



Healthcare Law

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

Counsel

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- Lauren D. Goldberg
- Randall H. Lee
- Debra W. Levine
- Richard B. Robins
- Jonathan J. Walzman
- Edward J. Yun

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- Lindsay P. Cambron
- Susan E. Frankel
- Edward Hilzenrath
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- Jocelyn E. Ezratty
- Erika R. Marshall

Paralegals

- Rosa Ferrey

John D. Fanburg, Chair

In today's complex and ever-changing health care environment, institutional and individual providers and health care 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 health care 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 health care 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 health care business, transactional, licensure, compliance, white collar criminal, and litigation matters.

We are actively involved in all developments affecting health care 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 health care 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 health care 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 health care 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
- Health care business purchase and sale transactions, mergers, acquisitions
- Structuring mergers/consolidation of physician practices and health care 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
- Health care 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 health care 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
- Health care 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



Articles, May 14, 2019

John Fanburg Named to NJBIZ Power 50 Health Care
NJ Biz



Articles, May 14, 2019

Healthcare Providers Need Virus Protection

NJBiz



Newsletters, May 8, 2019

May 2019 Health Law Update



Alerts, May 7, 2019

HHS Issues “Enforcement Discretion” Notice Concerning HIPAA Penalties



Press Releases, May 1, 2019

Brach Eichler Earns Top Rankings in Chambers USA for 2019S



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

NJICLE



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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 Health Law Alert



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Articles, April 4, 2019

Levine in Group Practice Journal on Disruptive Physicians



Articles, April 4, 2019

Dornfeld in HCAF Magazine on Data Breaches and Privacy

The Florida Home Care Connection



Events, April 3, 2019

REGISTER NOW for the 10th Annual NJ Healthcare Market Review

SEPTEMBER 18-19, 2019 Borgata Hotel Casino & Spa Atlantic City, NJ Early registration is now open at: www.njhmr.com. Register by June 30 to receive a 10% discount. Detailed invitation and agenda to follow. Sponsorship opportunities are available. Contact Alexis De Jesus at 973.364.8343 or adejesus@bracheichler.com for more information.



Articles, March 25, 2019

Lani M. Dornfeld Certified in Healthcare Privacy Compliance

South Florida Hospital News



Press Releases, March 12, 2019

16 Brach Eichler Members Included in 2019 New Jersey Super LawyersS



Articles, March 11, 2019

Lani M. Dornfeld Certified in Healthcare Privacy Compliance

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Articles, March 5, 2019

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



Articles, February 8, 2019

Fanburg Addresses Balance Billing on NAHU Podcast

NAHU



Alerts, February 8, 2019

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



Articles, February 6, 2019

Roberts in Law360 On Appellate Victory
Law 360



Articles, February 5, 2019

Fanburg in NJBIZ on Future of Obamacare



Articles, February 1, 2019

NJ Charity Care Ruling Could Spark Uptick In Patient Claims
Law 360



Alerts, January 30, 2019

January 2019 Health Law Alert



News, January 29, 2019

Drs. Godkar and Prakash Win 2018 Eichler Awards



Newsletters, January 27, 2019

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



Articles, January 22, 2019

Fanburg and Dagli To Speak At NJAASC Quarterly Meeting



Alerts, January 15, 2019

2018 Health Law Year in Review



Articles, December 21, 2018

Claims of Kickbacks Based on Physician Salaries Signals a Need for Increased Compliance Efforts
Health Law Updates, Florida Bar Health Law Section



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



Newsletters, December 5, 2018

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Articles, November 15, 2018

Insurer Must Face Fraud Claim Over Release, 3rd Circ. Says
Law360, (quoted in)



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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



Lectures, November 7, 2018

State of the NJ Healthcare Industry
SAX LLP's Annual Healthcare Industry Update



Lectures, November 7, 2018

Revisions to Medicare Home Health Moratoria Access Waiver Demonstration
Home Care Association of Florida



Newsletters, November 5, 2018

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Lectures, November 2, 2018

How Prior Authorization Affects the Quality of Healthcare
NJOGS Semi-Annual Meeting



Lectures, October 25, 2018

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



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Brach Eichler Adds Five Attorneys in Key PracticesS



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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 EconomicsS



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Telehealth and the Law: Addressing the Risks

Medical Economics



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

New Jersey Law Journal (quoted in)



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Fanburg and Manigan Address NJAASC on One-Room Centersaaaa



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Telehealth and the Law: The Challenge of Reimbursement

Medical Economics



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Healthcare - Will It Be the Next Meltdown Like Retail?aaaa

New York Institute of Credit



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Telehealth and the Law: How Policy Shapes the Marketplace

Medical Economics



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



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

Health Law Updates, Florida Bar Health Law Section



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

Home Care Con '18, Home Care Association of Florida



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Fanburg Comments in Press on Out-of-Network Bills



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The New Jersey Obstetrical and Gynecological Society Annual Meeting



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Murphy Signs Out-of-Network Health Care Cost Bill

NJTV News (quoted in)



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

ROI-NJ (quoted in)



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



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CLE on Compliance Tips for Medical Practice Collaborationsaaaa

Presented to the Bergen Bar Association



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CLE on Litigation Discovery Involving Protected Health Information

Presented to the New Jersey Defense Association



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OIG Audits the Accuracy of Hospital Credit Reporting in Claim

Health Law Updates, Florida Bar Health Law Section



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Assembly Passes Controversial 'Out-of-Network' Bill

NJBIZ (quoted in)



Lectures, April 6, 2018

Curiosity Killed the Cat & Other Common HIPAA Pitfalls

NJ Medical Group Management Association



Lectures, April 4, 2018

Gorrell and Levine Speak at ICLE Health Law Session



Lectures, March 15, 2018

Innovations in the Future of Healthcare

Rutgers EMBA Healthcare Symposium



News, March 10, 2018

Gorrell Presenting on NJ Opioid Legislation at Rutgers RWJ Medical Schools



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

NJBIZ (quoted in)



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Regulatory and Legal Updateaaaa

Radiological Society of New Jersey Annual Meeting



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Anesthesiologist Case May Lower Bar For Fla. Med Mal Suits

Law 360 (quoted in)



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Murphy Ponders Modifying 'Gift Ban' for Docs

ROI-NJ (quoted in)



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NJ Association of Ambulatory Surgery Centers General Membership Meeting



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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?aaaa

NJ Association of Ambulatory Surgery Centers, General Membership Meeting



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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?aaaa

Home Care Association of Florida, Home Care Warm-Up



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

Becker's Hospital Review



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

Law360



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Dornfeld Speaks at HCAF Winter Warm-upaaaa



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Florida Supreme Court Decision Has Favorable Implications for Florida Dental Practices
Today's FDA



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The Biggest Med Mal Decisions And Verdicts Of 2017
Law 360 (quoted in)



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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 ReceptionS



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Great News for Florida Home Health Providers: Florida Supreme Court Supports Home Health Non-Competeaaaa
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Recent Developments in Healthcare Reform

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Brach Eichler Represents Plaintiffs in HIV Privacy Suit Against AetnaS



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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

Bloomberg Law, BNA



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

BNA's Health Care Daily Report (quoted in)



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Fanburg in Law360: 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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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 Conferences



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Preferred Provider Arrangements: Compliant Partnering to Enhance Quality of Care
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White Papers, June 14, 2017

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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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 StarsS



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New Jersey State Society of Anesthesiologists 2017 Annual Spring Meeting



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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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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 Practiceaaaa

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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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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

[Healthcare Law Blog](#), September 5, 2017

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 Announces New Inquiries into Fraudulent Billing

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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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Effective Date for New Home Health COPs Delayed

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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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Supreme Court Rules in Favor of Arbitration Agreements for Nursing Homes

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

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HIPAA Update: Recent Enforcement Actions Highlight Need to Implement Policies and Procedures and Oversee Your Organization's HIPAA Compliance Program

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Court Holds that New York Home Care Agencies Must Pay Non-Residential Employees for Entire 24 Hours of On-Call Shifts

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OCR Issues Security Bulletin on HTTPS Transmissions

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Proposed Legislation Would Limit Non-Economic Damages in Certain Medical Malpractice Suits

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CMS Updates Self-Referral Disclosure Protocol Form

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

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OIG Releases Resource Guide to Measure Compliance Program Effectiveness

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House Passes Legislation to Repeal and Replace Affordable Care Act

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Ransomware Attacks Hit Health Care Organizations

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HIPAA Update: Florida Health System Pays \$5.5 Million for HIPAA Violations

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Legislature Takes Further Steps to Tackle NJ Opioid Crisis

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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 Law Placing Prescription Limits and Mandating Insurance Coverage for Substance Use Disorders

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Court Adopts New Payment Eligibility Standard For CMS Home Health Services

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HHS Finds That Fraud and Abuse Laws Impeded Gainsharing Arrangements, But Offers No Solution

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Aetna Awarded \$51.4 Million Against Hospital for Overcharges and Kickbacks

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President Trump Continues to Advance Regulatory Reform Agenda

[Healthcare Law Blog](#), March 1, 2017

House GOP Unveils ACA Repeal/Replace Bill

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HIPAA Update: Illinois Health Care Network to Pay \$475K for Untimely Breach Notifications

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Governor Christie Signs Executive Order Declaring Opioid Addiction a Public Health Crisis

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Medicare Moratoria Extended on Ambulance and HHA Providers and Suppliers

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DHHS Expands Exclusion Authority Relating to Federal Health Care Programs

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Final Rule on 340B Program Sets Price Ceilings for Covered Drugs and Subjects Drug Companies to Fines for Overcharges

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CMS Releases Final Rule Amending Home Health CoPs

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CMS Addresses Backlog in Medicare Appeals

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President Orders “One-In, Two-Out” Regulatory Scheme

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Congress Fast-Tracks Partial “Repeal” of the Affordable Care Act

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OCR Issues Fact Sheet Regarding Disclosure to Public Health Agencies

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CMS Finalizes New Medicare Mandatory Bundled Payment Models

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CMS Announces New Care Delivery Models

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HHS Ordered to Clear Medicare Claims Appeal Backlog by 2021

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