



## Sean Sullivan

Partner

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### *Related Services*

Health Care ■ Blockchain & Digital Assets ■ Artificial Intelligence ■ Health Care Private Equity ■ Private Equity

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*Faced with regulatory and operational obstacles such as corporate practice of medicine, fraud and abuse, HIPAA, and reimbursement issues, providers and business associates call on Sean for innovative, practical solutions. Through deep involvement in the health IT community and close relationships with investors, he forms valuable connections with clients by keeping them aware of relevant issues.*

Sean Sullivan is a partner with the Health Care Group. Sean assists health care providers and business associates, including health care technology companies, in avoiding liability by ensuring regulatory compliance in operations; advising on business forms and transaction structures; investigating, disclosing, and resolving potential noncompliance; defending government investigations; and providing regulatory support to litigation and transactions as necessary. He also regularly advises private equity and other investors on the regulatory risks and structuring considerations associated with investing in the health care industry.

Sean started his legal career in the U.S. Army JAG Corps, where he advised commanders on regulatory matters and defended soldiers and officers accused of misconduct in courts martial and hearings, trying more than 40 cases to verdict during his time on active duty. Since leaving active duty, Sean has focused his career on advising national health care providers in regulatory actions, policy review, compliance, reimbursement, and liability prevention, including corporate practice of medicine, HIPAA, Stark Law, Anti-Kickback Statute, False Claims Act, and CMS rules. He has also litigated complex health care matters, including provider disputes, government investigations, and high-exposure long-term care medical malpractice cases.

*Chambers USA: America's Leading Lawyers for Business* has recognized him for excellence in the area of Healthcare.

### *Representative Experience*

- Developing management services organization (MSO) and friendly PC arrangements for clients in all health care specialties based on state corporate practice of medicine (and other professions) restrictions and fee-splitting rules.
- Advising a Fortune 500 health IT developer and supplier of pharmaceutical and medical supplies on HHS interoperability and information blocking regulations, including analyzing the impact on the client's electronic health record (EHR) system, other health IT products, provider network, and various other business lines.
- Advising a telehealth-focused health care organization on regulatory matters, contracting, and telehealth policy as the company has grown rapidly during the COVID-19 pandemic.
- Counseling hospitals, health systems, physician groups, and post-acute care providers on Anti-Kickback Statute, Stark Law, and related state fraud and abuse law compliance, including helping health care providers develop compliant partner relationships and payment programs.

- Advising health care providers on telemedicine and remote patient monitoring program implementation, including licensure issues, informed consent, scope of practice limitations, compliance issues, and reimbursement.
- Overseeing regulatory due diligence and corporate structuring concerns for acquisitions and investments in the health care industry, including advising private equity and other investors on regulatory risk and navigating corporate practice of medicine restrictions.
- Assisting physician groups and hospitals in contracting matters, including for clinical trial agreements, preferred provider programs, and employment agreements.
- Negotiating, drafting, and advising on implementing electronic health record agreements between providers and vendors.
- Advising health care providers and business associates on patient privacy, data security, and HIPAA compliance, including reviewing policies and procedures for privacy and security, breach notification, and security assessments.
- Developed multistate hospice consent policies and forms for a large national hospice provider.
- Defending high-exposure government investigations of health care providers and other companies in highly regulated industries, both in criminal and civil investigations.
- Developing policies and procedures for multiple health care providers surrounding committees protected by the quality assurance, medical review, and peer review privileges in health care.
- Drafting and enforcing arbitration agreements for health care providers to limit liability, expedite dispute resolution, and protect patient and provider privacy.
- Assisted a national veterinary practice management company on state corporate practice of veterinary medicine rules, structuring considerations, and regulatory diligence for various acquisitions.
- Represented a national veterinary practice management company on a recapitalization and strategic partnership transaction, including providing corporate M&A and regulatory counsel.

## **Publications & Presentations**

### **Publications**

- “Telehealth and Remote Care After the Public Health Emergency,” *American Health Law Weekly*, April 7, 2023.
- “Payment and Reimbursement,” chapter in *AHLA Telehealth Law Handbook*, 2nd Edition, LexisNexis, March 2023.
- “Payment and Reimbursement,” *Telehealth Law Handbook*, American Health Law Association, forthcoming.
- “Patient Cyber Harm: Strategies and Tips for Prevention, Preparation, Risk Management, and Transparency,” *Health Law Connections*, Vol. 3, No. 8, American Health Law Association, August 2022.
- “Survey of Applicability of State General Privacy and Breach Notification Laws to Health Information,” *American Health Law Association*, August 26, 2021.
- “The Reassignment Riddle: Billing Medicare for Distant Site Services,” *Compliance Today*, Health Care Compliance Association, July 2019.
- “Private Payer Parity in Telehealth: Not Always All It’s Cracked Up to Be,” *The RAP Sheet*, American Health Lawyers Association, December 2017.
- “The Nursing Home Facility Assessment and the Law of Unintended Consequences,” *PALS Advisor*, March 2017.

### **Presentations**

- “Information Sharing in 2023: The ONC Proposed Rule, Opportunities, and Observations,” American Health Lawyers’ Association, webinar, May 11, 2023.
- “Post-Acquisition Surprises: Why Diligence Should Not End at Closing,” Health Care Transactions 2023, Nashville, TN, April 17, 2023.
- “Is Your Health Data Sloshing Out of the Privacy Bowl? Preventing PHI Spills and Other Data Misuse,” Physicians and Hospitals Law Institute 2023, Orlando, FL, January 30 - February 1, 2023.
- “What Providers Need to Know about Information Blocking: Navigating the Interoperability and Information Sharing Obligations from the 21st Century Cures Act,” Atlanta Regional Healthcare Compliance Conference, Atlanta, GA, January 20, 2023.
- “Patient Cyber Harm: Strategies and Tips for Prevention, Preparation, Risk Management, and Transparency,” AHLA’s Speaking of Health Law, podcast, January 17, 2023.
- “Telehealth in Georgia: Yesterday, Today, and Tomorrow,” Georgia Bar Association Health Law Section CLE, June 22, 2022.
- “Preventing CyberHarm to Patients: Risk Management,” Health Care Data: Navigating Legal and Operational Challenges, webinar, April 13, 2022.
- “Corporate Practice of Medicine and Management Services Agreements,” Healthcare Lending Forum, webinar, February 15-16, 2022.
- “Health IT in a Post-COVID World: Navigating Day-to-Day and Transactional Issues Related to Health Care Technology,” Physicians and Hospitals Law Institute 2022, New Orleans, LA, February 2-4, 2022.
- “HIPAA & Information Blocking Update,” Emerging from The Pandemic Into The New Normal: Compliance, Privacy And Enforcement Considerations, NJ HFMA Compliance, Audit, Risk & Ethics (Care) Forum, webinar, July 21, 2021.
- “Information Blocking Is Here: A Deep Dive into the Practical Application of the ONC Rule After One Year, FAQs, and Unanswered Questions,” American Health Lawyers Association, webinar, May 6, 2021.
- “Physician Compensation,” The Georgia Society of Certified Public Accountants Virtual Health Care Conference, webinar, February 25, 2021.
- “Interoperability and Information Blocking: Key Provisions from the 21st Century Cures Act and the CMS and ONC Final Rules,” Georgia Hospital Association Virtual Conference Series, webinar, December 18, 2020.
- “Interoperability and Information Blocking Final Rules,” American Health Lawyers Association, webinar, November 17, 2020.
- “Healthcare Hot Topics: Telehealth and Technology,” Health Law Section of the State Bar of Georgia, webinar, October 14, 2020.
- “COVID-19 and Health Information Privacy: Waivers, Enforcement Discretion, and Outstanding Questions,” American Health Lawyers Association, webinar, May 26, 2020.
- “Open Records and Open Meetings,” State Bar of Georgia 17th Annual Non-profit Law Seminar, Atlanta, GA, March 4, 2020.
- “Physician Employment and the Anti-Kickback Statute and Stark Law,” The Georgia Society of Certified Public Accountants 2020 Health Care Conference, Atlanta, GA, February 21, 2020.
- “Compliance Priorities in Telehealth,” 2020 HCCA Atlanta Regional Conference, Atlanta, GA, January 24, 2020.

- “What Is a Compliance Program and Why Would I Need One?” GACCP Winter Conference, Atlanta, GA, February 21-22, 2019.
- “Telemedicine Series 2018, Part III: Telemedicine Billing, Coding, and Reimbursement,” American Health Lawyers Association, webinar, October 24, 2018.
- “Fraud and Abuse in Health Care: Where Good Business Is Illegal,” GACCP Summer Conference, Atlanta, GA, July 25, 2018.
- “Fraud and Abuse Laws in Healthcare,” GACFE Luncheon Meeting, Atlanta, GA, July 13, 2018.
- “HIPAA Fundamentals in Plain English,” GACCP Winter Conference, Atlanta, GA, February 8, 2018.

## *Professional & Community Engagement*

- *The Best Lawyers of America*®, One to Watch 2021-2022
- American Health Lawyers Association, Privacy and Security Risk Compliance and Enforcement Affinity Group, vice chair of publications (2019–2023)
- American Health Lawyers Association, Health Information and Technology (HIT) Practice Group, Practice Group Leadership Development Program (2017–2018), social media coordinator (2018–2019), special topics leader (2022-2023)
- Atlanta Volunteer Lawyers Foundation (AVLF), Leadership Council, Nominating Committee chair (2018-2020), Executive Committee (2018-2021), pro bono volunteer
- Health IT Leadership Summit, 2017 Content Committee leadership
- Technology Association of Georgia (TAG) Health Society
- American Bar Association (ABA) Military & Veterans Health Law Interest Group, liaison
- VA Legal Clinic, pro bono volunteer
- Atlanta Bar Association, Litigation Section
- State Bar of Georgia, Health Law Section Mentorship Advisory Committee
- American Bar Association, Health Law Section
- Georgia Academy of Healthcare Attorneys (GAHA)

## *Education*

- Georgia State University (J.D., 2007)
- Emory University (B.A., 2004)

## *Admitted to Practice*

- Georgia