BOND SCHOENECK & KING ATTORNEYS

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Profile

With an entire career immersed in health care law, Raul implements and manages complex projects for clients seeking to maintain their lead or enhance their position within the health and long term care markets.

For the initial part of his career, he was with the State of New York Medicaid Reimbursement and Fraud/Abuse Unit, rolling out the first comprehensive set of enforcement regulations and conducting extensive litigation as the State implemented the first enrollment process for providers ahead of other payors nationwide. Raul has since represented clients exclusively in health care ranging from Certificate of Need, competitive grant applications, reimbursement development and pricing disputes as well as regulatory and licensure matters.

Raul has brought his years of first-hand experience in the area of compliance to develop internal procedures to avoid fraud and ensure proper reimbursement. In litigation and defense, he brings decades of experience in representing clients in both claims against governmental agencies as well as defending against audits, investigations and overpayment recoveries.

As technology has become a major tool in both delivery and payment reforms, Raul has extensive experience in transactional engagements involving negotiation and implementation of health information technologies (HIT) as well as litigation and arbitration of electronic health records (EHR) systems. Raul has represented both provider systems and cloud based HIT companies in the development of contracts, breach analysis and vendor cybersecurity matters. At the initial Chair of the Health Sections E-Health & Information Systems Committee, Raul built up the committee over four years as the Statewide Health Information Network of New York (SHIN-NY) was being designed and coordinated programs on the HITECH Act. Raul is currently the Chair of the Health Section of the New York State Bar Association.

As a leader within the firm's health and long term care practices, Raul also coordinates needed legal service for clients with core health care attorneys across the firm, as well as integrating attorneys from overlapping areas such as labor and employment, real estate development and construction, public finance, business restructuring and intellectual property among areas within the firm to ensure seamless service to clients.

Honors & Affiliations

Education

- Albany Law School (J.D. 1986)
- Siena College (B.A. 1983)

Bar/Court Admissions

- New York
- U.S. District Court for the Northern District of New York

Practices

- Long Term Care
- Health Care
- Business and Transactions
- Business Restructuring, Creditors' Rights and Bankruptcy

- New York State Bar Association, Chair, Health Law Section; Chair, Committee on E-Health & Information Systems; Past Chair, Committee on Long Term Care
- National Health Lawyer's Association

Representative Matters

1992 – 2014 Provider-Side Representation Exclusively Limited to Health & Long Term Care

- Representation of institutional providers in audits, investigations, and rate litigation matters.
- Representation of providers in compliance matters, internal investigations and external audits/self disclosure reviews.
- Management of complex litigation/internal reviews/counseling; examples include school-based Medicaid in Education programs; county and statewide cost recovery projects; OMH/OASAS/OPWDD reviews; TPL reimbursement litigation; federal/state criminal investigations and false claims matters.
- General Counsel to long term institutions.

1984 – 1992 New York State Medicaid Agency

- Represented Medicaid audit staff in overpayment and fraud investigations.
- Represented agency in civil rights defense litigation, contempt matters and bankruptcy proceedings in conjunction with Attorney General's staff; developed legal analysis and strategy ultimately adopted by the Federal courts in provider terminations, disenrollment and withholding of payments.
- Coordinated fraud and recovery efforts with the Attorney General's Medicaid Fraud Control Unit and US Attorney's Office.
- Coordinated litigation against the Federal Department of Health and Human Services to enforce Medicare Maximization Project.
- Conducted training of in-house attorneys on hearings and overpayment collection procedures; Developed internal training guides and overviews for audit procedures and litigation support.
- Developed legal standards for settlements and filing of judgments.
- Drafted law and regulations involving exclusion of providers, overpayment recoveries and financial security.
- Developed of legal and financial analysis to support State-wide Medicaid audits and reviews for all provider types within the largest single payor system in the country – NYS Medicaid.

Representative Matters

- Obtained precedent setting injunction preventing MFCU from prosecuting non-profit home care agency in false claims investigation. Secured dismissal of indictments.
- Obtained precedent setting order allowing presence of corporate counsel in Attorney General depositions of management employees under Executive Law §63.13 investigation.

- Represented external auditor appointed by the court to review target of false claims action in Brooklyn Adult Day Health Care Program litigation – ultimately resolved by guilty plea and $25 million in restitution.
- Obtained precedent setting order invalidating LTC survey findings in Niagara County Supreme Court and obtained decision overturning CMS substantial compliance in immediate jeopardy situation before the Federal Departmental Appeals Board.
- Resolved numerous audits conducted by MFCU's Special Projects Unit involving cost audits of CHHAs, LTHHCPs as well as other focused reviews organized by the MFCU and OMIG.
- Resolved numerous rate appeals and rate litigation matters involving all aspects of capital and operating rate deficiencies.

Representative Presentations

- Hot Topics in LTC for Nursing Facilities, New York Association of Longterm Care Administrators Conference, October 18, 2019
- As chair of the Health Law Section, delivered welcoming remarks and introduction, 2017 New York State Bar Association Health Law Section Annual Meeting, January 25, 2017
- Health IT Update: Key Impediments to HITECH Implementation and the View Towards 2017, Albany Law School, January 23, 2017
- Moderator, Payment Responsibilities in Public Programs: Medicaid Managed Care, New York State Bar Association Health Law Section Fall Meeting, October 30, 2015
- Diversity in Health Care & Legal Representation, Affordable Care Act and Readiness for 2014 and Beyond, NYSBA Health Section Fall Conference, October 25, 2013
- Bond Webinar, HITECH and HIPAA Omnibus Final Rule - A Glimpse at Primary Changes, September 23, 2013
- Financial Managers Conference
- Foundation for Accounting Education
- Institute for Health and Human Services
- New York Association of Homes and Services for the Aging Compliance Roundtable Forums
- New York State Bar Association
- New York State Health Care Providers Association
- Albany Law School

Representative Publications

- "Telehealth & Telemedicine Reimbursement Issues," *NYSBA Health Law Journal* , 2015