



Raul A. Tabora Jr.

Member

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Profile

Honors & Affiliations

- 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.

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

- 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