BOND SCHOENECK & KING ATTORNEYS

Hermes Fernandez

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Profile

Hermes practices primarily in the areas of health law, administrative and regulatory law, related litigation and governmental representation.

Hermes has a particular affinity for assisting clients as they chart a course through unsettled law. He has handled numerous matters in health care fraud and abuse in the courts and in administrative hearings. Hermes has represented providers before and against the Attorney General's Medicaid Fraud Control Unit, the State Office of the Medicaid Inspector General and the HHS Office of Inspector General, the Office of Professional Medical Conduct and the Office of Professional Disclosure.

Hermes has advised and represented health care providers on board governance, statutory and regulatory compliance, surveys and audits and fraud and abuse matters. He has established new health care providers, and represented providers through mergers and acquisitions. Hermes also has represented clients in a number of sanction and enforcement actions, and in trials, including defense of actions brought by the Medicaid Fraud Control Unit, and in administrative proceedings in the State Education Department and State Department of Health. He also represents physicians and other licensed professionals in professional discipline matters.

Prior to joining Bond, Schoeneck & King in 1990, Hermes was Assistant Counsel to Governor Mario Cuomo, where he handled health and human services matters. On behalf of the Governor, he negotiated landmark health care legislation including the AIDS Confidentiality Law, the Do Not Resuscitate Law, and the Indoor Clean Air Act. Before coming to Albany, Hermes was a trial attorney in the Civil Division of the United States Justice Department in Washington D.C. He began his career as law clerk to the Hon. John MacKenzie, then Chief Judge, United States District Court, Eastern District of Virginia.

Hermes has lectured and published articles in the Health Law Journal, Government, Law and Policy Journal, Albany Law Review and the New York Law Journal.

Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*® 2010-2027, Administrative / Regulatory Law; Health Care Law (listed for more than 15 years)

Education

- Syracuse University College of Law (J.D., *magna cum laude,* 1981)
- Le Moyne College (B.A., *with honors,* 1977)

Bar/Court Admissions

- New York

Practices

- Long Term Care
- Higher Education
- Agribusiness
- Health Care
- Government and Regulatory Affairs
- Business and Transactions
- Business Restructuring, Creditors' Rights and Bankruptcy

    - *The Best Lawyers: Lawyer of the Year* (Albany) Administrative/Regulatory Law, 2023, 2025
    - *Best Lawyers: Lawyer of the Year* (Albany) Health Care Law, 2013, 2020
  - *Martindale-Hubbell*®, AV Preeminent Rated
  - *New York Super Lawyers® 2017, 2025*, Administrative Law
- Healthcare/Life Sciences Trailblazer, *National Law Journal*, March 2021
- Distinguished Service Award, Consumer Directed Personal Assistance Association of New York State, October 30, 2019
- Committee on Character and Fitness, New York State Supreme Court, Appellate Division, Third Department
- American Bar Association, Member, Health Law Section
- New York State Bar Association
  - Co-Chair, Task Force on Nursing Homes and Long-Term Care
  - Task Force on Mandatory COVID Vaccination and Safeguarding Public Health
  - Restarting the Economy Work Group
  - Member, House of Delegates
  - Immediate Past Chair, Health Law Section
  - Past Chair, Committee on Mental Retardation and Developmental Services Providers
  - Past Chair, Legislative Policy Committee
- Albany County Bar Association
- Capital District Black and Hispanic Bar Association
- American Health Lawyer's Association
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Representative Presentations

- CDPAS Patient Transition is Coming. Are You Prepared?- Community Healthcare Services Foundation, January 31, 2023
- Vaccination: Equity and Mandates Panel, Health Law Section Fall Meeting 2021, New York State Bar Association, November 5, 2021
- Panel, Discussion & Q&A, Health Law Section Fall Meeting 2021, New York State Bar Association, October 29, 2021
- Today’s Provider Landscape: Legal, Contracting and Policy Changes, CDPAANYS 18th Annual Conference, October 27, 2021
- Interviewed, NYS Bar Association Proposes State Coronavirus Vaccine Mandate,” CBS 6 Albany – WRGB, November 9, 2020
- Changes to New York's Wage Parity Requirements & CDPA, Consumer Directed Personal Assistance Association of New York, May 15, 2020
- New Rules Regarding Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act Webinar, NYS Care Management Coalition, April 1, 2020
- Panelist, Health Law 101, Bridging the Gap, New York State Bar Association, March 21, 2019

- Regulatory & Compliance Update for Fiscal Intermediaries Under NY's CDPAP, Home Care Association of New York State, December 10, 2018
- New York State Paid Family Leave Program: Guidance for Home Care Providers, Webinar, January 16, 2018
- Consumer Directed Personal Assistance Services (CDPAS): Ensuring Compliance and Minimizing Your Risk, Consumer Directed Personal Assistance Association of NYS Annual Conference, October 26, 2017
- Consumer Directed Personal Assistance Services (CDPAS): Ensuring Compliance and Minimizing Your Risk, NYS Health Care Providers Association, HCP Conference, October 25, 2017
- Keynote Speaker, Consumer Directed Personal Assistance Services (CDPAS): Ensuring Compliance and Minimizing Your Risk, HHAeXchange Business Summit, October 17, 2017
- Consumer Directed Personal Assistance (CDPA) Program, Consumer Directed Personal Assistance Association of New York State, May 19, 2017
- Consumer Directed Personal Assistance Services, NYHCP, February 27, 2017
- Complying with Executive Order 38: What Home Care Providers Must Do NOW!, NYS Association of Health Care Providers Webinar, April 8, 2015
- Impact of the Department of Labor's Amendment of the Companionship Exemption Upon the Consumer Directed Personal Assistance Program, Consumer Directed Personal Assistance Association of New York State, Annual Meeting, October 10, 2013

Representative Publications

- Quoted in "What Is "Due Process" When it Comes to an Impeachment Trial?," *Spectrum News*, March 18, 2021
- "Officials Have Vast Power on COVID-19 Measures—Except for Worship," *Bloomberg Law*, December 17, 2020
- Quoted in "Debate Over Whether COVID-19 Vaccines Should be Required Continues," *News10.com*, December 8, 2020
- Quoted in "Orthodox Jewish Synagogues Sue Cuomo Over Coronavirus Cluster Restrictions," *New York Law Journal*, October 8, 2020
- Quoted in "Labor Day Trip? What You Need to Know About NY's Travel Restrictions," *City Limits*, September 4, 2020
- Quoted in "Courts Giving States Leeway in Shutdown Cases," *POLITICO Pro*, September 1, 2020
- Quoted in "Vaccination Requirements Could Pit Safety Concerns vs. ADA, Title VII," *Business Insurance,* July 22, 2020
- Quoted in "New York, Neighbors Enact 14-Day Quarantine for Some Out-of-State Visitors," *Times Union*, June 24, 2020
- Quoted in "New Jury Trials Postponed in New York, Jury Selection Suspended Until Further Notice," *New York Law Journal*, March 13, 2020
- Quoted in "Independent living groups challenge CDPAP rate structure changes," *POLITICO Pro,* July 29, 2019

Other Activities

- Salvation Army, Capital District Task Force