



## Hermes Fernandez

### Member

hfernandez@bsk.com  
22 Corporate Woods Boulevard  
Suite 501  
Albany, NY 12211-2503  
(518) 533-3209  
(518) 533-3299 fax

### Profile

**Hermes concentrates his practice in the areas of administrative and legislative law, government regulation and litigation. He represents colleges, universities and other clients before the New York State Legislature and various state agencies, and appears in administrative proceedings and in the courts.**

His experience runs the gamut from state contracts, to constitutional issues, to rate-making, and to regulatory compliance. Hermes has handled numerous cases of first impression.

Relevant experience:

- Advised a college regarding a diversion of controlled substances from a college-operated health clinic, resolved without sanction, penalty or restriction on the clinic
- Represented a college regarding the improper disposal of nuclear waste, resolved with a minor fine
- Successfully defended a law school in an Article 78 proceeding at the trial and appellate level arising from the sanctioning of a student for plagiarism

Prior to joining the firm, Hermes served as Assistant Counsel to Governor Mario Cuomo. Before coming to Albany, he was a trial attorney with the Civil Division of the United States Justice Department in Washington, D.C.

### Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*® 2023 Lawyer of the Year Administrative/Regulatory Law
  - *The Best Lawyers in America*® 2010-2024, Administrative / Regulatory Law; Health Care Law (listed for 15 years)
    - *Best Lawyers* Albany Health Care Law Lawyer of the Year, 2013, 2020
  - *Martindale-Hubbell*®, AV Preeminent Rated
  - *New York Super Lawyers* 2017®, 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

### 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

- 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
- Order of the Coif

## 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, CDPAANY 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