency and Temporary HIPAA Flexibility

Events - March 28, 2020

Webinar: COVID-19 Crisis: Highlights of the Paycheck Protection Program in the Keeping American Workers Paid and Employed Act

Alerts - March 25, 2020

Healthcare Law Alert: NJSBOD Issues COVID-19 Advisory for NJ Dental Professionals

Alerts - March 24, 2020

Healthcare Law Alert: DHHS OCR Issues Q&A Guidance for HIPAA and Telehealth Communications During COVID-19 Crisis

Events - March 22, 2020

Webinar: COVID-19 Crisis: How Medical Practices Should Be Responding - Part 2

Alerts - March 19, 2020

Healthcare Law Alert: DHHS OCR Issues Notification of Enforcement Discretion to Enhance Telehealth

Communications During COVID-19 Crisis

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Healthcare Law Alert: COVID-19 and HIPAA: What You Need to Know

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Webinar: COVID-19 Crisis: How Medical Practices Should Be Responding

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17 Brach Eichler Members Included in 2020 New Jersey Super Lawyers

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Brach Eichler LLC - A Law Firm Serving Orange County Physicians

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Healthcare Law Update - February 2020

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A Conversation With Keith Roberts

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Collins Op-Ed on Amazon Medical Marijuana Case Featured on NJ.com

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ROI-NJ: Fanburg Talks Private Equity at Withum Healthcare Symposium

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2019 Healthcare Law Year in Review

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Fanburg Talks Hospital Consolidation During the 2010s on northjersey.com

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Carol Grelecki and Bob Kasolas - Regulatory Update and Pitfalls of Social Media for Healthcare Providers

[News - January 9, 2020](#)

The 2019 Brach Eichler Healthcare Monitor - Survey of New Jersey Healthcare Practitioners

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Now Available: Results from the 2019 Brach Eichler Healthcare Monitor Survey

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2020 Outlook for New Jersey's Healthcare Sector: Continued Hospital Consolidation, Pressure on Physicians

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John D. Fanburg - Healthcare in NJ: Affiliations, Mergers, Private Equity, and Physician Alignment

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Brach Eichler Ranked in the 2020 Edition of "Best Law Firms"

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Healthcare Law Update October 2019

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Healthcare Law Alert: CMS and OIG Issue Proposed Amendments to Stark and Anti-Kickback Regulations

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Roberts and Carroll Achieve Important Win On Behalf of Physician in Insurance Dispute

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Fanburg Named Top Healthcare Industry Influencer by ROI-NJ

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Healthcare Law Update September 2019

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Brach Eichler Holds 10th Annual NJ Healthcare Market Review Conference

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Healthcare Law Alert: Personal Injury Protection (PIP) Update

[Alerts - August 29, 2019](#)

August 2019 Healthcare Law Update: In-Store Telehealth Kiosks, HIPAA, NJ Assisted Suicide Law Updates, and more

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Healthcare Law Alert: Proposed Amendments to Regulations Concerning Confidentiality of Substance Use Disorder Treatment Records

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Fifteen Brach Eichler Attorneys Included in The Best Lawyers in America® 2020

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Fanburg Provides Legal Update at Radiological Society of New Jersey Meeting

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Dornfeld Addresses Home Care Association of Florida Annual Conference on HIPAA Breaches, Investigations, and Response

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State Law Designed to Prevent Excessive Medical Bills is a Year Old but Remains Incomplete

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July 2019 Health Law Update

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Hudson Regional Hospital Connects Spinal Surgeons with Keith J. Roberts of Brach Eichler LLC to

Review Current Regulatory Protocol for Treating Automobile Accident Patients

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Fanburg and Roberts to Address PIP Regulations for Spine Surgery

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June 2019 Health Law Alert

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John Fanburg Named to NJBIZ Power Law 50 List

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Key Considerations Before Selling Your Practice to a Private Equity Firm

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Live Webinar - The NJ Medical Aid in Dying for the Terminally Ill Act

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John D. Fanburg - What's In It For Me? Tips on How to Get the Best Employment Contract

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Surgery Centers Bemoan DOH's Turnover-Related Problems, Effect on Licensing

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Brach Eichler Adds Six New Attorneys, Boosting Litigation, Healthcare, Corporate, and PI Practices

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John Fanburg Named to NJBIZ Power 50 Health Care

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Healthcare Providers Need Virus Protection

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Brach Eichler Continues Growth Trend, Adds Six New Attorneys

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Amendments to NJ Identity Theft Prevention Act: All NJ Businesses Must Comply

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May 2019 Health Law Update

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New Jersey Board of Medical Examiners Proposes Telemedicine and Telehealth Regulations

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HHS Issues "Enforcement Discretion" Notice Concerning HIPAA Penalties

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Brach Eichler Earns Top Rankings in Chambers USA for 2019

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Effectively Representing Physicians: Everything you need to know to confidently and successfully represent New Jersey physicians in 2019

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April 2019 Health Law Update

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Medical Aid in Dying for the Terminally Ill Act Awaiting Signature by Governor Murphy

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Levine in Group Practice Journal on Disruptive Physicians

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Dornfeld in HCAF Magazine on Data Breaches and Privacy

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REGISTER NOW for the 10th Annual NJ Healthcare Market Review

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Lani M. Dornfeld Certified in Healthcare Privacy Compliance

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16 Brach Eichler Members Included in 2019 New Jersey Super Lawyers

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Lani M. Dornfeld Certified in Healthcare Privacy Compliance

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Fanburg Provides Three Tips for ASCs in Becker's

[Newsletters - February 26, 2019](#)

February 2019 Health Law Update: Federal and NJ News, HIPAA and More

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Fanburg Addresses Balance Billing on NAHU Podcast

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Employment Law Update - January 2019: New Jersey's New Minimum Wage Law

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Roberts in Law360 On Appellate Victory

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Fanburg in NJBIZ on Future of Obamacare

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NJ Charity Care Ruling Could Spark Uptick In Patient Claims

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January 2019 Health Law Alert

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Dr. Godkar and Prakash Win 2018 Eichler Awards

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January 2019 Health Law Update: HIPAA, New OIG Opinion, IRS Guidance And More

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Fanburg and Dagli To Speak At NJAASC Quarterly Meeting

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2018 Health Law Year in Review

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Claims of Kickbacks Based on Physician Salaries Signals a Need for Increased Compliance Efforts

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NJ Physicians Resigned To New Reality Of Practicing Medicine, Brach Eichler Survey Shows

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Insurer Must Face Fraud Claim Over Release, 3rd Circ. Says

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Dornfeld Addresses HCAF Members on Medicare Issues

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The New Out-Of-Network Law: Our Responses to Your Questions

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State of the NJ Healthcare Industry

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Revisions to Medicare Home Health Moratoria Access Waiver Demonstration

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How Prior Authorization Affects the Quality of Healthcare

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Live Webinar: Physician Misconduct - Impact on Licensure and Privileges in the #MeToo Era

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Brach Eichler Adds Five Attorneys in Key Practices

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The New Out-Of-Network Law: Answers to Your Questions

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Advisory Opinion Finds Group Purchasing Organization Able to Provide Services to its Affiliate Hospitals and Entities

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Fanburg and Walzman Talk Telemedicine in Medical Economics

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Telehealth and the Law: Addressing the Risks

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Among NJ Top 40 Law Firms, Revenue Growth More Common Than Population Growth

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Fanburg and Manigan Address NJAASC on One-Room Centers

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Telehealth and the Law: The Challenge of Reimbursement

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Healthcare - Will It Be the Next Meltdown Like Retail?

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Telehealth and the Law: How Policy Shapes the Marketplace

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Live Webinar: The New Out-of-Network Law: Are You Ready?

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Changes Expected to Come to the Stark Law as CMS Seeks Public Input

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Contracts With SUPERHERO Protections: Employment, Independent Contractor, and Restrictive Covenant Agreements

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Fanburg Comments in Press on Out-of-Network Bill

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Healthcare Reform

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Murphy Signs Out-of-Network Health Care Cost Bill

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Murphy Signs Out-of-Network Bill, Still the Subject of Contention

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New Out-Of-Network Bill: Practitioners and Facilities Face Onerous Requirements

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CLE on Compliance Tips for Medical Practice Collaborations

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Seton Hall Law Awards 1st Brach Eichler LLC Health Law Scholarship

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Roberts Addresses Bergen Catholic Career Day

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CLE on Litigation Discovery Involving Protected Health Information

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OIG Audits the Accuracy of Hospital Credit Reporting in Claim

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Assembly Passes Controversial 'Out-of-Network' Bill

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Curiosity Killed the Cat & Other Common HIPAA Pitfalls

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Gorrell and Levine Speak at ICLE Health Law Session

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Innovations in the Future of Healthcare

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Gorrell Presenting on NJ Opioid Legislation at Rutgers RWJ Medical School

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Bill Discouraging Out-of-Network Doctor Fees Goes to Full Assembly Vote

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Anesthesiologist Case May Lower Bar For Fla. Med Mal Suits

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Murphy Ponders Modifying 'Gift Ban' for Docs

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Legislative and Regulatory Issues

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N.J. Experts Not Shocked by Trio's Health Care Plan

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Curiosity Killed the Cat & Other Common HIPAA Pitfalls/HIPAA Business Associates: What's the Big Deal?

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NJ Charity Care Ruling Could Spark Uptick In Patient Claims

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Fanburg Named A Leading Transactional Lawyer by The Ambulatory M&A Advisor

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Home Health Employer Protections: Can You Improve Yours?

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Gorrell and Collins in Becker's Hospital Review on Opioid Crisis

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NJ's Evolving Health Care Arena: Trends To Watch In 2018

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Dornfeld Speaks at HCAF Winter Warm-up

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Florida Supreme Court Decision Has Favorable Implications for Florida Dental Practices

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The Biggest Med Mal Decisions And Verdicts Of 2017

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Brach Eichler's 2018 Outlook for the Health Care Industry

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Brach Eichler Presents Award at Jersey Choice Top Doctors Reception

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Great News for Florida Home Health Providers: Florida Supreme Court Supports Home Health Non-Compete

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Recent Developments in Healthcare Reform

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Fanburg to Speak at NJOGS Semi-Annual Meeting 11/3

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Brach Eichler Represents Plaintiffs in HIV Privacy Suit Against Aetna

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Brach Eichler Members Host Session on Opioid Crisis for Practitioners

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Fanburg to Speak at NJAASC Membership Meeting on October 18

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The Brach Eichler 2017 New Jersey Health Care Monitor - A Closer Look

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Fanburg in BNA's Health Care Daily Report on Transactions in Wake of Allstate Decision

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N.J. Health-Care Transaction Attorneys Urge Vigilance on Deals

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Fanburg in Law360: Maintaining the Integrity of Physician-Owned Practices

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Maintaining the Integrity of Physician-Owned Practices

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Dornfeld Comments in Law360 on Recent NJ Invasion of Patient Privacy Ruling

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Brach Eichler Adds Four Attorneys; Expands its Health Law and Litigation Practices

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Fanburg and Levine Address MSNJ Policy and Strategy Panel

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Gorrell Writes in Physicians News Digest on Prescribing Opioids

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Marketing Tips for Healthcare Practices

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Dornfeld and Collins Speak at 2017 Home Care & Hospice Association of NJ Conference

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Preferred Provider Arrangements: Compliant Partnering to Enhance Quality of Care

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At NJAASC, Fanburg Outlines Legislative Developments And Their Implications For The ASC Industry

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Brach Eichler Earns Top Rankings in Chambers USA for 2017

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Fanburg to Speak at the NJOGS Annual Meeting on "Legal Pitfalls for the Practicing Physician and Nurse"

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NJ ASC & Healthcare Market Review, May 4-5

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Advance Planning for Buying or Selling A Home Care or Hospice Business

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Webinar - The PIP Appeals Process & Proposed Fee Schedule Changes, April 12, 2017

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How Physicians Can Limit Their Risk in Healthcare Marketing

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Bobby Kasolas Promoted to Member, Lauren Goldberg Promoted to Counsel, and Member Brian Lenker Named to Firm's Executive Committee

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New Jersey Super Lawyers Magazine Names Fourteen Attorneys of Brach Eichler as New Jersey Super Lawyers and Five as Rising Stars

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Regulatory and Legal Update and Advocacy Update

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Lani Dornfeld to Speak at the Home Care & Hospice Association of NJ on Common HIPAA Pitfalls, March 21, 2017

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PIP UPDATE - Understanding The New Appeals Process, March 8, 2017

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NJ Department of Banking and Insurance Proposes Amendments to PIP Regulations

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John Fanburg Was Named as One of BoardRoom Magazine's Top 22 Private Club Presidents for 2016

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Health Law Alert: So You Think Your Non-Discrimination Policies and Practices Are Up to Date? Think Again.

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MACRA: The Death Knell for Small Private Practice

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The Impact of the OIG's 2017 Revisions to the AKS Safe Harbors and the CMP Rules on Access to Healthcare in Rural Communities

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Environmental & Land Use, Healthcare Law Blog *April 13, 2018*

DEC Revises Regulated Medical Waste Storage and Disposal Regulations

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Sanders Proposes Medicare for All Act of 2017

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Brach Eichler Files Suit Against Aetna, Inc. For Breach Of Privacy Related To Patient Hiv-Medication Status

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HIPAA Update - Ransomware Attack Puts 33,000 Patients at Risk

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Opioid Prescriptions in the Age of EMR - Why Physicians Must be Ultra-Vigilant

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BME, BON and DOBI Propose Amendments to Regulations and a New DOBI Rule

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DCA Proposes Amendments to Health Care Service Firm Regulations

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UnitedHealthcare Underpaying Out-of-Network Emergency Medical Providers

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Opioid Crisis: Still Not “Officially” a National Emergency

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CMS Releases Hospice Compare Website and Simplifies Notice of Election Submission Process

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CMS Proposes to Cancel Mandatory Bundled Payment Models

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Aetna Accidentally Exposed Subscriber HIV Medication Information: 12,000 Insured Individuals Affected

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New Rule Proposal for DCA Residential Health Care Facilities

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\$1.3 Million EMTALA Settlement Should Have Hospitals Re-Evaluating Emergency Department Care Protocols for Behavioral Health Patients

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DOJ Charges 412 Individuals Responsible for Health Fraud Losses Totaling \$1.3 Billion

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OIG Data Brief Documents Excessive Medicare Part D Opioid Prescriptions

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OIG Announces New Inquiries into Fraudulent Billing

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CMS Proposes Updates to Medicare OPPS for CY 2018

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OCR Offers Free Continuing Education Credits for Completion of HIPAA Access Right Training Module

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Anthem Prepared to Settle Data Breach Lawsuit for Record \$115 Million

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Proposed Amendment to Hospital Licensing Standards Requiring Designation of After-Care Assistance Caregiver

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DOH Proposed Rule Seeking to Identify and Treat Sepsis

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BME Proposes Amendments to Screening and Diagnostic Testing Offices

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OIG Finds Over \$700 Million in Inappropriate Meaningful Use Payments

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CMS Proposes New MACRA Rules

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Effective Date for New Home Health COPs Delayed

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Senate Republican Obamacare Replacement Bill Lacks Support

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Texas Health System Agrees to Pay \$2.4 Million Settlement for Alleged HIPAA Violations

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OCR Issues Quick Response Cyber Attack Checklist and Graphic

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New Jersey Board of Nursing Adopts Rules Amendment for Dispensing Medication

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Petition Submitted to New Jersey Dental Board for Recognition and Advertisement of More Specialties

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DOH Adopts Rules Implementing Health Care Professional Responsibility and Reporting Enhancement Act

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CMS Issues a Proposed Rule to Allow for Pre-Dispute Arbitration Agreements at Long-Term Care Facilities

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CHRONIC Care Act Passes Through Senate Finance Committee

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DOJ Joins False Claims Act Suit Involving Medicare Advantage

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Medicaid Fraud Control Units Recovered Nearly \$1.9 Billion in 2016

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NJ Legislative Bills Seek to Protect Insurance Coverage for People with Preexisting Conditions

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Governor Christie Calls on Horizon to Establish a Fund in NJ to Help Combat the Opioid Epidemic

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New Safe Care Camera Program

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Fraud Tied to Government Health Care Programs Constitutes the Majority of DOJ’s 2016 False Claims Act Recoveries

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