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Bar Admissions
District of Columbia

Maryland

New York

Education
Villanova University School of Law (J.D., *cum laude*, 1999)

- *Environmental Law Journal*

Skidmore College (B.A., *cum laude*, 1996)

- Psi Chi (National Honor Society in Psychology)
- Pi Sigma Alpha (National Political Science Honor Society)
- Periclean (Skidmore Honor Society)

# SARAH E. SWANK

## Experience

**Sarah Swank** is a principal in the firm's Health Law Group and co-founder of the Ober|Kaler Health Care General Counsel Institute. She provides advice and guidance on a wide range of health law issues, including health care reform, Stark, antikickback, health information technology (meaningful use, HIPAA privacy, HITECH breach reporting), clinical research and IRBs, health care transactions, governance, due diligence, EMTALA and compliance. Sarah provides guidance to health care organizations of all types on the development of accountable care organizations (ACOs), and she speaks and writes nationally on ACO integration models, EHRs and telemedicine. Sarah works with clients to navigate the complex and changing legal framework facing health care entities today and to guide them through business and strategic planning issues.

Before joining Ober|Kaler, Sarah was Associate General Counsel of Trinity Health, the tenth largest health care system in the US, assigned to Holy Cross Hospital in Silver Spring, Maryland, where she directed legal affairs, legal staff and budget for the 450-bed hospital. For the nearly eight years that Sarah oversaw the legal department at Holy Cross Hospital, she worked closely with executive leadership, management, privacy officer, the medical staff and the Board of Trustees on various health law, corporate law and compliance issues. Sarah drafted, reviewed and negotiated large hospital-based physician agreements and various other operational contracts (e.g., IT, supply chain, education affiliation, construction, managed care, emergency preparedness), while overseeing the contract management process for over 700 physician and operational contracts annually. She sat on the Board of Directors for an open-MRI joint venture between the hospital and a radiology group and on the hospital's compliance committee, IRB, safety committee and accreditation leadership committee. She also provided counsel on governance and corporate issues, including forming and advising the hospital's foundation, creating and dissolving joint ventures and preparing corporate documents. Sarah managed and provided strategic direction to the hospital's litigation and claims, including such matters as medical staff, employment, privacy, contract, corporate and collections.

Sarah started her health law career at Couch White (now Greenberg Traurig) in the Albany, New York office as a Health Law and Government Affairs Attorney, where she counseled and advocated for a health plan association and provider associations, health plans and IPAs on state and federal legislative and regulatory issues. She also advised clients on HIPAA privacy issues, drafted and negotiated managed care and IT contracts, formed business entities, assisted in the creation of joint ventures, advised on corporate governance issues and conducted venture capital due diligence.

Sarah was selected as a contributing author for "Top 10 Health Law Issues – 2013," an annual look at health law hot topics published by the American Health Lawyers Association. She contributed a piece on quality-based health care models.

## Professional Memberships

- American Bar Association
- American Health Lawyers Association
  - Accountable Care Organization Credentialing Work Group, Co-chair
  - ACO Task Force
  - Physician Counsel Working Group
- American Telemedicine Association
- Association of Corporate Counsel
  - Washington Metro Area Chapter, Past Member

## Community Service

- Arts Education in Maryland Schools Alliance
  - Board Member
- Leukemia and Lymphoma Society
  - Nike Women's Half Marathon Host Committee

## Professional Background

- Associate General Counsel, Trinity Health (Holy Cross Hospital)
- Health Law and Government Affairs Associate, Couch White (now Greenberg Traurig)
- Appellate Court Attorney, New York State Supreme Court, Appellate Division Third Judicial Department

## Publications & Presentations

- **ACOs and Health Care Reform**
  - Presenter, "Ten Lessons Learned For ACO Formation and Operation," HCCA Web Conference, Health Care Compliance Association, 2013
  - Presenter, "Participating in the Medicare Shared Savings Program,"Accountable Care Organizations Bootcamp Webinar Series, American Health Lawyers Association, 2013
  - Co-author, "Quality-Based Healthcare Models: Getting More Bang for Your Healthcare Buck," *AHLA Connections*, American Health Lawyers Association, 2013
  - Presenter, "Insurance Exchanges: How They Work, What They Change," Webinar, National Business Institute, 2013
  - Co-author, "Implementing a Mandatory Flu Shot Policy: What Every Employer Should Know ," *Smart HR Manager* and *Maryland State Bar Asssociation Section of Labor and Employment Newsletter*, 2013
  - Author, "A Physicians Guide to Forming and Operating an Accountable Care Organization," *Maryland Medicine*, 2012
  - Presenter, "ACOs and New Integrations Models: What Health Care Reform Means for Long Term Care" Joint Annual Conference, LifeSpan and Health Facilities Association of Maryland, 2012
  - Presenter, "Supreme Court Affordable Care Act Decision: What's Next for Health Care Providers?" Practicing Law Institute, 2012
  - Author, "Religion and Health Insurance Exchanges," *Hospitals and Health Systems Practice Group Newsletter*, American Health Lawyers Association, 2012
  - Presenter, "Accountable Care Organizations," Elder Law Section, Maryland State Bar Association, 2012
  - Presenter, "EHRs and ACOs: You Can't Have One Without the Other," HIMSS Annual Conference and Exhibition, 2012

- Author, "Five Trends in Health Care for Election Year 2012," *Health Law Report*, Bloomberg Law Reports, 2011
- Presenter, "The Final ACO Regulations: Is Participation Worth a Second Look?" Webinar, American Bar Association Health Law Section and the ABA Center for Continuing Legal Education, 2011
- Presenter, "Beyond the Cover Story Part 2: The Final ACO Regulations," Webinar, Ober|Kaler, 2011
- Presenter, "Five Trends in Health Care for 2012," 2011 Convention, Health Facilities Association of Maryland, 2011
- Presenter, "ACOs, Integration and Beyond," 2011 Convention, Health Facilities Association of Maryland, 2011
- Presenter, "Beyond the Cover Story: A Focused Overview of the Key Provisions of the ACO Regulations," Webinar, Ober|Kaler, 2011
- Author, "Will 'Qualified Entities' Be up for the Quality Public Reporting Challenge?" *AHLA Connections,* American Health Lawyers Association, 2011
- Panelist, "New Directions for Healthcare Delivery - Leadership Perspective," Healthcare Conference, BB&T Capital Markets, 2011
- Presenter, "Health Care Reform: A Year Later - HIPAA and HITECH, ACOs and Enforcement Tools," Health Care 2011, Practicing Law Institute, 2011
- Presenter, "The ABCs of ACOs: Navigating the Alphabet Soup of the New ACO Program," LifeSpan's Annual Convention & Exposition, 2011
- Presenter, "CMS Initiatives under the Accountable Care Act," 4th Annual Innovatix Legislative Conference, 2011

- **Telemedicine**
  - Presenter, "ACOs and Integration: What is on Horizon for Telemedicine," ATA Annual International Meeting & Trade Show, American Telemedicine Association, 2013
  - Presenter, "CMS Telemedicine Credentialing & Privileging: Legal Do's & Don'ts," Webinar, Progressive Healthcare Conferences, 2012
  - Presenter, "Telemedicine Credentialing and Privileging," Webinar, Strafford Publications, 2012
  - Co-presenter, "Telemedicine: Strengths, Weaknesses, Opportunities and Threats" Webinar, Ober|Kaler Health Care General Counsel Institute, 2012
  - Presenter, "Telemedicine Credentialing and Privileging: Complying With the New CMS Rule," Webinar, Strafford Publications, 2011 Compliance
- **IRBs and Research Compliance and Contracting**
  - Presenter, "The Times They are a Changin': Seven Key Regulatory Changes for Researchers and IRBs," Global Conference, Association of Clinical Research Professionals, 2013
  - Author, "Clarifying the Confusing World of Indemnification, Hold Harmless, and Defense Clauses," Teaching Hospitals and Academic Medical Centers *and* Life Sciences Practice Group Newsletter, American Health Lawyers Association, 2013
  - Presenter, "Hot Trends in Research Compliance: What You Don't Know Can Hurt You," Fraud and Compliance Forum, American Health Lawyers Association, 2012
  - Author, "Research Records and EHRs: Five Practical Tips in a New Compliance Era," *Compliance Today*, 2012
  - Author, "Is Your Research Data Safe? HHS Seeks to Strengthen Protections Under the Common Rule," *HIT News*, American Health Lawyers Association, 2012
  - Presenter, "Historic Changes to Simplify the Common Rule: Six Reasons Why Research Compliance Just Became More Difficult," Webinar, Health Care Compliance Association, 2012

- Presenter, "Is Your IRB Ready? Six Challenges Your IRB Must Master," Legal Issues Affecting Academic Medical Centers and Other Teaching Institutions, American Health Lawyers Association, 2012
- Author, "The Proposed Changes to the Common Rule: New Role of Local IRBs," In-House Counselor Newsletter, American Health Lawyers Association, 2011
- Author, *Institutional Review Boards: A Primer*, Second Edition, American Health Lawyers Association, 2010

- **HIPAA/HITECH and Health Information Technology**
  - Co-author, "HHS Overhaul of HIPAA: Summary of New Obligations for Covered Entities and Business Associates," *Maryland State Bar Association Section of Labor and Employment Newsletter*, 2013
  - Presenter, "HITECH and HIPAA: The Final Rule," Webinar, Ober|Kaler Health Care General Counsel Institute, 2013
  - Presenter, "Omnibus HIPAA Rule: Impact on Covered Entities," Webinar, Strafford Publications, 2013
  - Presenter, "HIPAA Audits and the New Audit Protocol," Webinar, Strafford Publications, 2013
  - Presenter, "Data Management for Health Care Organizations," Webinar, Ober|Kaler Health Care General Counsel Institute, 2012
  - Presenter, "Brave New World of HIPAA Compliance," Joint Annual Conference, LifeSpan and Health Facilities Association of Maryland, 2012
  - Presenter, "The Brave New World of HIPAA Compliance and Other OCR Initiatives," Physicians and Physician Organizations Law Institute and Hospitals and Health Systems Law Institute, American Health Lawyers Association, 2012
  - Author, "E-Prescribing and EHR – The Stick is Coming," *Maryland Physician Magazine*, 2011
  - Presenter, "Social Media, Health Care Privacy and Your Employees: 7 Tips to Avoid HIPAA Violations and Employee Claims," Webinar, Ober|Kaler, 2011
  - Presenter, "Successfully Meeting the Legal and Financial Challenges of EHR Implementation," Healthcare Law & Compliance Institute, International Performance Management Institute, 2011
- **Compliance**
  - Presenter, "Implementing and Maintaining an Effective Compliance Program," Beacon Institute, 2013
  - Presenter, "Physician Contracting and Compliance: To Disclose or Not to Disclose," Webinar, Ober|Kaler Health Care General Counsel Institute, 2011
- **Hospital/Physician Relationships, Health Care Transactions and Managed Care Contracting**
  - Presenter, "Post-Deal Integration Specifics: Standardizing Delivery Processes and Contracting," Webinar, Healthcare Financial Management Association and American Health Lawyers Association, 2012
  - Presenter, "Components for Effective Post-Deal Transitions, Integration, and Planning," Webinar, Healthcare Financial Management Association and American Health Lawyers Association, 2012
  - Presenter, "Negotiating Favorable Rates and Terms and Anticipating Areas of Dispute," Managed Care Contracts: Drafting Considerations for Providers, Webinar, Strafford Publications, 2012
  - Presenter, "Courting Physicians: Pros and Cons of the Six Integration Models," Webinar, Ober|Kaler Health Care General Counsel Institute, 2011
- **Medical Staff and Credentialing**
  - Presenter, "Disruptive Physicians: A Roadmap to Avoid Dangerous Behavior," Webinar, Ober|Kaler Health Care General Counsel Institute, 2012

- Author, "Court Finds Board's Selection of Hearing Panel Turns Due Process 'On Its Head,'" Medical Staff, Credentialing, and Peer Review Practice Group Alert, American Health Lawyers Association, 2011
- **Health Care Construction**
  - Co-moderator and panelist, "Emerging Trends in Health Care Construction," Women in Construction Conference, 2011
  - Panelist, Second Annual Health Care Real Estate Summit, BISNOW, 2011
- **Other**
  - Presenter, "Recent Trends in OCR Enforcement: Patient Access and Other Civil Rights Issues," Webinar, Health Care Compliance Association, 2012
  - Co-presenter, "Survival Tactics for General Counsel: Best Practices When the Government is Investigating Your Organization," Webinar, Ober|Kaler Health Care General Counsel Institute, 2012