



Michaela D. Poizner

Shareholder

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Michaela Poizner is a health care attorney who works with provider organizations to accomplish their operational compliance and strategic business goals.

As a member of the Health Law Group and co-leader of the Behavioral Health Initiative, Michaela assists clients in buying and selling health care assets and guides them through matters ranging from privacy and security concerns and fraud and abuse analysis to development of policies and procedures and navigation of licensure and Medicare enrollment.

Michaela represents provider organizations in the behavioral, medical, and long-term health care industries. Her behavioral health clients include multi-state psychiatric hospital systems, outpatient and residential mental health treatment programs, geriatric psychiatry providers, and medical-surgical hospitals with psychiatric units. She also represents multi-facility providers of skilled nursing and assisted living care, organizations that serve the intellectually and developmentally disabled, and medical-surgical facilities ranging from physician practice organizations to large regional health systems.

Before joining Baker Donelson, Michaela clerked for the Vanderbilt University Medical Center Office of General Counsel.

Representative Matters

- Coordinated health care transactions, including medical-surgical and psychiatric hospital and nursing home acquisitions and sales and physician practice acquisitions.
- Guided behavioral health provider through full spectrum of licensure and zoning requirements in order to open outpatient and residential facilities in Tennessee for the first time.
- Assisted hospital in establishing legal and operational process for involuntary commitment of psychiatric patients, including analyzing the interaction between the involuntary commitment process and EMTALA.
- Assisted behavioral health hospital in navigating relationship with Disability Rights patient advocacy group, including responding to requests for patient records and related inquiries from state licensing agency.
- Managed all aspects of initial and ongoing Medicare provider enrollment for multi-facility, multi-state long-term care provider.
- Assisted multiple clients with obtaining initial licensure and changing ownership of licensed long-term care facilities in Tennessee and other states.
- Guided client through entire process of closing licensed and Medicare-certified nursing home, including transfer of facility license and obtaining and maintaining inactive status for nursing home license.
- Managed attorney general review processes for multiple transactions involving sale or merger of nonprofit health care facilities in Tennessee, Virginia, and New Jersey.
- Drafted complete HIPAA privacy policies and procedures for multi-state psychiatric health system, including analyzing the interaction between state privacy laws and HIPAA.
- Advised clients on application of 42 C.F.R. Part 2 related to substance use disorder and alcohol addiction treatment, including analyzing the interaction of Part 2 with HIPAA and applicable state laws.

- Provided analysis of fraud and abuse compliance, including Stark Law, Anti-Kickback Statute and state law issues.
- Advised large number of clients on responding to subpoenas, law enforcement requests, and attorney demands for confidential patient information.



Professional Honors & Activities

- Named a *Best Lawyers in America*® "Ones to Watch" in Health Law (2021)
- Listed in *Mid-South Super Lawyers* as a Rising Star in Health Care Law (2019, 2020)
- American Health Law Association, member and chair of Enterprise Risk Management Task Force
- Leadership Health Care, Board member and Chair of Membership Engagement Committee



Publications

- "OIG Allows Gift Card Incentives for Rescheduling and Attending Missed FQHC Appointments in Advisory Opinion 20-08," republished March 17, 2021 in *Westlaw; Health Law Alert* (February 2021)
- "50 Years of Policy-Driving Legislation and the Growing Role of MAT in Combatting the Opioid Crisis" (October 2020)
- "Physician Fee Schedule Proposed Rule Would Boost Medicare Reimbursement for Opioid and Substance Use Disorder Treatment," *Payment Matters* (September 2020)
- "OIG to Audit Utilization of Medication-Assisted Treatment for Opioid Use Disorder," *Health Law Alert* (July 2020)
- "Coronavirus: CARES Act Takes Significant Step Toward Modernizing Part 2" (March 30, 2020)
- "Coronavirus: Relief for Behavioral Health Providers in Agency Waivers, Guidance" (March 20, 2020)
- "Coronavirus: DEA Allows Delivery of Medication-Assisted Treatment Drugs to Quarantined Patients" (March 20, 2020)
- "AHLA 50-State Survey – State Response to Opioid Crisis and Opioid Prescribing Requirements" (2019)
- "OIG October 2018 Work Plan Update," *Health Law Alert* (October 2018)
- "OIG Allows Cost-Sharing Waivers Among Fire Departments for Ambulance Services in Advisory Opinion 18-08," *Health Law Alert* (August 2018)
- "OIG November 2017 Work Plan Update," *Health Law Alert* (November 2017)
- "An Enterprise Risk Management Framework for Health Care Transactions: A Step-by-Step Approach," AHLA Business Law & Governance Practice Group Newsletter (November 2017)
- "CMS Advisory Opinion 2017-01 Approves Pop-up Alerts to Physicians Through Online Laboratory Portal," *Health Law Alert* (October 2017)
- "Just What the Doctor Ordered," *Marijuana Venture* (September 2017)
- "Provider Concerns When Recommending Medical Marijuana," reprint, *Law360* (June 2017)
- "Multi-State Compliance for Substance Use Disorder Treatment," *Compliance Today* (January 2017)
- "Enterprise Risk Management Handbook for Health Care Entities," AHLA, co-published with the American Society of Healthcare Risk Management, Third Edition (January 2017)
- "Value-Based Reimbursement: The New Normal," Health Reform WK-EDGE (April 2016)
- "Ransomware: Coming to a Health Care Organization Near You," AHLA Enterprise Risk Management Task Force Executive Summary (April 2016)
- "Value-Based Reimbursement: The New Norm For Health Care?," *Law360* (March 2016)
- "Q&A: 'Documentation and Training' Key to Quality of Care Reporting," Health Reform WK-EDGE (March 2016)
- "Nation's Largest Skilled Therapy Provider Settles FCA Allegations for \$125 Million," AHLA Fraud & Abuse Practice Group Email Alert (January 2016)
- "Wearable Technology: The Next Frontier for Clinical Trials," eHealth Law and Policy (November 2015)

- "A Doctor, a Lawyer, and a Robot Walk Into a Hospital . . . Legal Issues Around the Utilization of Independent Robots in Hospitals," AHLA Hospitals and Health Systems Rx Newsletter (November 2015)
- "Where Meaningful Use Meets Fraud and Abuse," AHLA Fraud & Abuse Practice Group Newsletter (March 2015)
- "DAB and CRD Decision Summaries Regarding Provider Enrollment: August-September 2014," AHLA Accreditation, Certification, and Enrollment Affinity Group Member Briefing (January 2015)
- "OIG Releases FY 2015 Work Plan," AHLA Physician Organizations Practice Group Email Alert (November 2014)
- "Here They Come? No, Meaningful Use Audits Are Already Here," *Nashville Bar Journal* (November 2014)
- "New Washington State Rules Highlight Tension Over Narrow Networks," AHLA Teaching Hospitals & Academic Medical Centers Practice Group Email Alert (May 2014)
- "Pair of HHS Settlements Continues Trend of Increased HIPAA Enforcement," AHLA Health Information & Technology Practice Group Email Alert (April 2014)
- "The Affordable Care Act's Tug-of-War: Collaboration and Financial Incentives to Bend the Health Care Cost Curve Versus Stricter and More Heavily Enforced Fraud Laws," AHLA Fraud & Abuse Practice Group Newsletter (March 2014)
- "ADR Process Apparently Resolves FCA Claims against Kaiser," AHLA Fraud & Abuse Practice Group Email Alert (December 2013)



Speaking Engagements

- "Tele-HELP! Understanding Telehealth from A to Zoom," American Health Law Association Fundamentals of Health Law (November 2020)
- "Someone Else's Misfortune, The Unthinkable Threat in the Exam Room: Provider Sexual Abuse," Michigan Professional Insurance Exchange Educational Program (November 2020)
- "Sex, Drugs, and . . . Confidentiality: Privacy for Pediatric Patients," American Health Law Association Physicians and Hospitals Law Institute (February 2020)
- "An Enterprise Risk Management Approach to Provider-Patient Sexual Misconduct," COPIC Patient Safety/Risk Management Forum (October 2019)
- "Zero Tolerance: The Toxic Threat of Provider-Patient Sexual Misconduct and How to Stop It," Michigan Society of Healthcare Risk Management Fall Program (October 2019)
- "Zero Tolerance: The Toxic Threat of Provider-Patient Sexual Misconduct and How to Stop It," Michigan Professional Insurance Exchange Regional Risk Management & Patient Safety Networking Program (June 2019)
- "An ERM Approach to the Threat of Provider-Patient Sexual Misconduct," American Health Law Association, Enterprise Risk Management Task Force Educational Call (November 2018)
- "Managing the Toxic Enterprise Risk of Provider-Patient Sexual Misconduct," American Society for Healthcare Risk Management Annual Conference (October 2018)
- "Enterprise Risk Management in the Value-based Payment World: Threats and Opportunities in Collecting Quality Data," Enterprise Risk Management Task Force Educational Call (December 2017)
- "Accountable Care Organizations: Why Value-based Reimbursement Should Thrill You—and Scare You Silly," American Society for Healthcare Risk Management Annual Conference (October 2017)
- "The ABC's of Healthcare," Tennessee Bar Association Program: Why Health Law? A Guide for New Practitioners (August 2017)
- "Healthcare Industry in Transition: Moving to a Value Based System and Navigating the Regulatory Environment," BDO Leadership Event (November 2016)
- "Managing Health Care Transactions," Tennessee Bar Association Health Law Primer (October 2016)
- "An OCR Enforcement Update-Learning From the Past and Preparing for the Future," American Health Law Association Annual Meeting (June 2016)

- "Meaningful Use Blues from an ERM Perspective," American Health Law Association, Enterprise Risk Management Task Force Open Discussion Webinar (May 2016)
- "HIPAA and Telehealth," Nashville Bar Association Health Law Institute (May 2016)
- "Changes to Physician Reimbursement Under CMS's MACRA Proposed Rule," American Bar Association, Health Law Section CLE Webinar (May 2016)
- "HIT or Miss? Legal and Ethical Concerns for Implementation of Health IT," Nashville Council of Health Care Attorneys CLE Program (November 2015)
- "The Rise of Health Care Technology: ERM Implications for the New Normal," American Health Law Association, Enterprise Risk Management Task Force Educational Webinar (October 2015)
- "EHR Standards: HIE, Meaningful Use, and Patient Portals: What Your Lawyers Are Worried About," American Health Information Management Association National Convention (September 2015)
- "Health Care Technology: New Regulations and Impact of HIPAA," Nashville Bar Association CLE Program (August 2015)



Education

- Vanderbilt University Law School, J.D.
 - *Vanderbilt Law Review*, Senior Articles Editor
 - Franklin & White Award for Best Oralist
- Middle Tennessee State University, B.S. in Mass Communications, cum laude and B.A. in English, cum laude



Admissions

- Tennessee