



Flaherty  
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## Robert L. Coffield

*Member*

### Professional Statement:

Robert L. Coffield provides legal counsel to a variety of business and health care clients. He provides counsel to hospitals, home health providers, QIOs, clinics, physicians and physician groups, and health care trade organizations.

Mr. Coffield represents health care providers involved in regulatory litigation and compliance, certificate of need, privacy and security, joint ventures, professional disciplinary and licensure matters, technology issues, and other health and business law issues. Mr. Coffield advises clients on implementing regulatory compliance policies and procedures, HIPAA compliance, fraud and abuse, Stark, medical staff and peer review issues, negotiating physician recruitment and employment contracts and risk management matters. He represents health care and business clients on corporate matters, corporate structuring, transactions, joint ventures, formulation and dissolution and licensing.

Mr. Coffield understands and has experience in the application of technology to the practice of law and medicine, including issues surrounding social networking, the health 2.0 movement, privacy and security of health data, the evolution and adoption of electronic health record systems, implementation of health information systems and other technology issues impacting the health care industry.

Governor Joe Manchin appointed Mr. Coffield to a four year term on the Board of the West Virginia Health Information Network (2006 - 2010), created to promote the design, implementation and operation of a fully interoperable statewide health network to facilitate public and private use of health care data. In addition, Mr. Coffield was selected to serve as the 2006-2007 Co-Chair for the American Health Lawyers Association's Privacy and Security Compliance and Enforcement Health Information Technology Affinity Group. Prior to joining the firm, Mr. Coffield held the position of Assistant General Counsel for the West Virginia Health Care Authority (1998 - 2001).

Mr. Coffield is the author of Health Care Law Blog, an analysis and commentary on a variety of health care law related industry news and information with a focus on legal issues that impact West Virginia news and information with a focus on West Virginia law.

### Practice Areas:

- Health Care/Regulatory Compliance
- Corporate Transactions
- Government Relations
- Medical Malpractice

### Education:

- J.D., West Virginia University College of Law (1993)
- B.A., *cum laude*, English, Bethany College (1988)

### Court Admissions:

- United States District Court Southern District of West Virginia
- West Virginia Supreme Court of Appeals

### **Professional Involvement:**

- American Health Lawyers Association  
Co-Chair, Privacy and Security Compliance and Enforcement Health Information Technology Affinity Group (2006 - Present)
- West Virginia Health Information Network  
Board Member, appointed to a four-year term by Governor Joe Manchin (2006 - 2010)
- West Virginia Health Information Security and Privacy Collaborative Project  
Committee Member, Legal Working Group (2006 - 2007)
- West Virginia eHealth Initiative  
Steering Committee Member (2005 - Present)
- West Virginia Chamber of Commerce  
Economic Development Committee (2006 - Present)
- West Virginia Bar Association
- Kanawha County Bar Association

### **Awards and Honors:**

- The Best Lawyers in America - Health Care Law (2008 - Present)

### **Representative Legal Work:**

- Represented a West Virginia hospital seeking a certificate of need involving the development of a comprehensive cancer center program.
- Represented a West Virginia nonprofit hospital in negotiations with a for profit hospital system to sell its facility in return for the construction of a new \$80 million health care facility to serve the local community.
- Defended and settled a United States Department of Justice investigation involving two hospitals who allegedly allocated the market by dividing cancer and open heart related services to strengthen the provision of services in a rural setting and addressed related state action doctrine issues involving the West Virginia Health Care Authority's certificate of need regulatory scheme.
- Represented and settled a class action involving a group of West Virginia hospitals who were alleged to be overcharging patients for copies of medical records under the statutory structure outlined in the West Virginia Code.
- Represented and advised multiple hospitals and physician groups on implementation of and compliance with the Privacy and Security Standards under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Represented a national home health care provider in a \$4.5 million dollar acquisition of a West Virginia rural home health agency servicing a six county service area.
- Represented a national home health care provider in acquiring a certificate of need to acquire a West Virginia home health care provider for \$4.5 million dollars.
- Represented a national home health care provider in for-profit and non-profit joint venture acquisition of hospital-based home health services.
- Represented and advised Quality Improvement Organization (QIO) on various state and federal issues involving Medicare and Medicaid quality and utilization review.
- Represented and advised an affiliated academic medical practice on privacy and security compliance, development of model policy and procedures and transitional issues under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Represented a regional emergency medicine provider on business and transactional issues, including formation of West Virginia entities, negotiation of various agreements and regulatory compliance matters.
- Represented a regional correctional medicine company on various litigation and compliance related matters, including compliance with the Privacy and Security Standards under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Sought and received an exemption from certificate of need review for a mobile ultrasound service provider in West Virginia.

- Represented physician in Medicaid related audit, investigation and settlement on billing and reimbursement issues.
- Represented a West Virginia ophthalmologist in the acquisition of an ophthalmology practice and eye care center.
- Represented nurse before the West Virginia Board of Registered Nurse on licensure and impaired provider issues.
- Assisted various hospitals, physicians and other health care clients with internal risk management and compliance investigations.
- Assist hospitals, physicians and insurance companies in seeking advisory opinion on proposed projects involving certificate of need approval.

### Teaching & Lecturing:

- *Health Care Information Privacy and Security Monitoring, Audits and Investigations: How to avoid an investigation and what you should expect if the state or federal officials call?* Lorman Educational Services, Robert L. Coffield, Michael T. Harmon, Terri Barrett and Jack L. Shaffer, Jr., Charleston, West Virginia, November 13, 2007.
- *Confidentiality and Privacy of Medical Information in West Virginia*, Lorman Educational Services, Robert L. Coffield and Edward C. Martin (Speakers), Charleston, West Virginia, August 6 2007.
- *Privacy and Security Enforcement: Advice on Federal Civil Enforcement Actions under HIPAA*, West Virginia Health Information Management Association Annual Meeting, Robert L. Coffield, Charleston, West Virginia, May 14, 2007.
- *Open Healthcare - Learning to Live in the Brave New World: Openness, Controversy and Crisis Management in Blogs and Social Media*, Healthcare Blogging Summit 2007, Panel Discussion: Dmitriy Kruglyak (Moderator): CEO, Trusted.MD Network; Matthew Holt: Author & Consultant, The Health Care Blog; Nicholas Jacobs, FACHE: CEO, Windber Medical Center & Research Institute; Robert L. Coffield, JD: Member, Flaherty, Sensabaugh & Bonasso, PLLC; Elisa Cooper: Whistleblower, formerly with Kaiser Permanente; Las Vegas, Nevada, April 30, 2007.
- *West Virginia's Prompt Payment Act and Other Health Law Developments for West Virginia Hospitals*, Revenue Cycle Meeting for the West Virginia chapter of the Healthcare Financial Management Association, Robert L. Coffield, Sutton, West Virginia, April 9, 2007.
- *The Value of Blogging In Business*, Charleston Area Alliance - CEO Roundtable, Robert L. Coffield, Matthew Ballard and Skip Lineberg, Charleston, West Virginia, April 4, 2007.
- *Healthcare Blogging and Web 2.0: Understanding the Basics and Exploring the Impact on the Healthcare Industry*, Hospitals and Health Systems Law Institute, American Health Lawyers Association, Robert L. Coffield, Las Vegas, NV, February 5-7, 2007.
- *Healthcare Blogging - Facts & Issues Panel: Understanding Size, Influence and Rules of the Healthcare Blogosphere*, Healthcare Blogging Summit 2006, Panel Discussion: Dmitriy Kruglyak (Moderator) Publisher, The Medical Blog Network; Fard Johnmar, MA, Founder, Envision Solutions LLC and Author: "*The Emerging Healthcare Blogosphere, What Is It & Why Does It Matter?*"; Robert L. Coffield, JD: Member, Flaherty, Sensabaugh & Bonasso, PLLC; First healthcare law blogger; John Mack, MA, MS, MPhil, President, VirSci Corporation and Publisher, Pharma Marketing Network; and Mike Smith, President, Michael Smith Business Development, Washington DC, December 11, 2006.
- *Confidentiality and Privacy of Medical Information in West Virginia*, Lorman Educational Services, Robert L. Coffield and Edward C. Martin, Charleston, WV (2006)
- *Privacy & Informational Compliance Issues: HIPAA, FACTA, US PATRIOT Act and Workplace Legal Issues*, West Virginia Society of Certified Public Accountants 14th Annual Conference for Industry & Governmental Professionals, Charleston, WV (2005)
- *Confidentiality and Privacy of Medical Information in West Virginia*, Lorman Educational Services, Robert L. Coffield and Edward C. Martin, Charleston, WV (2005)
- *The Impact of HIPAA, FERPA and the USA PATRIOT Act of 2001 on Higher Education*, Marshall University Graduate School of Education, LS745 Higher Education Law, South Charleston, WV (2005) WV (2002)

- *Confidentiality and Privacy of Medical Information in West Virginia*, Lorman Educational Services, Robert L. Coffield and Edward C. Martin, Charleston, WV (2004)
- *Breaches of Confidentiality – A West Virginia Mock Trial*, Thirteenth Annual Winter Conference, West Virginia Society For Respiratory Care, Canaan Valley, WV (2004)
- *HIPAA's Impact On West Virginia Providers and Health Plans: Privacy, Security and the Preemption of West Virginia Law*, Lorman Educational Services Seminar, Charleston, WV (2003)
- *Mock Trial & Case Study: HIPAA, Privacy & Confidentiality Issues in West Virginia*, West Virginia Office Managers Association, Mountaineer Conference Center, Chester, WV (2003)
- *HIPAA: Practicing Good Privacy and the Impact on Access Rights by Law Enforcement, Sexual Assault Nurse Examiner SART Conference*, Marshall University Forensic Science Center, Huntington, WV (2003)
- *HIPAA: Understanding the Impact on Law Firms*, Southern & Northern Chapters of the WV American Association Legal Nurse Consultants (2003)
- *HIPAA Compliance: Understanding and Implementing the Security and Privacy Regulations*, Lorman Educational Services Seminar, Charleston, WV (2003)
- *State Law and the New HIPAA Standards in West Virginia*, Lorman Educational Services Seminar, Charleston, WV (2002)
- *The Impact of HIPAA on West Virginia Physicians: Basic Understanding of the Standard Transactions*, West Virginia State Medical Association, Privacy and Security Standards, Health Care Summit, White Sulphur Springs, WV (2002)
- *HIPAA, Medical Compliance and the E-Revolution*, Medical Education Services Seminar, Charleston, WV (2002)
- *HIPAA: The Background and Basics of Administrative Simplification*, Mountain State Blue Cross Blue Shield Group Health Plan HIPAA Awareness Meeting, Charleston, WV (2002)
- *Administrative Simplification Section under the Health Insurance Portability and Accountability Act of 1996*, Lorman Educational Services, Charleston, WV (2001)
- *Overview of HIPAA Privacy Standards and West Virginia Prompt Payment Act*, CME Presentation – Mercer County Medical Society, Bluefield, WV (2001)
- *HIPAA, Medical Record Compliance and the E-Revolution*, Medical Education Services Seminar, Charleston, WV (2001)

### Writings & Publications:

- *The Rise of the Personal Health Record: Panacea or Pitfall for Health Information*, American Health Lawyers Association - Health Lawyers News, Robert L. Coffield and Gerald "Jud" E. DeLoss, Volume 12, Number 10, October 2008.
- *Looking at Legality: Medical Records - New questions and concerns are popping up around the legalities of EHRs and PHRs*, By Beth Walsh (quoted in article), August 11, 2008.
- *Social Media Notebook: Are Physician Blogs in a Legal and Ethical Twilight Zone?*, MD. Net Guide, Fard Johnmar, Envision Solutions in collaboration with Robert Coffield, July, 2007.
- *Statutory Liens for Health Care Providers: The Effectiveness of Laws Allowing Providers to Assert Liens on Settlements or Judgments from Third Party Tortfeasors*, Health Law Section, American Bar Association, Alaina N. Stout and edited by Robert L. Coffield (2006)
- *The Impact of the Administrative Simplification Compliance Act: Extra Time for Physicians to Comply with the Transactions and Codes Set Standards*, West Virginia State Medical Association (2002)
- *The Background and Basics of Administrative Simplification: The Impact of HIPAA on West Virginia Physicians*, West Virginia State Medical Association (2002)
- *The HIPAA Privacy Standards: Practical Guidance on Identifying Business Associates* (Health Lawyers - HIPAA Drill Down Series), American Health Lawyers Association ([www.healthlawyers.org](http://www.healthlawyers.org)), Robert L. Coffield and edited by Kristen B. Rosati (2002)
- *Real Property: Leasing Land for Hunting and Other Recreational Uses*, Cooperative Extension Services, West Virginia University; R.D. Publication No. 726; January 1985, Thomas J. Allen, Dennis K. Smith and Anthony Ferrise; Updated: August 1997, Robert L. Coffield, David L. Yaussy and Timothy L. Pahl (1997)

- *Real Property: Landowners' Rights and Responsibilities in West Virginia*, Division of Resource Management, College of Agriculture, Forestry and Consumer Services, West Virginia University; R.D. Publication No. 702; January 1985, Dan Doyle, Anthony Ferrise and Dennis K. Smith; Updated: August 1997, Robert L. Coffield, David L. Yaussy and Timothy L. Pahl (1997)
- *The Benefits and Protections of Reporting and Disclosure Policies*, Robert L. Coffield. Second Annual West Virginia Health Care Conference, Charleston, WV (1996)
- *Termination and Abandonment of Oil & Gas Leases: Duties, Responsibilities and Deep Pockets* (A Survey of Statutory and Common Law in Kentucky, Ohio, Pennsylvania, Virginia and West Virginia), H.L. Snyder and Robert L. Coffield. Eastern Mineral Law Foundation (1996)
- *Mechanics' Liens For Land Surveyors* (A Review of the West Virginia Mechanics' Lien Statute & 1994 Legislative Amendment), Philip A. Reale and Robert L. Coffield (1994)

### **Community**

- CAMC Foundation Gala, Corporate Sponsorship Committee (2007 - Present)