

Patricia A. Rogers

Shareholder

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Overview

Patricia Rogers is a healthcare lawyer whose practice is concentrated in the areas of federal and state administrative and regulatory compliance, healthcare transactions, and business consulting. Her experience includes Medicare fraud and abuse and Stark compliance and analysis; advising healthcare providers and business associates on HIPAA privacy, security and breach notification; representing hospitals, physicians, home health agencies, DME suppliers and other providers in voluntary refunds to federal payers and OIG self-disclosure submissions, disputes with private payers, ZPIC, MAC, RAC and CERT audits and appeals; developing joint venture arrangements with physicians and other healthcare providers; development of medical staff bylaws for hospitals and ambulatory surgery centers; counseling on physician employment arrangements, Medicare enrollment and billing; review and analysis of contracts; and organizing professional corporations and other professional entities.

As part of her practice, she also frequently assists hospitals, ambulatory surgery centers and other healthcare facilities with issues related to state licensure and permits, expansion and relocation of facilities, obtaining psychiatric certificates of need, EMTALA compliance, Medicare conditions of participation and Joint Commission, DNV Healthcare, and AAAHC accreditation standards, including requirements related to changes in ownership, and advises physicians and practitioners regarding professional licensure standards.

Patricia is particularly regarded for her knowledge and expertise on the Health Insurance Portability and Accountability Act and leads the firm's dedicated HIPAA Compliance and Health Privacy Team. Her extensive work in the area includes assisting clients in performing risk assessments under the HIPAA Security Rule, developing and implementing HIPAA compliance programs, including cybersecurity, responding to cyber and ransomware attacks, investigating potential breaches, and providing breach notifications. She also provides training to covered entities and their business associates.

Admissions

Oklahoma, 1999

U.S. District Court for the Western District of Oklahoma

Education

J.D., *summa cum laude*, Oklahoma City University, 1999; Managing Editor, *Law Review*; Outstanding Graduate, Class of 1999

M.H.S. (Health Policy and Management), Johns Hopkins University School of Hygiene and Public Health, 1985

B.A. (Anthropology/Pre-Med), *magna cum laude*, University of Pittsburgh, 1983

Professional Organizations and Memberships

Oklahoma Bar Association (Former Chair, Health Law Section)

Oklahoma Health Lawyers Association

American Health Lawyers Association

She has previously served as leader of the firm's Healthcare Group.

Her achievements have earned her inclusion in *Chambers USA Guide to America's Leading Lawyers for Business*, *The Best Lawyers in America* (health care law; privacy and data security law) and *Oklahoma Super Lawyers*, where she has been named to its list of "Top 25 Women Lawyers." She was selected by *Best Lawyers* as the "Oklahoma City Health Care Lawyer of the Year" for 2013, 2017, and 2021, honors only given to a single lawyer in each legal specialty in each market.

Prior to entering law school, Patricia was employed in management positions with healthcare institutions and served as the administrator for the institutional review board at an academic medical center. She was formerly an active duty and reserve officer in the U.S. Air Force Medical Service Corps.

Representative Experience

- Represented a large group practice in investigating and self-reporting potential liability under the False Claims Act and negotiating a settlement with the OIG.
- Represented a hospital system in the settlement of a longstanding dispute with a major health plan regarding coverage and payment for certain laboratory tests that accounted for more than \$5 million in revenue each year.
- Assisted an energy company in investigating a potential HIPAA breach involving hundreds of health plan members and a health care provider and reached a satisfactory resolution without any government complaint or investigation.
- Continued representation of an Oklahoma company that owns and operates pharmacies throughout the state with all HIPAA-related work, including review of all authorizations, subpoenas and court orders for pharmacy records.
- Assisted a large regional not-for-profit health system in the acquisition of a hospital by handling all federal and state regulatory filings and approvals, including psychiatric certificate of need.
- Represented a national health care company in obtaining certificates of need for psychiatric bed expansions at several facilities in Oklahoma.
- Assisted a rural Oklahoma hospital in developing a compliance program, training and policies and procedures and providing reports to the OIG following a settlement with the federal government.

Civic Involvement and Leadership

Gift of Sounds Inc. (Board of Directors, 2017- present)

Kids Alive! Musical Theatre (volunteer seamstress 2018-present)

The Children's Hospital Volunteers, Inc. (Board Member, 2015-2017)

Leadership Oklahoma City (Class XXXIII)

Children's Hospital Community Council

Friends of Cimarron Opera

Citizens Caring for Children, Inc. (Board of Directors, 2009-2010)

Festival of the Arts (Day Committee Chair, 2006-2009)

Infant Crisis Services, Inc. (Board of Directors, 2006-2008)

- Represented a home health agency in the appeal of a Medicare ZPIC audit involving a contractor's demand for a refund of more than \$1 million as a result of sampling and extrapolation
- Serves as general counsel for a public trust hospital and advises on all legal issues, including negotiating joint ventures with physicians, developing provider-based facilities, handling emergency detention issues in its behavioral health unit, and medical staff and personnel issues.
- Regularly counsel hospitals on responding to EMTALA complaints and Medicare and State Department of Health surveys, drafting corrective actions plans, and negotiating settlements.

Honors and Awards

- Listed in the *Chambers USA Guide to America's Leading Lawyers for Business*
- Selected by peers for inclusion in *The Best Lawyers in America* (health care law; privacy and data security law)
- Named "Oklahoma City Health Care Lawyer of the Year" for 2013, 2017, and 2021 by *The Best Lawyers in America*
- Listed in *Oklahoma Super Lawyers*
- Named to *Oklahoma Super Lawyers'* list of "Top 25 Women Lawyers"
- Rated AV Preeminent by Martindale-Hubble Peer Review Ratings