

Legal Manual for New York Physicians

Fifth Edition

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PREFACE

The fifth edition of *Legal Manual for New York Physicians* is the result of a continued collaboration between the New York State Bar Association (NYSBA) and the Medical Society of the State of New York (MSSNY). The book is designed to provide physicians and their staffs with a fundamental understanding of many of the legal and regulatory requirements that affect the practice of medicine. Ideally, it will alert physicians and their staffs to issues and concerns before they become major problems and will help practitioners understand when personal legal counsel should be consulted.

This manual is also a valuable reference to attorneys who provide guidance and advice to physicians. Physicians and their medical practices are subject to an array of complex legal and regulatory requirements, and attorneys who advise physicians must have a thorough understanding of the legal and regulatory environment affecting the entire practice of medicine. That environment is continually evolving, as reflected by the changes to this fifth edition. All the chapters were reviewed, with more than half substantively updated, and a new chapter has been added: “Telehealth Considerations.”

This book is designed to function equally well whether read from cover to cover or consulted only occasionally when legal issues arise in the course of practicing medicine. Most of the chapters address applicable laws and discuss practical considerations and concerns using a question-and-answer format. This format, as well as a detailed table of contents and in-depth index, all are designed to help readers quickly locate the answers to their questions. Because this manual is a handbook rather than a legal treatise, many chapters end with a list of resources for further information. In addition, the Forms section contains samples of many of the forms referenced throughout.

The attorneys and physicians who collaborated to publish and update this manual were all volunteers who, despite their busy schedules, devoted many hours to this project. Their experience, intellect and commitment have resulted in a first-rate resource. We also would like to thank Robert Abrams, who served as co-editor on the first three editions of this book.

We hope the professional dedication and spirit of volunteerism that spurred the publication of the original *Legal Manual for New York Physicians* and that continued with this updated volume can be sustained and, perhaps, strengthened, to encourage attorneys and physicians to work together on future editions. As the legal and medical professions face renewed challenges to serve the public good, the two professions will benefit greatly from such collaborations.

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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.

NAOMI R. KREBS, CPA

Naomi R. Krebs serves as the administrative and fiscal director at EISS software. A former New York City auditor with the New York City comptroller's office, she implements and streamlines systems that are fiscal as well as programmatic, are highly detailed, and serve as safety nets to anticipate potential problems. She implements systems to ensure that local and state early intervention regulations and statutes are preserved. Her focus as fiscal administrator is to set up multi-layered systems that stave off problematic issues by anticipating problems before they occur, and determining what systems need to be in place, and the details of implementation of these systems. Ms. Krebs was previously the internal auditor at the Jewish Guild for the Blind, where she conducted both financial and programmatic audits of all departments, including early intervention, pre-school, nursing homes,

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diagnostic and treatment center (DTC), and comprehensive out-patient rehabilitation facility (CORF).

KENNETH R. LARYWON, ESQ.

Kenneth R. Larywon is a senior partner at Martin Clearwater & Bell, LLP, where, for more than 30 years, he has defended physicians and hospitals in claims related to the delivery of medical care. As part of the firm's health care law practice group, he represents health care professionals in disciplinary proceedings. Mr. Larywon earned his law degree from Notre Dame Law School and is a graduate of the College of Santa Fe in New Mexico.

RON LEBOW, ESQ.

A member of Michelman & Robinson, LLP's Health Care Department, Ron Lebow focuses his practice on business, contract, corporate and regulatory matters. He has extensive experience drafting and negotiating agreements and structuring operations and business arrangements for physicians, ambulatory surgery centers, urgent care centers, hospitals, clinical laboratories and other providers. Additionally, Mr. Lebow routinely works with management companies, private investors and venture capitalists with respect to medical and healthcare information and technology businesses.

DAVID S. LESTER, ESQ.

David S. Lester is the managing partner of the law firm of Cooperman Lester Miller Carus LLP. For more than 35 years, he has combined expertise in the disciplines of corporate and real estate law with an in-depth knowledge of health care regulatory and business matters. Mr. Lester counsels individuals and legal entities in their business and real estate matters and provides representation to individual health care providers, group practices and related health care entities. Mr. Lester was at the forefront in establishing several of the earliest health care provider networks formed in New York. Mr. Lester graduated from New York University School of Law, where he was a member of the law review. Mr. Lester is also an adjunct professor of law at Touro College, Jacob D. Fuchsberg Law Center, and has been a frequent lecturer and guest speaker at hospitals, medical society meetings and other facilities. Mr. Lester can be reached at dlester@clmclaw.com.

SYMA SHULMAN LEVINE, ESQ.

Syma Shulman Levine, a Cooperman Lester Miller LLP partner, concentrates in health care transactional and regulatory work, employment law, and general corporate matters. She also engages in commercial and employment litigation. Representing a broad client base, she has significant experience in negotiating complex deals and drafting sophisticated legal documents, as

well as in commercial litigation. Working with health care providers ranging from individual physicians and their practice groups to ambulatory surgery centers and hospitals, 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 mega-groups 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-kick-back 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 L.A. Lyddane is a senior partner at Martin Clearwater & Bell, LLP, where he focuses on the defense of professional liability and technical personal injury actions. During his 40-plus years of practice at MCB, he has tried more than 250 cases to verdict. He is a fellow of the American College of Trial Lawyers. Mr. Lyddane received his law degree from Syracuse University College of Law and his undergraduate degree from the University of Rochester. He has spoken extensively on the defense of technically complex negligence cases and, together with Barbara Goldberg, writes a regular column on the defense of medical malpractice cases for *The New York Law Journal*.

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James W. Lytle is a partner in the firm of Manatt, Phelps & Phillips, LLP, where he practices mainly in the area of health care regulation. Mr. Lytle is a graduate of Princeton University and Harvard Law School.

SANDRA C. MALISZEWSKI, FNP, CNM, ESQ., MBA, HCISPP

Sandra Maliszewski is the Privacy Officer/Research Institutional Officer at AdvantageCare Physicians, PC, one of the largest multispecialty physician practices in the New York metropolitan area. Ms. Maliszewski has more than

25 years of health care experience, having practiced as a family nurse practitioner and licensed midwife in hospital and private practices. Upon graduating from law school, she was an associate at Ruskin Moscou Faltischek, P.C., where she was a member of its health law department and the senior housing, white-collar crime and investigations, HIPAA compliance and health care professionals practice groups. Subsequently, she was Deputy General Counsel, Chief Compliance, Privacy and Research Compliance Officer for the NuHealth System. After that, she worked with a health IT start-up where she developed a mobile app certification program. Ms. Maliszewski received a B.S. degree from the State University of New York at Stony Brook, a M.S. degree from Pace University, midwifery certification at State University of New York, Brooklyn Health Center, a J.D. degree from Touro College, Jacob D. Fuchsberg Law Center, and an MBA in finance at Hofstra University. She is also certified as a healthcare information and security privacy practitioner.

MARK A. MANZI, CPA, CFF

Mark A. Manzi is a founding partner in the CPA firm of Manzi, Pino & Company, P.C. For more than 25 years, the firm has provided accounting, tax and consulting services to health care professionals, including private practice and captive physician groups, imaging centers, dental practices, home-care nursing, assisted-living facilities and management service organizations. Mr. Manzi has expertise with managed care agreements, reimbursement and billing concerns, evaluation of profit centers, compliance with the various health care laws and regulations, strategic planning and transactional structuring.

ARI J. MARKENSON, J.D., M.P.H.

Ari J. Markenson is a partner with the Health Care Practice of Winston & Strawn LLP. He has spent his career at the intersection of health care, law and business. Mr. Markenson is experienced in counseling health care industry clients, including providers and payers. Mr. Markenson regularly assists clients on legal and regulatory compliance issues, fraud and abuse, HIPAA, enforcement issues, mergers and acquisitions, due diligence, corporate and business matters, certificate of need and state licensure. He received his law degree from Brooklyn Law School and his Master of Public Health from Columbia University. He is a past chair of the New York State Bar Association's Health Law Section and was acknowledged as an Outstanding Young Healthcare Lawyer by *Nightingale's Healthcare News* in 2004, a "Best Lawyer in America" for 2012-2018, a NY-Metro Superlawyer in 2011, 2013-2017, and is AV® Preeminent™ Peer Review Rated by Martindale-Hubbell. Mr. Markenson is also an adjunct professor and teaches courses in graduate school MPH, MHA and Law programs.

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Lourdes M. Martinez is a partner/director at Garfunkel Wild, P.C., which she joined in 1998. She is a member of the firm's Compliance and White Collar Defense, HIPAA Compliance and Health Care Practice Groups. Ms. Martinez has defended clients (including skilled nursing facilities, hospitals, home health agencies, physicians and other practitioners) in federal False Claims Act cases, quality-of-care cases, physician licensing matters and federal, state and other third-party audits. Prior to joining GW, Ms. Martinez was an Assistant District Attorney in the Kings County district attorney's office, where she prosecuted hundreds of felony cases from inception through trial and served as Special Counsel to the Crimes Against Children Bureau. Ms. Martinez has also taught Civil Trial Practice at St. John's University School of Law as an adjunct professor.

RITA S. MENCHEL, ESQ.

Rita S. Menchel has worked primarily in the area of medical malpractice defense. In addition to litigation, she spent two years as assistant general counsel for the Medical Society of the State of New York. Ms. Menchel received her undergraduate degree from the University of Pennsylvania and her J.D. degree from Hofstra University Law School.

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Bruce R. Millman is Office Managing Shareholder of the New York City office of Littler Mendelson, P.C., the nation's largest employment and labor practice. Mr. Millman represents and advises management in all aspects of labor and employment law, as he has for more than 40 years, including hospitals and other health industry clients. He is a former Chair of the Labor and Employment Law Section of the New York State Bar Association and a Fellow of the College of Labor and Employment Lawyers. He attended Princeton University and Columbia University Law School.

THOMAS A. MOBILIA, ESQ.

Thomas A. Mobilia is a senior partner and trial attorney at Martin Clearwater & Bell LLP. He has defended major teaching hospitals, group practices and individual physicians for 25 years in high exposure medical malpractice cases. As a member of the firm's Health Care Practice Group, he has also represented health care professionals in disciplinary proceedings and governmental investigations. Mr. Mobilia is AV Preeminent rated by Martindale-Hubbell, and is a recipient of their 2015 Client Distinction Award and 2017 Platinum Client Champion Award. He is a frequent author and invited speaker on medical malpractice litigation and health care law. Mr. Mobilia

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Jeffrey R. Neuman is an Associate at the firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP in the Lake Success, New York, office. Mr. Neuman focuses on the areas of Nursing Home Litigation and Medicaid. Mr. Neuman is responsible for all aspects of the department's litigation functions including conducting trials, inquests and depositions, attending court conferences, oral arguments, hearings and mediations/arbitrations, preparation of pleadings, discovery and motions and participating in settlement negotiations. Mr. Neuman is also responsible for conducting Medicaid Fair Hearings. Prior to joining Abrams, Fensterman, Mr. Neuman worked at a Long Island, New York, law firm focusing on the areas of Elder Law, Estate Planning, Real Estate, Medicaid Planning and Special Needs Planning. Mr. Neuman is admitted to the New York and New Jersey State Bars, and is a member of the New York State Bar Association. Mr. Neuman earned his J.D. from Hofstra University School of Law and graduated cum laude.

ABBY PENDLETON, ESQ.

Abby Pendleton is a founding shareholder of The Greenberg, 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

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Prior to becoming an attorney, Ms. Phair worked as a registered nurse. 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.

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Philip Rosenberg is a partner of Wilson Elser Moskowitz Edelman & Dicker, LLP, and a member of the firm's health care practice group. Mr. Rosenberg received his B.S. in industrial and labor relations from Cornell University (1982) and his J.D., *magna cum laude*, from the Benjamin N. Cardozo School of Law at Yeshiva University, where he was an editor of the Law Review.

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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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Salvatore J. Russo is a health care lawyer and deputy counsel for Medical and Mental Health Affairs within the Office of Legal Affairs of the New York City Health & Hospitals Corporation. Mr. Russo is counsel to the Metropolitan Health Administrators' Association. He has previously served as in-house counsel for Maimonides Medical Center of Brooklyn and as Director of

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DAVID C. SAIDOFF, P.T.

David C. Saidoff is a 25 plus-year rehabilitation veteran who has worked with children and adults with special needs. He has published several post-graduate textbooks, including *Critical Pathways in Therapeutic Intervention: Extremities and Spine*. Used worldwide, the book was also published in Japanese. Mr. Saidoff also published *The Healthy Body Handbook* (Demos), written for the lay population. As a clinician, Mr. Saidoff has practiced in virtually all settings in his field, and has been chosen by various adult home-care agencies as the "model" therapist with whom government-appointed inspectors accompanied as part of their audits of certified home-health agencies. He was a supervisor for Visiting Nurse Service of New York before becoming the regional rehabilitation adult home-care manager for Brooklyn, New York. Mr. Saidoff owns and operates several pediatric home-care (early intervention) agencies (www.kiksei.com) and is the primary owner of Early Intervention Software Systems (www.earlyinterventionsoftware.com), software geared to database management and billing. He is the principal owner of patents relating to such software, and is implementing usage of handheld paperless devices to document and bill home-based treatments. Mr. Saidoff also lectures regarding compliance within the early intervention industry (www.earlyinterventionauditworkshop.com). He is currently the editor of SAFE-EITTOC (www.eittoc.com) a digital e-learning company.

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Gary S. Sastow is a member of the law firm of Brown, Gruttadaro, Gaujean, Prato & Sastow PLLC. 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 an adjunct professor at Pace University's Graduate Center.

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 several major New York teaching hospitals. Ms. Schatz is an associate with the law firm of Fager, Amsler & Keller, counsel to Medical Liability Mutual 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.

MICHAEL J. SCHOPPMANN, ESQ.

Michael J. Schoppmann is President, MLMIC Services, Inc., as well as a partner of Fager Amsler Keller & Schoppmann, LLP. Mr. Schoppmann is regarded nationally for devoting his career to the defense of healthcare professionals in complex medical malpractice actions and in actions brought by state licensing authorities, federal healthcare agencies (e.g., the Office of Inspector General, Medicare, Medicaid, DEA, OSHA) hospital review boards (credentialing and disciplinary), billing/coding/fraud investigative units (both public and private), and in the myriad forms of complex healthcare litigation involving physicians and medical practices. Mr. Schoppmann has successfully defended physicians in actions involving state medical boards, Medicare fraud, fraud and abuse, hospital discipline, RAC audits, Medicare audits, OIG fraud, healthcare fraud, medical billing audits and health plan billing audits.

Mr. Schoppmann has served as a faculty member of the Cornell University Johnson Graduate School of Management Executive Program in Healthcare Delivery Management; and the University of Rochester Simon School of Graduate Studies Executive Program in Healthcare Delivery Management. He is past two-term chairman of the State Bar Association's Administrative

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Law Section and has served as the featured speaker to national, state and county medical societies and organizations throughout the country.

Mr. Schoppmann, honored by the Richmond County Medical Society, the Westchester County Medical Society, and the Erie County Medical Society, is also the recipient of two professional service awards in recognition of a career devoted to serving and defending medical professionals. He is a sustaining member of the NYSBA, an elite group comprising one percent of the New York State Bar membership. Mr. Schoppmann received his Bachelor of Science degree from St. John's University and his Juris Doctor degree from Seton Hall University.

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James Shannon is a Principal with Jackson Lewis PC. He received his J.D. degree, *cum laude*, from Albany Law School in 1997. Mr. Shannon is a member of the firm's health care practice group and represents a diverse range of health care entities and practitioners.

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Jay B. Silverman is a partner at Ruskin Moscou Faltischek, P.C., where he is a co-chair of the firm's Health Law Department. He is also chair of the firm's Healthcare Professionals and HIPAA Compliance Groups. Mr. Silverman is a former Assistant General Counsel for the Medical Society of the State of New York. He received a B.A. degree from Queens College (1985) and his J.D. degree from Hofstra University School of Law (1988).

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 communities 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 was 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, Union Graduate College/Icahn School of Medicine at Mount Sinai.

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 profes-

sional 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. 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.

DAVID N. VOZZA, ESQ.

David N. Vozza is a member of Norris McLaughlin & Marcus, P.A. He devotes his practice to the areas of healthcare and litigation. Mr. Vozza’s practice focuses on defending health care professionals in connection with disciplinary and regulatory actions before federal and state agencies, private and government payor audits, civil and criminal fraud investigations, hospital and privileges disputes, and general healthcare litigation in both the federal and state courts.

Mr. Vozza regularly defends health care professionals before the Office of Professional Medical Conduct and Office of Professional Discipline. He also frequently lectures at hospitals throughout New York State regarding medical fraud, regulatory agencies, professional licensure, and medical documentation.

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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),

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Melanie I. Wiener is a partner at Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP in the Commercial Litigation Department. Her practice focuses on commercial litigation, insurance defense and personal injury, but she also has significant experience handling civil and health care litigation. As the former director of the Health Care Collection & Reimbursement Recovery Department at the firm, Ms. Wiener counseled the firm's nursing home clients on all matters pertaining to private collections and estate recoveries. Ms. Wiener is a graduate of Hofstra University School of Law.

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.

ROSLYN WINDHOLZ, ESQ.

Roslyn Windholz is deputy general counsel for health at the New York City Department of Health and Mental Hygiene. Her areas of concentration include drafting rules and regulations on health-related matters, emergency preparedness, human subjects research, and confidentiality. She is a graduate of Queens College and Touro College, Jacob D. Fuchsberg Law Center, where she was a member of the Law Review.

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 Management 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.

HAYDEN S. WOOL, ESQ.

Hayden S. Wool is a partner/director of Garfunkel Wild, P.C. Mr. Wool is a member of the firm's health care, business and compliance and white-collar defense practice groups and advises clients on a variety of business, regula-

tory and transactional issues. Mr. Wool's practice includes the structuring of hospital physician relationships, physician group relationships, review of the structure of business transactions as to compliance with federal and state regulatory matters, as well as issues regarding proper reimbursement for health care activities. He has particular expertise in the application of the federal and state self-referral (Stark) laws, anti-kickback laws, fee-splitting laws and professional misconduct laws, as well as related rules and regulations. Mr. Wool's practice generally involves health care providers, which includes hospitals, medical and dental practices, business entities in the health care field and related organizations. He is a member of the American Bar Association, the New York State Bar Association, the Nassau County Bar Association, the American Health Lawyers Association, the Healthcare Financial Management Association, the Health Care Compliance Association and the Medical Group Management Association. In addition, Mr. Wool was named as a "Super Lawyer" in 2012 and each year thereafter. He was also selected to the 2011 "50 Around 50" class of business professionals by Long Island Business News. He earned a bachelor's degree in health care administration and management, with honors, from Alfred University; and a juris doctor, with honors, from Albany Law School of Union University.

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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.