



## Catherine A. Diviney

### PARTNER

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### Practice Areas

- Corporate
- Healthcare

### Education

- St. John's University, School of Law, J.D., *magna cum laude*, 1988
  - Member and Comment Author, Law Review
- Cornell University, B.S., 1984

### Admissions

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

Catherine A. Diviney is a partner in the Health Care Practice and a member of the Firm's Executive Committee. Ms. Diviney has concentrated her legal practice in the area of health law since 1993. She regularly advises health care providers, including hospitals, nursing homes, physicians, Office of People with Developmental Disabilities (OPWDD)- and Office of Mental Health (OMH)- licensed providers, nurses, and other licensed professionals on diverse legal issues. Ms. Diviney serves in the roles of general legal advisor, compliance advisor and hospital/physician transactions counsel for her clients. Her legal experience in these areas includes:

#### Compliance Advisor:

- Anti-Kickback, Stark, False Claims Act and Civil Monetary Penalties
- OIG/OMIG/MFCU audits, investigations and self-disclosures
- Compliance program development/implementation
- CMS/Medicare/Medicaid/third-party payer billing issues
- EMTALA
- Tax-exempt entity administration and financing
- Nursing home enforcement actions and IDRs

#### Hospital/Physician Transactions Counsel:

- Hospital affiliations and corporate restructuring
- Captive PC/PLLC development
- Physician practice acquisitions and sales
- Exclusive provider and services agreements
- Physician recruitment arrangements
- Medical staff issues/peer reviews/corrective actions

#### General Legal Advice:

- Confidentiality/HIPAA
- Board of director liability/governance issues
- Patient care issues
- Corporate structuring

- Not-for-profit legal concerns

Ms. Diviney also provides in-house client and board trainings. Those speaking topics have included:

- The Intersection of Compliance and Quality
- EMTALA: The Basics
- The Do's and Don'ts of Electronic Communication

### **Representative Matters**

- Currently serving as general counsel for a large hospital in Northern New York.
- Represented a hospital in a corporate restructuring/affiliation with another hospital.
- Represented a nursing home in enforcement and informal dispute resolution proceedings.
- Represented a hospital through a nursing home receiver appointment process on an expedited timeframe.
- Represented a hospital in an asset purchase acquisition of a large physician practice group.
- Represented various hospitals in EMTALA enforcement actions.
- Represented various providers in OIG and OMIG self-disclosures.
- Represented various providers in Medical Fraud Control Unit investigations resulting in Settlement Agreements.
- Represented various nursing homes and hospitals in OMIG audits.
- Represented a physician practice in an insurance billing compliance matter.

### **Professional Credentials**

- Member, American Health Lawyers Association
- Member, New York State Bar Association, Health Law Section
- Member, Central New York Women's Bar Association
- Member, Onondaga County Bar Association, Medical/Legal Committee
- Member, Hospice of the Finger Lakes, Board of Directors, Executive Committee
- Surrogate Decision Making Committee Volunteer Panelist (2008 – Present)
- Past Member, Rosewood Heights Healthcare Center Foundation, Board of Directors
- Past Member, Frank H. Hiscock Legal Aid Society, Board of Directors

### **Honors & Recognitions**

- Selected, Health Care Law, *"Lawyer of the Year" in Syracuse, The Best Lawyers in America (2019)*
- Selected, *The Best Lawyers in America*
- Selected, New York – Upstate, *Super Lawyers*

### **Press & Publications**

#### **News**

- 17 Hancock Estabrook Attorneys Selected to The Best Lawyers In America 2020

### **Publications**

- Healthcare Law Alert – Another Large Stark/False Claims Act Settlement
- “The Unintended Consequences of OPMC Actions”, Dateline, Spring 2010, Vol. 9, No. 1

### **Speaking Engagements**

- Hancock Estabrook Health Law Symposium 2018
- Hancock Estabrook Health Law Symposium 2017
- Hancock Estabrook Health Law Symposium 2015
- Healthcare Financial Management Association’s Region 2 Fall Conference, “Annual Legal and Compliance Update”
- Hancock Estabrook Health Law Symposium 2014
- Hancock Estabrook Health Law Symposium 2013