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Law and Health Care





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Elder Law – Nonprofit/Tax Exempt/Religious Organizations – Telecommunications – Criminal Law

WHO'S WHO

in Real Property & Certiorari Law Firms and Health Care Law

Attorneys keep abreast of the myriad of issues/topics within their practice areas to provide their clients with the best possible advice.

In this Who's Who in Real Property & Certiorari Law Firms and Health Care Law, some of Long Island's leading attorneys from these practice groups highlight an issue/trend they are currently focusing on to deliver the highest level of counsel.

— Written by Lisa Morris Josefak

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DOUGLAS W. ATKINS

Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP



Douglas W. Atkins is a partner at Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP in Uniondale. Atkins concentrates his practice in the areas of tax certiorari, real estate and condemnation. He has extensive experience in property tax reduction proceedings for all types of commercial real estate throughout New York State. He has handled complex cases for specialty properties such as golf courses, cellular towers, self-storage facilities, nursing homes and condominium communities.

Atkins also regularly advises property owners and municipalities on the negotiation and tax impact of Industrial Development Agency PILOT agreements.

Atkins keeps his eyes on "the blurry line between realty value and business value."

"Property tax in New York state can only be charged on real estate value, yet some property types have difficult separation from their realty and business components," he noted. "Examples of this include senior living facilities, hotels and self-storage facilities."

Prior to joining the firm, Atkins held positions at the Suffolk County District Attorney's Office and the Kings County Supreme Court.

Atkins is a graduate of Brooklyn Law School and is admitted to the bars of New York and Connecticut. He is a member of the Nassau and Suffolk County Bar Associations, where he serves on the Tax Certiorari and Condemnation Law Committee for each. He is also an active member of the Huntington Township Chamber of Commerce.

Atkins is also a frequent lecturer and writer on the topics of commercial property tax and valuation. He has been published in the *New York Real Estate Journal*, *New York Law Journal*, *Suffolk County Lawyer* and various other local publications.

The Huntington Township Chamber of Commerce selected Atkins as one of Long Island's top 30 young professionals in 2010. Since 2011, he has been annually selected as a Rising Star by New York Super Lawyers. Atkins has successfully completed both commercial and residential real estate appraisal courses through the Columbia Society of Real Estate Appraisers.

Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP is among Long Island's leading full-service law firms representing clients in real estate, land use and zoning, tax, trusts and estates, tax certiorari, corporate and commercial and litigation matters.

The firm has one of the fastest growing tax certiorari departments on Long Island as it maintains computerized New York City, Nassau and Suffolk County tax roll information and records. This enables the firm to quickly assess property tax issues and promptly file claims for tax reductions and refunds.

Formed in 1976, under the helm of Managing Partner Jeffrey D. Forchelli, the firm's areas of expertise have expanded to include banking, bankruptcy, employment and labor, municipal incentives/IDA, entertainment, construction law and more. Throughout the firm's growth, one thing has remained constant - its focus on obtaining results for clients. The firm employs more than 60 attorneys who handle complex matters for a broad client base including national, regional and local businesses, major real estate developers and organizations, banks, insurance companies, municipalities, educational institutions, contractors, architects/engineers and individuals.

MARNA BERNSTEIN

Cullen and Dykman LLP



Marna Bernstein is a partner in Cullen and Dykman LLP's banking department, representing banks and other financial lending institutions on commercial real estate finance transactions. In her practice, Bernstein has counseled clients in structuring, documenting and closing transactions secured by multifamily apartment projects, commercial office buildings, hotels, shopping centers and mixed-use facilities, on constructions projects and in bad-debt restructure and work-outs.

Bernstein is also managing partner for the firm's residential lending department. In addition to transactional lending, she has experience representing owners in the acquisition, sale and financing of real estate projects. As a result of increases in banking regulations and economic uncertainty, Bernstein is seeing commercial lenders exercise significant caution. "Banking regulations have resulted in our clients having to increase capital reserves to cover potential increases in borrower defaults," she said. "Concern about heavy handed banking regulations and other uncertainties about the economy have caused lenders to tighten up their underwriting requirements even as they continue to put money on the street. We have even seen some local institutional lenders temporarily cease making loans. Those who continue to lend are doing so only to the strongest borrowers who they believe will be able to continue to meet debt service payments despite potential tenant vacancies and possible reductions in rental income. To hedge against such potential losses, we work with our clients to structure transactions to incorporate master lease components, springing and burn-off guaranties, and escrow holdbacks to address future vacancies," she explained.

There is still some reluctance by lenders to make constructions loans, Bernstein said. "Although our clients recognize a need for mixed-use, affordable and senior housing on Long Island, we still see some hesitation by lenders to commit to such projects without certainty that developers will be able to obtain the necessary approvals from the municipalities and will be able to proceed with community support,"

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she stated.

"Lenders continue to be challenged with commercial loans secured by projects that are underperforming due to tenant vacancies and/or mismanagement either at loan maturity or upon default by Borrowers," Bernstein said. "As a result of such Borrowers' inability to refinance their loans, we advise our clients in work out solutions which best balance the interests of Lenders and Borrowers, neither of whom want to see their loans foreclosed."

"This is a resilient industry that has faced similar issues in the past and we believe that the industry will continue to evolve to address such issues in the future," Bernstein noted.

Bernstein's past experience includes representing lenders on commercial and residential foreclosures and the sale of bank owned real estate.

Among her professional and community activities, she is on the board of directors of the Real Estate Institute at Stony Brook University, College of Business; a member of Mortgage Banker's Association; a member of the New York Bar Association, Real Estate Law Section; and member of Long Island Center for Business and Professional Women.

Bernstein earned a juris doctor, cum laude, from New York Law School and a bachelor's degree, cum laude, from Northeastern University.

Cullen and Dykman LLP in Garden City has been providing legal services to individual and institutional clients since 1850 and represents a wide range of clients including banks and other financial institutions, energy, telecommunications and water companies; large and small businesses, educational institutions; religious organizations; insurance companies; municipalities and not-for-profits, as well as individuals. The firm's practice areas include banking, energy and telecommunications, public utility regulation, tax certiorari and eminent domain, corporate and commercial law, real estate, foreclosure, bankruptcy, tort and commercial litigation, labor and employment law, municipal law, immigration law, and trusts and estates.



**EILEEN
O'BOYLE
BITETTO**

*Certilman Balin
Adler & Hyman,
LLP*

Eileen O'Boyle Bitetto is a partner at Certilman Balin Adler & Hyman, LLP, a full service law firm with offices in East Meadow and Hauppauge. Bitetto concentrates her practice in the area of real estate tax certiorari law and condemnation litigation. This concentration has, as its focus, issues of real property valuation; particularly the review of assessed valuation—seeking opportunities where taxes may be reduced. She also represents clients whose property has been acquired, or is about to be acquired, in eminent domain proceedings—working to ensure that these

owners are adequately compensated for their loss of property.

Bitetto remains focused on many developing issues in her field, including fractional assessments.

"I continue to be concerned by Nassau County's use of fractional assessments in order to determine a full market value for assessment purposes," she said. "In New York, property must be assessed at a uniform percentage of market value. The significance of this type of assessing procedure is the creation of what is known as an equalization rate, which is merely a fraction representing the actual percentage of full value assessed. This use of an equalization rate to determine full value—as opposed to a published assessed value at 100 percent of market value—creates terrible confusion for the taxpayers. Both experienced and less sophisticated taxpayers are unaware of the values found by the assessor and accordingly must seek professional assistance in order to determine if property is, in fact, over assessed."

To make matters somewhat more confusing, the Nassau County Department of Assessment and the Nassau County Assessment Review Commission use different equalization rates in order to determine full value based on assessed value for taxation purposes, Bitetto noted.

"For example, if you were to go on to the Nassau County Department of Assessment web site, you would be led to believe that the actual equalization rate was 1 percent, Bitetto said. "However, if you were to commence a negotiation on a commercial assessment with the Nassau County Assessment Review Commission, you would find that the equalization rate used for the 2017/2018 tax year would be .00685. To illustrate the point, if your real estate had an assessed value of \$10,000 and you looked on the Nassau County web site, you would be led to believe that your full value was \$1,000,000."

"In front of the Assessment Review Commission, this same property would be discussed using an equalization rate of .00685, which would convert into a full market value of \$1,459,854," she said. "The taxpayers have a right to know and to understand the basis for their assessed value in order to be in a position to make an educated decision as to whether or not a real estate tax review proceeding is justified. However, it is important to note that for the 2018/2019 tax year, the Nassau County Department of Assessment has embarked on what they characterize as a 'review' of all commercial assessed values in the county. I believe this would be a perfect time for the county to correct their practice of fractional assessing and instead, move to reassess at full market value."

Bitetto volunteers as a mentor with the Lawyers in Kids' Education (LIKE) program, which was created by the partners at Certilman Balin. As part of this team, she uses "vocabulary enrichment games" and offers a listening ear to help "at-risk" elementary school students with literacy and life.

Bitetto also serves on the board of directors of the Automobile Club of New York,

Inc., which is the local affiliate of AAA. It is a not-for-profit corporation established 100 years ago to maintain a club for auto users and owners, with the primary purpose of advocating law related to the use, rights, and privileges of such owners/users.

Bitetto is a member of the Nassau County, New York State and Nassau County Women's Bar Associations. She earned an undergraduate degree in American Studies from St. John's University and a juris doctor from St. John's University School of Law.

Bitetto has achieved the highest professional rating by Martindale Hubbell. She is admitted to the New York State Bar.

Certilman Balin Adler & Hyman, LLP is among Long Island's largest full-service law firm with offices in Nassau and Suffolk Counties and New Jersey. Its 14 practice areas include: real estate, real property tax certiorari and condemnation, cooperative and condominium, land use/environmental law, corporate/securities, litigation, commercial lending, labor relations/employment law, bankruptcy and debtor/creditor rights, trusts and estates, elder law, telecommunications law, and criminal law.



**KEITH P.
BROWN**

*Harris Beach
PLLC*

Keith P. Brown is a member of Harris Beach PLLC's Melville office. Brown serves on the firm's real estate developers industry team, the financial institutions and capital markets industry team and commercial real estate practice group.

Brown has extensive experience in the field of real estate law and concentrates on corporate representation in a wide range of real estate matters, from complex commercial disputes to issues related to zoning and land use regulations.

He counsels many corporations on real estate development, liability avoidance and litigation, as well as compliance with federal and state environmental laws. He has represented Fortune 500 companies, including national retailers, commercial developers, residential developers, national petroleum distributors, national and local community banks, gasoline stations retailers, automotive dealerships, pharmacies and other local businesses, as well as wireless companies and tower developers throughout the New York Metropolitan area, including all townships and many villages throughout Nassau and Suffolk Counties.

Brown is a founding partner of Brown & Altman, LLP, which merged into Harris Beach on January 1, 2016.

Brown previously practiced in the litigation departments of several prestigious Long Island-based law firms and also served as an assistant attorney general in the Litigation Bureau of the New York State Attorney General's Office.

Brown earned a juris doctor from Touro College Jacob D. Fuchsberg Law Center and a bachelor's degree from State University of New York at Albany. He is admitted to practice in New York state and Connecticut and before the United States District Court, Eastern District of New York and Southern District of New York; and the United States Court of Appeals, Second Circuit.

Founded in 1856, Harris Beach is among the country's top law firms as ranked by The National Law Journal. Harris Beach ranks among the 2016 BTI Brand Elite law firms based on in-depth interviews conducted by BTI, a leading legal industry consulting group, of more than 600 corporate counsel at the world's largest and most influential companies.

Harris Beach and its subsidiaries provide a full range of legal and professional services for clients across New York state, as well as nationally and internationally. Clients include Fortune 500 corporations, privately-held companies, emerging businesses, public sector entities, not-for-profit organizations and individuals. Principal industries Harris Beach represents include education, energy, financial, food and beverage, health care, insurance, manufacturing, medical and life sciences, real estate developers, and state and local governments and authorities.

The firm's over 200 lawyers practice among offices throughout New York state in Albany, Buffalo, Ithaca, Melville, New York City, Rochester, Saratoga Springs, Syracuse, Uniondale and White Plains, as well as in New Haven, Connecticut and Newark, New Jersey.



**DIANA
CHOY-SHAN**

*Genser Dubow
Genser & Cona,
LLP*

Diana Choy-Shan is a senior associate attorney at Genser Dubow Genser & Cona, LLP (GDGC) in Melville. Part of the firm's health care reimbursement and recovery team, Choy-Shan concentrates her practice in government benefits eligibility, handling complex Medicaid cases, fair hearings, Article 78 proceedings, guardianships and resolution of all issues related to resident financial accounts and health care facilities' bottom line. Choy-Shan handles complex matters affecting health care facilities, as well as senior citizens and those with disabilities.

Choy-Shan is recognized for her advocacy and creative lawyering skills. She not only sets the standard in Medicaid reimbursement on behalf of health care facilities but also is also responsible for numerous fair hearing decisions, which have changed the Medicaid and guardianship landscape, leading to increased reimbursement rates for health care facilities.

"My position at the firm is to secure payment sources for our health care facility clients," Choy-Shan said.

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"The majority of this work includes applying for and appealing eligibility decisions for government benefits for the residents of our clients' health care facilities," she said. "The Medicaid Program has undergone significant changes with the state-wide transition from the former construct of 'Medicaid Fee for Service' benefits to Managed Long Term Care. This change has introduced an added layer of complexity; namely, the transition has forced health insurance companies into the complex world of institutional Medicaid benefits. These health insurance companies, whose main objective and experience existed solely within the parameters of the provision of community services, are now involved with the administration and the processing of institutional Medicaid benefits for their enrolled members once they require skilled nursing care."

"As legal representative for facilities occupied by hundreds of residents whose Medicaid benefits lie in the balance, this transition has presented significant challenges," Choy-Shan said. "It has required me to focus on protecting my clients, while communicating effectively and efficiently with health insurance companies who lack the knowledge and experience with Medicaid's strict deadlines and demanding documentation production and to manage the relationships with the Medicaid eligibility workers with whom I've worked over the past several years."

Choy-Shan is a state certified Guardian Ad Litem, court evaluator, and counsel to guardians and incapacitated persons and is accredited by the Department of Veterans Affairs for the preparation, presentation and prosecution of claims for veterans benefits. She is a member of the Health Law Section of the New York State Bar Association and the Nassau County Bar Association.

Choy-Shan participates in GDGC's *Senior Dreams Come True* charitable organization where she reviews and grants wishes for low-income seniors. She also assists veterans with their applications for pension benefits on a *pro bono* basis.

Choy-Shan earned a bachelor's degree from Drew University, where she received the Drew Recognition Award given to exceptional students. She earned a juris doctor from New York Law School.

Genser Dubow Genser & Cona, LLP is recognized as a leading elder law firm on Long Island. GDGC offers expertise in health care facility reimbursement and recovery, elder law, estate planning and litigation. Health care facilities turn to GDGC for quality legal representation regarding Medicaid and government benefits eligibility, guardianship proceedings, collections and litigation, and other matters related to resident financial accounts and the facility's bottom line.

GDGC attorneys use innovative strategies, creative techniques and "old-fashioned hard work" to get the best results in a cost-effective way. The firm boasts an impressive success rate helping health care facilities obtain payment from Medicaid, insurance carriers, residents or their representatives. GDGC attorneys are experienced in every aspect of New York lit-

igation in all court jurisdictions, including Fair Hearings and Article 78 proceedings in the Appellate Courts. The firm secures Medicaid eligibility on behalf of residents, recoups payment of private pay balances or NAMI from residents or their representatives, negotiates resolutions and, when necessary, aggressively litigates cases.

GDGC was a finalist in the 2015 HIA Business Achievement Awards. It has been featured in many publications including *The New York Times* and *The Wall Street Journal*, Newsday. GDGC attorneys have appeared as guests on WNBC-TV, WABC-TV, CNN, News 12, WLNY News 55 and many radio stations. GDGC is an affiliate member of Intercounty Health Facilities Association.



Brad Cronin is the founding partner at Cronin & Cronin Law Firm in Mineola. Cronin & Cronin Law Firm practices exclusively in the area of tax certiorari, protesting the real property tax assessment and condemnation for commercial properties throughout New York State. Cronin focuses his skills on representing property owners in Nassau, Suffolk and Westchester counties, as well as New York City and upstate New York.

For more than 35 years, Cronin has developed longstanding relationships with a diverse client base in order to assist property owners in obtaining reductions for their real estate taxes for their commercial property. He has extensive experience representing prominent developers, national tenants, and many of the largest properties in New York State. In addition, he has earned the highest rating awarded by Martindale Hubbell in both competency and ethics in his field.

Cronin represents a cross section of many of the largest developers, property owners and national corporations, REITs and retail chains, successfully obtaining court ordered tax relief for all types of commercial property including race tracks, apartment buildings, office complexes, malls, shopping centers, golf courses and marinas. Cronin has extensive trial experience having successfully litigated and resolved high profile cases in counties throughout New York State and established a number of landmark decisions in the field.

"While our firm works diligently to stay abreast of the latest court decisions and legislation that affects New York property tax cases, we also attribute a great deal of our success to having our finger on the pulse of the real estate market," Cronin said. "There is a common misconception among some of the municipalities that all sectors of real estate are affected equally. In reality, shopping centers, apartment buildings, office buildings, industrial building and other property types are separate

and distinct markets. At varying times, one sector may be a hot market, while another has little or no activity. Even within those sectors there are stark differences in class A, B or C properties in terms of rates of returns required by investors, rental rates, as well as vacancies and demand for space."

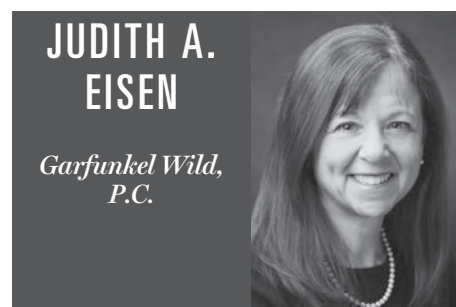
"In our negotiations to reduce the property tax burden, it is critical to not only know the market, but be able to demonstrate to the taxing authority the difference for specific property types in the current marketplace," Cronin explained. "There are many sources for this information, but the most valuable information comes from working closely with our client. This allows us to fully understand the challenges of their specific property and represent them effectively while keeping in tune with the market. This comprehensive approach requires time and organization, but by being fully prepared we are able to make a much more effective case with the municipalities which results in larger tax refunds and reduced tax bills for our clients."

Cronin has been an invited speaker and participant on various panels involving different subjects affecting tax certiorari and valuation of property such as condominiums, environmental contamination, and reviewing changes in the tax certiorari field. As a member of the Nassau and Suffolk Condemnation and Tax Certiorari committees, he has worked to implement changes to facilitate the timely resolution of commercial tax protests. He has lectured and participated in panels involving issues that pertain to property taxes as well as been featured in numerous publications. He is also featured quarterly in the *New York Real Estate Journal's* "Ask the Expert" column regarding real property issues.

Cronin has also contributed to the real estate community by currently serving on the board, and as past co-president, of the Long Island Real Estate Group. This organization has supported various Long Island charities, as well as real estate related projects, educational real estate programs and networking events.

Cronin also serves on the North Shore University Hospital Department of Medicine Leadership Circle Committee and the Village of Plandome Planning Board.

Cronin is a graduate of Le Moyne College and earned a juris doctor from Quinnipiac University School of Law.



Judith A. Eisen is a partner/director at Garfunkel Wild, P.C. in Great Neck. As a member of the firm's Health Care Practice Group and Finance Group, she advises clients on a variety of business, regulatory, and transactional matters.

Joining the firm in 1988, Eisen's practice focuses on the representation of hospitals and other health care providers including nursing homes, home health agencies, durable medical equipment providers, pharmacies, laboratories, and physicians with emphasis on regulatory, transactional, compliance, general corporate, finance, employment, disciplinary, patient care, and other related matters. She also represents other health care industry related clients, including health care lenders and vendors to the industry. She has worked extensively on matters relating to not-for-profit corporate governance, as well as related issues for social service agencies.

Eisen developed and implemented a HIPAA Compliance Program for health care providers, health plans and clearinghouses.

Eisen's insight into health care system allows her to focus on the shifts this industry is taking.

"The move in health care in New York is toward integration, vertically among various types of providers, and horizontally among providers of the same type," Eisen said. "We are working on the development of systems that include academic medical centers, community hospitals, long term care providers, home and community based providers, and licensed professionals."

"Among other things, we are involved in the formation of mega physician practices and independent practice associations made up of like types of providers," Eisen said. Another major trend is the move from a higher level of care to a lower level of care, she noted. "We are involved in reconfiguring facilities to reduce the provision of services on an inpatient basis and to move to the provision of services on an ambulatory or outpatient basis," Eisen explained. "Financial incentives are being realigned to encourage a higher quality of care at a lower cost to patients and third party reimbursement sources. Providers are being compensated based upon meeting certain criteria and not just on the volume of services provided. As such, we find ourselves on the cutting edge of developing products between providers and payors that are value based, rather than volume driven."

"All of this activity is made more challenging by the continual political maneuvering and changing political landscape in health care, which is regulated on federal, state and local levels," Eisen said.

Eisen's past experience reflects a varied knowledge of the health care industry. Prior to becoming an attorney, Eisen worked as a registered nurse in pediatrics and neonatal intensive care, nursing education, nursing administration and risk management. Immediately following law school, she practiced in corporate law, with a focus on corporate finance.

Eisen has been an adjunct professor of health law at Hofstra University Law School and frequently writes and lectures on regulatory issues.

Founded in 1980, Garfunkel Wild, P.C. (GW) maintains one of the most

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active health care practices in the Northeast, while also providing services to many non-health-related clients. Always at the forefront of federal and state developments, GW meets a full range of needs including strategic planning, complex transactions, exempt and taxable financing, white collar defense, litigation, fraud and abuse, estate planning, elder law, tax issues, real estate, licensing, capital formation, EPA/environmental issues, health information technology, privacy & security and bankruptcy. GW maintains offices in Great Neck, NY; Hackensack, NJ; and Stamford, CT.

BENJAMIN GEIZHALS

Moritt Hock & Hamroff LLP



As counsel to Moritt Hock & Hamroff LLP in Garden City, Benjamin Geizhals concentrates his practice in the counseling and representation of health care providers in transactional and regulatory matters.

Geizhals' clients include health care companies, doctors, dentists, other health care practitioners, nursing homes, medical billing and practice management companies. In addition to negotiation and documentation of mergers and acquisitions of practices, and corporate, partnership and employment relationship issues, Geizhals provides guidance on corporate and regulatory compliance and represents providers in Medicare and Medicaid insurance audits and fraud investigations, disputes with managed care companies, and disciplinary, licensing and credentialing matters.

Geizhals also represents a number of companies in various other industries in general corporate and business related matters including not-for-profits.

He is a member of the American Health Lawyers Association, the Health Law Section of the American Bar Association, the Health Law Section of the New York Bar Association and the Nassau County Bar Association.

Geizhals earned a juris doctor from New York University School of Law and a bachelor's degree at Brandeis University. He is admitted to practice in New York and New Jersey.

Moritt Hock & Hamroff LLP, established in 1980, is a full-service, AV-rated commercial law practice with offices on Long Island and Manhattan. The firm's practice areas include: alternative dispute resolution, commercial foreclosure, commercial lending & finance, construction & surety, copyrights, trademarks & licensing, corporate & securities, creditors' rights & bankruptcy, cybersecurity, employment, equipment & transportation leasing and finance, health care, landlord & tenant, litigation, marketing, advertising & promotions, not-for-profit, patents, real estate, tax, and trusts & estates.

LAUREEN HARRIS

Cronin, Cronin, Harris & O'Brien, P.C



Laureen Harris is a partner Cronin, Cronin, Harris & O'Brien, P.C in Uniondale. Harris has been recognized as a premier authority on tax certiorari proceedings within the state of New York. With more than 30 years of experience specializing in tax certiorari and condemnation, Harris has gained extensive trial and appellate experience, while creating legal precedent in both in terms of valuation

and legal principles.

She is the past chair and vice chair of the Nassau County Tax Certiorari & Condemnation Committee (1988 – 1992, 2010 – 2012) and continues to be an active participant in the committee. In 2010, Harris was appointed by Nassau County Executive Ed Mangano to the Assessment Reform Team, an exclusive committee of experts in the field selected to review option for tax reform in the area of real property taxes.

Harris is president of the Association for a Better Long Island (ABLI) and has been a board member since 1996. She is also a founding member and current president of the Institute of Real Estate at Hofstra University, an educational forum for the Long Island real estate community. She also served as the downstate chairman in tax certiorari and condemnation for the

New York State Bar Association.

Harris has also been recognized as a champion for commercial property owners. She has also successfully challenged legislation that has been labeled "disadvantageous" to the business community.

Cronin, Cronin, Harris & O'Brien, P.C. (CCH&O) practices exclusively in the area of property valuation and real estate taxation. The firm has successfully reduced the assessment, as well as the real estate taxes, of thousands of properties throughout the state of New York.

CCH&O has represented and obtained reductions for all types of commercial properties including office buildings, industrial buildings, shopping centers and retail locations, hotels/motels and restaurants. Their clientele includes other property types as well, such as: apartment buildings and condominium/cooperative com-

OUR COLLABORATION MATTERS

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Our attorneys and consultants are invested in understanding your business and industry, knowledge that is key to crafting customized and effective solutions to take advantage of opportunities and address your pressing challenges. Our dedicated client teams are organized for optimal efficiencies and devoted to delivering high value with dependable and proactive communication. Together, we strategize to get the job done.



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plexes, nursing homes and assisted living facilities, car washes and auto dealerships, marinas and resorts, oil terminals, amusement parks, catering halls, country clubs, golf courses and gyms.

JENNIFER HOWER

*Herman Katz
Cangemi & Clyne,
LLP*



Jennifer Hower is a senior associate at Herman Katz Cangemi & Clyne, LLP in Melville. Hower joined the firm in 2013 and concentrates her practice in the area of tax certiorari and condemnation. She has a diverse background and eight years of experience in the prosecution of real estate tax appeals.

Hower has participated in valuation trials of both commercial and residential properties, as well as condemnation proceedings against New York State.

Among the many issues Hower is focusing her attention on include the Disputed Assessment Fund (DAF) law.

"For many years, Nassau County has borrowed money to pay refunds owed to taxpayers who successfully challenge their tax assessments," she said. "The county's

need to borrow funds is exacerbated by the 'County Guarantee,' which requires them to pay the tax refunds for all taxing jurisdictions, including the portion attributable to the school district."

"In an effort to eliminate the need to borrow, the state passed a Disputed Assessment Fund law in 2014," Hower said. "The law applies to all Nassau County Class 4 (commercial) taxpayers who timely file an RPTL Article 7 petition seeking an assessment reduction, and is effective as of the 2016/17 tax roll. These taxpayers will see an additional DAF line item on their 2017 County tax bill."

The DAF law requires that a certain percentage of a Class 4 taxpayer's payment be held in a separate account, pending the resolution of their tax appeal, Hower explained.

"If the appeal is successful, the resulting refund will be made from the separate DAF account," she said. "It is important to note that the DAF is not an additional charge to those taxpayers who challenge their assessment. The DAF line item represents a portion of the taxes that the taxpayer was already obligated to pay."

"Because a portion of commercial tax payments made will now be sent to the DAF, instead of the school districts, towns, etc., we anticipate a significant increase in the property tax rates," Hower said. "These rate increases will apply to Class 4 taxpayers across the board, whether they

appealed their assessment or not. The law has questionable legal validity."

"Litigation on the constitutionality and application of this law appears to be inevitable, and we are studying our options, on behalf of our clients," Hower noted.

Prior to concentrating in tax certiorari, Hower served as an assistant staff Judge advocate with the United States Air Force both on active duty and as a reserve officer. There she prosecuted criminal matters on behalf of the United States, and handled military justice and environmental issues.

Hower earned a juris doctor from Franklin Pierce Law Center, where she wrote for the Annual Survey of New Hampshire Law; and a bachelor's degree in political science from the State University of New York at Buffalo.

She is a member of the Nassau County Bar Association; the Suffolk County Bar Association; the New York State Bar Association; the New Hampshire Bar Association; and the Long Island Builders Institute. Hower also serves as the adjutant of the American Legion Robert H. Spittel Post 1285, Bayville NY.

The partners of Herman Katz Cangemi & Clyne, LLP (HKCC) have more than 115 years of property tax experience. HKCC's industry-wide reputation for integrity provides the firm's clients with the confidence that they will receive skilled and trusted counsel through the multi-faceted

and highly complex property tax valuation process.

The firm represents clients at both the administrative and judicial levels throughout the tri-state area as well as across the nation. HKCC combines its trial and transactional expertise in both real estate tax and eminent domain proceedings with a pragmatic and flexible approach to meet and exceed its clients' needs and expectations.

BERNIE KENNEDY

*Bond, Schoeneck &
King*



Bernie Kennedy is co-managing member of Bond, Schoeneck & King's Garden City office. Kennedy advises clients on various matters including business transactions, contracts, real estate and litigation.

For the last 20 years, Kennedy has provided general counsel services to King Kullen Grocery Co., Inc., its two subsidiaries, 45 retail locations and over 4,000 employees. As King Kullen's outside general counsel, Kennedy handles corporate transactions, real estate, leas-



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ing and litigation, and coordinates legal services in areas including ERISA, intellectual property, risk management and employment. He has also represented such clients as Hofstra University, Kimco Realty, Westbury Realty Ventures and Bogopa, Inc.

In 2014, Kennedy merged his boutique business law and litigation firm with Bond. He is experienced in commercial leasing, particularly shopping center leasing, and represents landlords and tenants in leasing transactions throughout the metropolitan area, as well as independent supermarket operators throughout New York City.

The firm is currently monitoring whether or not the 421-a tax exemption program will be revived in the New York State Legislature and, if so, in what form, Kennedy said.

"Pursuant to 421-a, much of the residential development in New York City was entitled to 10 to 15 year exemptions from property taxes until the statute expired in January 2016," he said. "Before 421-a was set to expire, the debate seemed to focus on whether to continue the program in its current form, allow the legislation to lapse in its entirety or amend the program to increase the number of affordable units required."

"But thanks to the New York State Legislature and Governor Cuomo, the future of the 421-a will turn on the res-

olution of one issue – whether the Building and Trades Council and the Real Estate Board of New York can agree on prevailing, i.e. union, wages on projects receiving 421-a subsidies," Kennedy said. "The governor and mayor are at odds. The mayor's office has spoken out against the prevailing wage, arguing that insisting on its inclusion could cost the city thousands of affordable units. The governor sides with the unions."

Kennedy noted that suggested compromises include, "Developers agree to forego an abatement during construction in lieu of paying the prevailing wage, and the creation of exclusion zones requiring developers to pay prevailing wages on projects located in high rent areas only."

"Developers and the unions alike understand the importance of continuing 421-a, even if it requires each of them to compromise, so the odds would seem to favor a revival of 421-a before the end of the current legislative session," Kennedy said.

As acting labor counsel and union negotiator for the Village of Williston Park, Kennedy has held various roles in civic and pro bono matters, including: trustee, Village of Williston Park; Family and Children's Association (former board chair) and current board member, Executive Committee and Governance Committee; chair, NYSBA Committee

on Volunteer Lawyers (pro bono services to residents of drug and alcohol rehabilitation facilities), New York State Trial Lawyers Advocacy Committee (pro bono services to 9-11 victims).

With 270 lawyers and 11 offices, Bond, Schoeneck & King (Bond) is a full-service law firm counseling individuals, companies, not-for-profits and public sector entities in a wide spectrum of practice areas. The Garden City office is one of 9 in New York State.

Bond's Garden City Office opened, in 2004, with a contingent of well-respected labor and employment attorneys primarily representing public sector clients. Today, the office has grown to represent professionals, small and large businesses, banking and finance, real estate and construction, health care, higher education, high-tech, hospitality, manufacturing, municipalities, retail and transportation, as well as numerous school districts and special districts in labor matters.

Its attorneys represent long term care providers in contract, commercial matters, employment law, and guardianships. Its attorneys help clients address general business and transactional issues, education and health care law, labor and employment, employee benefits, OSHA and immigration, intellectual property, regulatory compliance, along with estate planning and probate pro-

ceedings.

Bond's attorneys appear in state and federal courts and before administrative agencies on a wide range of commercial issues, personal injury defense litigation, including Labor Law 240 construction cases and numerous land use matters.

DAVID A. MANKO

*Rivkin Radler
LLP*



David A. Manko is a partner in Rivkin Radler's Health Services Practice Group in Uniondale. Manko has more than two decades of practical legal and business experience representing various stakeholders engaged in the health care industry. He regularly represents clients in connection with buy-side and sell-side mergers and acquisitions, joint ventures, divestitures, governance matters, general business transactions and health care regulatory matters including issues relating to the corporate practice of medicine, the Stark Law and the Anti-Kickback Statute.

Manko also represents providers in

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negotiating managed care contracts containing value based, pay-for-performance, quality, and utilization components.

Manko represents physician groups, health systems, Federally Qualified Health Centers (FQHCs), Accountable Care Organizations (ACOs), Performing Provider Systems (PPSs) under the Delivery System Reform Incentive Program (DSRIP) and clinically integrated networks engaged in payment and delivery system reform activities. In addition, he represents private equity firms and strategic investors across the country.

Manko and his team are keeping focused on issues surrounding the Affordable Care Act, as well as merger activity and compliance issues.

"We continue to focus on delivery system and payment reform matters arising under the Affordable Care Act," he said. "We have seen a significant increase in private equity and strategic transactions and a lot of mergers and acquisitions. We have also been focused on health care compliance enforcement issues as regulators have stepped-up their efforts."

Manko is also a member of Rivkin Radler's Executive Committee. He is admitted to practice in New York and California and before California Supreme Court and the United States District Court, Ninth Circuit

New York State Appellate Division, First Judicial Dept. Manko earned a juris doctor from California Western School of Law and a bachelor's degree, magna cum laude, from Purdue University.

He is a member of the New York State Value Based Payment Workgroup, which provides guidance and feedback to New York State as it implements comprehensive payment and delivery system reform under DSRIP as set forth in the Medicaid 1115 Waiver. Manko is also a member of the board of directors of Primary Care Development Corporation, a nonprofit Community Development Financial Institution (CDFI) dedicated to expanding and improving primary care in underserved communities.

A frequent lecturer and author on health law topics, including the new delivery models arising from payment reform and the implications of these delivery models for hospital-physician relationships.

Through three offices and 160 lawyers, Rivkin Radler LLP delivers focused and effective legal services. The firm is committed to best practices and provides strong representation. Rivkin Radler builds strong client relationships. Clients have been placing their trust in the firm for more than 25 years. Rivkin Radler's unwavering commitment to total client satisfaction is the driving

force behind the firm. Its clients include individuals, middle-market companies, and large corporations.



Michael Martone is managing partner at Koeppel Martone & Leistman, LLP in Mineola. Admitted to the Bar of the State of New York in 1959, Martone focuses his practice on tax assessment review and condemnation.

"The impetus for any client seeking my firm's counsel is a concern that their real property is not being assessed fairly," Martone said. "Therefore, our first step is to determine what unique characteristics and challenges their property possesses and/or presents. We look at the physical characteristics of the property, its location, actual and potential vacancy and occupancy issues, environmental contamination, etc. We carefully explore and ask questions that may ultimately set up an argument for over assessment that, at first glance, may not appear obvious."

The bare bones of the firm's business remains basically the same in its more than 50-year existence – focusing on the valuation of real estate for purposes of taxation, Martone noted.

"Almost every year, however, the assessing jurisdictions attempt to pass laws or change regulations that make it harder for us to file for our clients and defend their cases," he said. "This year, the State of New York passed a law which is codified in the Nassau County Administrative Code in Section 6-41-0 and is known as the Disputed Assessment Fund or DAF."

"At this point, the law is very new and untested," Martone said. "However, what is certain is that it will have significant impact to our client's bottom line vis-à-vis increased tax rates and resulting taxes. The law has many parts to it, but basically sets up an escrow account funded by the owners of certain commercial property to fund the refunds for that class of property without necessitating borrowing by the municipality. Again, we are not certain at this point of all the nuances of this new legislation, but we are monitoring its progress."

Martone is admitted to the U.S. District Court, Eastern, and Southern Districts of New York, as well as the U.S. Tax Court. He has been AV rated by Lexis Nexis-Martindale-Hubbell for over 30 consecutive years. AV rating is the highest possible peer rating in legal ability and ethical standards.

Martone is a member of the Nassau County, Suffolk County, New York State, Florida State, District of Columbia, and American Bar Associations. Throughout his career, Martone has

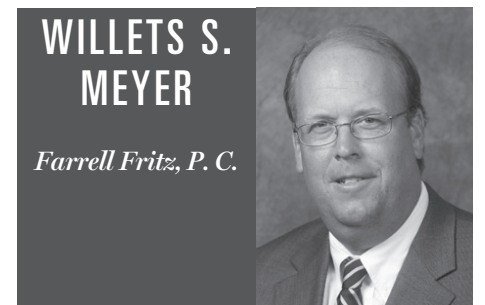
shared his expertise by serving in various capacities. Early in his career, he served as senior deputy Nassau County attorney in charge of condemnation and tax certiorari and real estate; commissioner of Public Safety of the City of Glen Cove; deputy Nassau County attorney; and special attorney for the Office of Urban Renewal for the City of Glen Cove.

Martone has been on the Nassau County Bar Association's Committee on Condemnation and Tax Certiorari since 1964. He is also a member of the International Council of Shopping Centers; the International Association of Assessing Officers; Columbia Society of Real Estate Appraisers; Institute of Property Taxation; National Association of Review Appraisers and Mortgage Underwriters; and Institute of Revenue Rating and Valuation.

Martone is also a member of the board of directors of the American Property Tax Counsel, a network of accomplished attorneys through the United States who carry on professional education programs for its members and others.

Martone earned a bachelor's degree from Lehigh University, a bachelor's degree from New York Law School, and a juris doctor from New York Law School. He has authored and participated in many articles in his field as well as lectured on eminent domain and real property tax matters to bar associations, appraisal societies and civic groups.

Koeppel Martone & Leistman, LLP among the largest New York State law firms devoted exclusively to the field of real property valuation review and condemnation. The firm consists of nine attorneys and a large staff of paralegals with extensive experience in tax certiorari and condemnation law. Its attorneys are admitted to practice law in New York, New Jersey, Connecticut, District of Columbia, Florida and Georgia.



Willets S. Meyer is a partner in the tax certiorari practice group at Farrell Fritz, P.C. in Uniondale. Meyer concentrates his practice in all aspects of real property taxation reduction/abatement on behalf of developers, owners and tenants of commercial and residential properties throughout New York State. He is a well-known speaker in Long Island real estate circles, delivering numerous seminars on property tax reduction strategies.

Meyer is focused on several current and upcoming issues in the region.

"In New York City the big news is the expiration of the 421-a exemption, which rewarded developers with tax benefits

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for keeping a certain number of units as affordable housing in new apartment buildings," Meyer said. "Without these incentives, many experts predict far fewer multi-family building starts by developers who will see greater profits in other types of projects. Some experts even predict a long-term effect on the New York City affordable rental market unless the incentives are renewed."

"In Nassau County, all the talk is about the new Disputed Assessment Fund (DAF) being implemented for the 2016/17 tax year," he said. "Under this plan, commercial properties challenging their assessments would have 10 percent or more of their actual taxes escrowed into a special fund in case their challenge ultimately succeeds and the county is forced to refund tax overpayments. The DAF is intended to finance the current system that leaves Nassau County holding the bag for all tax refunds — including the portions already spent by local school districts — under the so-called 'County guarantee' of its assessment roll to other municipal entities that rely on its accuracy. The only thing that we know at this point is that the DAF will raise tax rates for all commercial property owners in Nassau County, whether they challenge their assessments or not."

Meyer has been a member of the board of directors of The WaterFront

Center, a not-for-profit organization promoting marine education, conservation and recreation for Long Island residents, since 2011. He also serves as a director and/or officer of several private organizations, as a director of the Oyster Bay Sailing Foundation, and coaches youth basketball for the Police Athletic League. For six years, he was a member of the board of directors for the Queens Botanical Garden. From 2005-2007, Meyer was a member of the Village of Oyster Bay Cove's Planning Board.

He is a graduate of Connecticut College and Tulane University Law School.

With more than 85 attorneys, the law firm of Farrell Fritz is recognized for providing high quality legal services, practical advice and responsiveness. The firm is also known for its deep commitment to the local community. Farrell Fritz handles legal matters in the areas of arbitration and mediation; bankruptcy and restructuring; business divorce; commercial litigation; construction; corporate and finance; eDiscovery; emerging companies and venture capital; eminent domain; environmental law; estate litigation; health law; labor and employment; land use, municipal and zoning; not-for-profit law; real estate; tax planning and controversy; tax certiorari, and trusts and estates for corporations, not-for-profit organizations and individuals.

KEVIN P. MULRY

Farrell Fritz, P.C.



Kevin P. Mulry, a partner at Farrell Fritz, P.C., is a commercial litigator with a focus on health care. Mulry counsels clients and litigates in cases involving health law, commercial law, and government investigations in federal and state courts. He is experienced in compliance and has represented clients before the Centers for Medicare and Medicaid Services and the Office of the Medicaid Inspector General. He is a frequent contributor to Farrell Fritz's New York Health Law blog.

Fifteen years prior to joining Farrell Fritz, Mulry served as an Assistant United States Attorney in the Civil Division of the U.S. Attorney's Office for the Eastern District of New York. From 2005 through 2010, he was Principal Deputy Chief of the Civil Division, with supervisory responsibility for the office's affirmative civil litigation, including health care fraud and the False Claims Act. During that time, he coordinated the national investigation of pharmaceutical health care fraud cases

under the False Claims Act. These cases included allegations of off-label marketing, kickbacks and improper billing. He was previously chief of the Long Island Civil Division, supervising the government's affirmative and defensive cases in the Federal Court in Central Islip.

Mulry and his team are closely following a fraud question presented before the Supreme Court: What is the standard for bringing a fraud case under the False Claims Act?

"The Court will decide whether False Claims Act liability attaches when a medical provider bills the government for goods or services knowing (but failing to disclose) that the goods or services fail to comply with a material statutory, regulatory or contractual requirement, or whether the requirement has to expressly be stated as a condition of payment by the government," Mulry said. "The Supreme Court held a spirited argument in April in *Universal Health Services v. United States ex rel. Escobar*. Some of the Justices seemed to accept a more expansive definition of fraud under the False Claims Act."

"The current Second Circuit standard, which covers New York, has been more restrictive, but a broad definition of False Claims Act fraud in the *Universal Health Services* case could lead to significantly broader opportunities for the government to argue fraud against medical providers," he said. "In recent years, Federal

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and State investigators have increasingly expanded their investigation of medical providers for potential health care fraud. Although the Supreme Court's decision may determine whether the government's road will be made easier or more difficult, the aggressive scrutiny of health care providers is sure to continue."

Mulry is a graduate of St. John's University and St. John's University School of Law. A recognized expert in his field, he received the Henry L. Stimson Medal from the Association of the Bar of the City of New York.

With more than 85 attorneys, the law firm of Farrell Fritz in Uniondale is recognized for providing high quality legal services, practical advice and responsiveness. The firm is also known for its deep commitment to the local community. Farrell Fritz handles legal matters in the areas of arbitration and mediation; bankruptcy and restructuring; business divorce; commercial litigation; construction; corporate and finance; eDiscovery; emerging companies and venture capital; eminent domain; environmental law; estate litigation; health law; labor and employment; land use, municipal and zoning; not-for-profit law; real estate; tax planning and controversy; tax certiorari, and trusts and estates for corporations, not-for-profit organizations and individuals.



Eric C. Rubenstein is a partner at Ruskin Moscou Faltischek P.C. in Uniondale where he is co-chair of the firm's real estate department.

Rubenstein manages a diverse real estate transactional practice with specific emphasis on sophisticated mortgage financing, commercial leasing, acquisitions and sales. Rubenstein personally closed the \$210,000,000+ sale of Jericho Plaza, one of the largest one-site real estate transactions in Long Island history, as well as the \$190,000,000+ sale of EAB (now RXR) Plaza, and a \$140,000,000 securitized leasehold mortgage with Lehman Brothers. For many years, Rubenstein handled all of the financing and leasing at Jericho Plaza and RXR Plaza, comprised of more than 1,800,000 square feet in the aggregate.

Rubenstein's clients are major lenders and real estate developers, owners and operators in financing and sales transactions in New York City and the metropolitan area, as well as other areas throughout the United States.

In his representation of lenders, Rubenstein — who is also a member of the firm's environmental practice group — has handled a wide range of work-out transactions, including joint ventures with developers for the completion of residential projects with hundreds of units. His work on behalf of lenders and property owners include management and brokerage contracts, construction and architects agreements, title and zoning issues,

as well as environmental matters.

Currently, Ruskin Moscou Faltischek is especially busy in the retail, medical and multi-family sectors, Rubenstein said.

"Our shopping center owner clients are signing leases with urgent care operators and other non-traditional users," he said. "The closure of stores by major retailers filing for bankruptcy creates opportunities for our retail tenant clients to take over favorable leases or renegotiate terms with landlords. Our medical practice group clients are increasingly making deals with hospitals that are expanding or entering into the Long Island market."

"Long Island municipalities are finally being receptive to approving market rate rentals, particularly in transit-oriented hubs and village downtown areas, which has been a boon to our national residential developer clients, as well as local players," Rubenstein said. "Our clients are also very active in the 1031 tax free exchanges, which is expected to continue and keep the transactional practice busy, even with the specter of increased interest rates in 2016."

"Additionally, our Environmental, Land Use and Zoning Group regularly obtains approvals to develop or convert properties to uses that have the least available product in the market at present — namely multi-family and industrial."

Rubenstein was elected secretary of the Long Island Real Estate Group in 2008 and continues to serve on that capacity and as board member. He has been active in numerous non-profit organizations, serving on the Town of North Hempstead Business and Tourism Development Corporation and its Waterfront Advisory Commission, and committees for the Community Development Corporation and Friends of the Arts, among others.

Rubenstein is also an appointed adjunct professor of NYU at the Schack Institute of the NYU School of Professional Studies.

Repeatedly named a NY Super Lawyer, Rubenstein earned a juris doctor from New York Law School and a bachelor's degree in economics from University of Rochester.

For more than 48 years, Ruskin Moscou Faltischek P.C. has built a reputation as one of the region's leading providers of innovative legal services. Its attorneys are practical, experienced advocates who measure their success by their clients' success. Cornerstone groups in all major practice areas of the law are represented at the firm, including corporate & securities, financial services, commercial litigation, intellectual property, health care, real estate, employment, cybersecurity and data privacy, energy, and trusts & estates. Clients include large and mid-sized corporations, privately held businesses, institutions and individuals.



Michael Schroder is a founding partner of Schroder & Strom, LLP, a law firm in Mineola that concentrates in tax assessment appeals and related issues. A licensed attorney

for 36 years, Schroder has spent his entire professional career in the area of real estate taxes. He has helped establish statewide and local tax appeal programs for national retailers, manufacturing and transportation companies, funeral homes, financial institutions, and residential developers, with a strong emphasis on condominiums and cooperatives.

Among the most important issues coming up, this year, in the field of municipal taxation is the Nassau County legislation that allows the county to withhold 10 percent of annual taxes collected in a special fund for commercial owners who file a tax appeal, Schroder said.

"The fund will be used to pay a portion of the tax refunds due after appeals are resolved," he said. "The amount of refund due not covered by the fund will be made up by the county. The county has been saddled with the obligation to indemnify tax refunds for school districts and towns since the 1940s, when refunds were nominal in number and amount. The county's financial woes can be squarely blamed on this tax indemnification. The county has been forced to cut programs, lay-off employees, and shoulder the burden of interest on bond issues required to pay refunds. School districts and towns have circled the wagons and refuse to participate in the refund process, alleging the same fiscal impact that the county suffers from."

Details of the new program are very technical, Schroder said, noting that it includes an increase in commercial tax rates by as much as 10%; a decrease in property values; will financially stress small businesses; and will leave tenants the choice of paying rent or taxes.

"Owners who are not presently challenging their assessments should file an appeal with a tax certiorari attorney in the coming year, as a reduction in assessment is the only way to contain increases in taxes," Schroder said.

Schroder has been a member of the Garden City Board of Zoning Appeals and has been active in village issues for 25 years, most recently having been appointed to serve on the Mayor's Committee on Zoning Changes.

Schroder & Strom, LLP concentrates in real estate tax litigation, providing property tax advice, counsel, assessment review, and litigation strategy to owners, tenants, and developers of commercial property throughout New York State, including Nassau and Suffolk counties on Long Island, the five boroughs, Westchester and upstate. The firm also concentrates in residential tax litigation representing the owners of single family homes, condominiums, cooperatives and homeowners associations. The firm currently has 10 attorneys and a support staff of 18 employees.



Greg Stoller is a partner in the corporate and health care departments of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP in

Lake Success.

Stoller represents public and private companies, including not-for-profit organizations, in mergers, acquisitions, and other strategic transactions, as well as with respect to their daily corporate governance matters. Stoller also represents issuers and investors in their securities, financing and other legal matters. His clients range from early stage growth companies to mature public and private companies across a wide range of industries, including software, fantasy and on-line gaming, fitness and exercise, and culinary arts, as well as a variety of health care providers, including skilled nursing facilities, hospitals, diagnostic and treatment centers, home health care agencies, and adult homes.

In anticipation of the emerging growth of the medical and recreational cannabis industry in the State of New York, Stoller has also focused his practiced on matters concerning regulated substance compliance and associated legal matters affecting the state's marijuana marketplace.

Expenses related to operating a business is a concern for many within this industry, Stoller said.

"As a result of increased operating costs, due in part to cumbersome governmental regulations, and decreases in Medicare and commercial reimbursement rates, many solo practitioners or small group practices are seeking alternative business options, most notably, merging into hospital systems or forming 'mega-groups,'" Stoller said. "The primary impetus for a physician's or a practice's decision is security vs. autonomy."

"Physicians who merge or sell their practices to a hospital, and subsequently become employees of that hospital, are relieved of the responsibilities of day-to-day management of a practice and are the beneficiaries of security and predictable compensation provided by an employment agreement," Stoller said.

"However, physicians who desire not to become beholden to a hospital system should consider joining a physician-owned mega-group," he noted. "The primary benefits of a mega-group are financial independence, autonomy, and increased negotiating leverage with insurance providers and vendors. Additionally, a mega-group structure allows for potential continued revenue growth through the expansion of services to be provided by a practice and legally compliant revenue sharing, as well as private equity opportunities."

"Physicians who wish to continue their practice independent of a hospital, but are concerned about their ability to do so, have a viable and often more beneficial alternative in a mega-group structure," Stoller said.

Stoller has been recognized as one of the top up-and-coming lawyers, including being named as a "Rising Star" by Super Lawyers in 2014 and 2015 and being featured in the 2015 Top Legal Eagles issue of *Long Island Pulse* magazine.

Stoller earned a juris doctor from Georgetown University Law Center and his bachelor's degree in political science from Brown University. Stoller is licensed to practice law in New York.

Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP is

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one of the largest full service law firms on Long Island. We solve our client's problem by providing each client with sound counsel, innovative solutions and personalized service. The firm serves clients throughout the New York metropolitan area from offices in Long Island, New York City, Brooklyn, and serves upstate New York from its Rochester office.

Abrams Fensterman is a leader in representing health care providers in all aspects of health care law, including hospitals, nursing homes, physicians, medical societies, dentists, podiatrists and chiropractors. The firm also has practices that are widely recognized as leaders in their fields in areas such as corporate and securities, mergers and acquisitions, matrimonial and family law, and mental health law.

The firm also has active practice areas in commercial litigation, estate planning and administration, guardianships, employment law, real estate, elder law, personal injury litigation, and white-collar criminal defense.



David N. Vozza is a partner at Kern Augustine Conroy & Schoppmann, P.C., a boutique health care law firm with locations in New York and New Jersey and is aligned with the law firm of Meltzer Lippe.

Vozza has more than 10 years of experience focusing on defending health care providers in connection with disciplinary and regulatory actions before various federal and state agencies, private and government payor audits, fraud investigations (both civil and criminal), hospital staff and privileges disputes and general health care litigation in both the Federal and State courts. Vozza regularly defends health care providers before the Office of Professional Medical Conduct and Office of Professional Discipline. He also frequently lectures at hospitals throughout New York State regarding medical fraud, regulatory agencies, professional licensure and medical documentation.

Vozza remains focused on evolving health care issues, including reimbursement matters.

"Enacted in 2015, the Medicare Access and CHIP Reauthorization Act (MACRA) intends to, amongst other things, resolve the oft-maligned methodology historically utilized in reimbursing physicians who treat Medicare patients," Vozza said. "Specifically, MACRA repeals the Sustainable Growth Rate (SGR), which is Medicare's flawed reimbursement model for paying physicians that was created to reduce Medicare spending under the Balanced Budget Act of 1997, model in determining fee schedule reimbursement; establishes the Merit-based Incentive Payment Systems (MIPS) model, which reimburses physicians based on quality of care, utilization of coordinated resources and utilization of

certified technology to create and maintain medical records; and establishes a mechanism for physicians to participate in Alternative Payment Models (APMs) such as Accountable Care Organizations."

"While most physicians welcome the repeal of the Sustainable Growth Rate methodology, the proposed transition towards utilization of MIPS and APMs are not without trepidation," Vozza noted. "Physicians must first choose which model best fits their respective practice. Given MACRA's complexity, it will likely take several years before specific rules and design mechanisms are implemented. During this time, physicians may find themselves being forced to take a 'learn-as-you-go' approach in determining what model best serves them."

"Moreover, physicians must be aware that their reimbursement will become largely dependent on their comparative performance," he said. "With an emphasis on so-called 'collaborative medicine,' it is the smaller practices which will suffer most."

Vozza also defends clients in connection with general civil and corporate litigation matters as well as handles various real estate and business transactions.

Prior to joining the firm, Vozza was in private practice. Among his awards/recognitions include New York Super Lawyers electing Vozza for inclusion in the 2014 edition of Rising Stars - New York Metro List.

He earned a juris doctor from Hofstra University School of Law and a bachelor's degree from State University of New York, Stony Brook. Vozza is admitted to practice in the state of New York and before the United States District Courts, Southern and Eastern Districts.

Kern Augustine Conroy & Schoppmann, P.C., a boutique health care law firm with locations in New Jersey and New York, is now aligned with Meltzer Lippe. Kern Augustine has been representing physicians and other health care professionals for over 25 years in OPMC/SBME/OPD investigations, Medicare fraud, fraud and abuse, hospital privileges, RAC audits, Medicare audits, OIG fraud, medical audits, and billing audits.

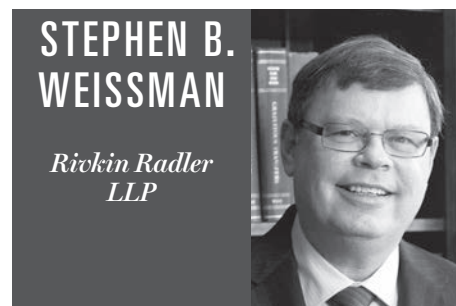
Kern Augustine provides the Physician Advocacy Program® to thousands of participating New Jersey physicians and members of the Medical Society of the State of New York, giving these physicians expert legal assistance, at no additional cost, in the event of investigation by the State Board of Medical Examiners, OPMC, Medicare, Medicaid, the Department of Insurance and other regulatory agencies.

Kern Augustine acts as General Counsel to medical societies throughout New York and New Jersey and represents many hospital medical staffs. It represents physicians before State and Federal regulatory agencies and in hospital privileges disputes, and offers health care law services including representation of providers in commercial, contractual and transactional matters, regulatory compliance, employer-employee relationships, tax and pension issues, asset protection, disputes with managed care companies, and criminal and general litigation.

Kern Augustine also provides comprehensive services to meet OIG Small Phy-

sicians Practice Compliance Guidance and HIPAA regulations.

In matters of business and group formation, Kern Augustine, works closely with providers and the financial community to create provider-owned and controlled practice entities capable of assuring independence and financial well-being for the long term.



A partner in Rivkin Radler's real estate, zoning & land use practice group in Uniondale, Stephen B. Weissman has represented clients in the acquisition, sale, leasing, and management of real estate; the development, construction, and renovation of apartment and office complexes, manufacturing facilities, shopping centers, and hotels; real estate financing for institutional lenders, owners, and developers; and real estate workouts and bankruptcy proceedings.

Weissman's experience includes all forms of general corporate representation on behalf of publicly held and private corporations, partnerships, and other entities,

with emphasis on asset and stock acquisitions, mergers, leveraged buyouts, corporate finance, restructurings, and bankruptcy reorganizations.

One issue everyone should take note of is the Affirmatively Furthering Fair Housing Regulation, Weissman said.

"The degree to which the Affirmatively Furthering Fair Housing Regulation is issued by the Obama Administration in July 2015 will impact local zoning laws around the United States and cause suburbs and rural areas to become more representative of ethnic diversity," Weissman noted.

Weissman also prepares shareholder, partnership, and joint venture agreements, employment agreements, manufacturing and distribution agreements, and licensing agreements.

Weissman is admitted to practice in the state of New York. He earned a juris doctor from Columbia University School of Law and a bachelor's degree from Northwestern University.

Through three offices and 160 lawyers, Rivkin Radler LLP delivers focused and effective legal services. The firm is committed to best practices and provides strong representation. Rivkin Radler builds strong client relationships. Clients have been placing their trust in the firm for more than 25 years. Rivkin Radler's unwavering commitment to total client satisfaction is the driving force behind the firm. Its clients include individuals, middle-market companies, and large corporations.

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WHO'S WHO in Health Care

Healthcare Finance News cited 32 percent of consumers had at least one health app, medical or fitness app on their mobile device in 2015 — and they expect this percentage to grow this year.

In this *Who's Who in Health Care* section, some industry leaders discuss how technology is incorporated into their facilities as more and more patients turn to their devices for health care connections.

— Written by Lisa Morris Josefak

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MAUREEN GAFFNEY

Winthrop-
University
Hospital



Maureen Gaffney, MHS, RPAC, RN is senior vice president of clinical operations and chief medical information officer at Winthrop-University Hospital in Mineola where she has facilitated numerous hospital-wide quality and patient safety initiatives through the use and implementation of health information technology.

Winthrop is a national leader in health information technology, due to Gaffney's keen foresight and leadership in the progressive adoption of health information technology at the hospital. As a result, Winthrop rightfully earned its place among the elite 10 percent of organizations in the nation to achieve Stage 2 Meaningful Use in 2014; received the distinction of Health Information Management and Systems Society (HIMSS) Electronic Medical Record Adoption Model (EMRAM) Level 6; and was named a "Most Wired" Hospital for the past four consecutive years.

Most recently, in an effort to continue Winthrop's pursuit of excellence, Gaffney is spearheading a major technological milestone in Winthrop's history as the organization prepares to move its financial and clinical technology platforms to Cerner Soarian®. This new platform, which will go live on August 1, will enable enhanced integration of information and provide Winthrop's end users with advanced functionality and improved access to information. From complex phases of building, testing, and soon, the training of several thousand employees, Gaffney's vision and guidance throughout the entire course of this multi-year project is helping to produce an electronic tool with the highest degrees of usability and reliability.

The use of technology in health care is evolving, Gaffney noted.

"Though health care has been slow to the gate in embracing the use of technology for data collection, data analysis, clinical decision support and communication, there has been great progress with adoption and growing acceptance of the dependence on technology in the health care work environment," she said. "The potential for better outcomes and the ability to manage populations will be enhanced with the use of this technology to promote wellness and compliance adherence. The acceptance of technology as a social norm is now pushing our patients' expectations of us — their health care providers — to provide them with access to information and ease of communication using mobile technology."

"At Winthrop-University Hospital, we have implemented our patient portal as a platform for this growing demand," Gaffney said. "We have created an enterprise-wide portal where patients can access their personal health information, communicate with their providers and upload information they obtained through other devices/apps, such as heart rate, blood pressure, weight and blood glucose results. This information can be transmitted to their health care provider. Importantly, it promotes self-monitoring and accountability to an agreed upon treatment plan. We are looking forward to expanding this function to include the ability to download wearable device data."

"Technology is ubiquitous in and out of the health care environment, and we con-

tinually look at strategies to leverage the technology available to improve our patients' experience and optimize their health and wellness, while preserving the protection of their personal health information," Gaffney explained.

In addition to being named one of the Top 25 Clinical Informaticists of 2010 by *Modern Healthcare* magazine, Gaffney serves as a member of the editorial advisory board for CMIO magazine.

Gaffney, who began her career at Winthrop in 1992, is a Registered Nurse and a Physician Assistant. In addition, she is a fellow of the American Academy of Physician Assistants and is certified by the National Commission on Certification of Physician Assistants. She has served as chair of the eHealth Network of Long Island Regional Health Information Organization, now known as NY Care Information Gateway, where she currently is chairman of the board of directors.

Founded in 1896 by a group of local physicians and concerned citizens, Winthrop-University Hospital is a major regional health care resource with a deep commitment to patient care, medical education and research.

Winthrop-University Hospital — Long Island's first voluntary hospital — is a 591-bed university-affiliated medical center and New York State-designated Regional Trauma Center, which offers sophisticated diagnostic and therapeutic care in virtually every specialty and subspecialty of medicine and surgery.

Winthrop offers a full complement of inpatient and outpatient programs and services for the newborn through the elderly, primarily from Nassau, Suffolk and Queens Counties on Long Island, in a dynamic, progressive environment.

Ever changing and growing with the diverse community it serves, Winthrop-University Hospital is, in many ways, a unique institution, simultaneously large and small, regional as well as local. It successfully blends the progressive philosophy, sophistication and advances of a teaching and research institution with a very personal approach to patient care — an approach that has become the cornerstone of its organization.

RONALD J. GULOTTA

St. Francis
Hospital



Ronald J. Gulotta, M.D., FACC is chief medical officer at St. Francis Hospital, The Heart Center® in Roslyn. A highly respected interventional cardiologist, Dr. Gulotta has been an attending physician at St. Francis since 1992 and was previously director of the Cardiac Catheterization Laboratory at Brookhaven Memorial Medical Center.

His reputation and integrity reflects the culture of St. Francis and the hospital's ongoing commitment to providing excellence in patient care.

"It is an exciting time in medicine," Dr. Gulotta said. "Technology is transforming cardiovascular care, whether it is imaging that helps doctors see blockages inside the coronary arteries within microns, pacemakers without leads that connect with doctors via the internet, implantable devices that transmit vital health data to keep heart failure patients out of the hospital, or TAVR procedures that replace damaged heart valves without open heart surgery. Because

WHO'S WHO in Health Care

St. Francis has the largest cardiac caseload on Long Island, we are often the first to be able to bring these innovations to our patients. We are now working hard to bring this same high level of care to cancer and orthopedic patients."

"Although we take great pride in our technological achievements, in health care the personal touch is paramount, so our goal is also to put our 'heart' into all our patient care," he said.

Dr. Gulotta earned a medical degree from Albany Medical College. He completed his residency in internal medicine at Long Island Jewish Medical Center in New Hyde Park. He then completed a fellowship in cardiovascular disease in the Department of Cardiology at the Cleveland Clinic Foundation in Ohio. More recently, he earned his M.B.A., with honors, from Adelphi University.

St. Francis Hospital, The Heart Center® is New York State's only specialty designated cardiac center and a nationally recognized leader in the diagnosis, treatment, and prevention of cardiac disease. St. Francis is ranked one of the best hospitals in America by *U.S. News & World Report* and has earned the prestigious Magnet designation for nursing excellence. A leader in cardiovascular care for more than 50 years, St. Francis Hospital also offers an outstanding program in vascular, prostate, ear-nose-throat, abdominal, oncologic, gastrointestinal, and orthopedic surgery. St. Francis is a member of Catholic Health Services of Long Island.



Amy E. Loeb, EdD, MBA, RN-BC, NE-BC is vice president and chief nursing officer at Peconic Bay Medical Center in Riverhead. Loeb is responsible for all aspects of nursing, pharmacy and respiratory care. She is part of a team that is designing a new critical care tower, inclusive of a cardiac catheterization lab, a state-of-the-art intensive care unit, and a trauma center.

Loeb previously served as vice president for Allied Health at Huntington Hospital where she oversaw the patient experience, quality of care, caregiver engagement, operational and financial performance of the radiology, laboratory, pharmacy, physical therapy, respiratory therapy and case management departments.

Since becoming a registered nurse in 2003, Loeb has been a transformational leader in the North Shore/LIJ Health System — now known as Northwell Health. She has been mentored by some of the finest nursing and hospital leaders in New York and her experience in a Magnet designated organization has given her a solid understanding of how to lead a nursing organization to excellence.

Technology is a strategic health care tool at Peconic Bay Medical Center, Loeb said.

"We leverage technology for patient safety," Loeb noted. "We have computers at every bedside, allowing for medication administration using bar-code technology, which dramatically reduces the risk of medication errors. Telemedicine is a technology that we are implementing thanks to our relationship with Northwell Health. With telemedicine, in

addition to our local experts, we have access to a robust network of expert providers and nurses via computer devices."

"This summer, we will be launching 'tele-psychiatry,' which will allow us to provide evaluation of patients with acute psychiatric symptoms much faster," Loeb said. "Upon completion of the new critical care tower we will be connected to an 'eICU' staffed with intensive care physicians and nurses, which will provide an added layer of safety for our patients."

Peconic Bay Medical Center also has new "smart" beds that are programmed to let health care providers know if a patient is in an unsafe situation, which also prevents falls. "These beds tie into our new call bell system, which produces reports about our timely response to call bells," Loeb said. "Advancing technology is a strategic imperative at PBMC and with it we will continue to improve patient safety and outcomes."

Loeb earned a bachelor's degree in nursing and a master's degree from St. Joseph's College. In 2016, she graduated from Columbia University's Teachers College with a Doctor of Education. She has a Certification as a Nurse Executive and Gerontology Nurse. Loeb has received numerous awards for scholarship and leadership and is a frequent lecturer.

Peconic Bay Medical Center, a member of Northwell Health, formerly North Shore-LIJ, is a 182 bed medical center that offers a wide range of health care services from advanced surgical care and comprehensive inpatient medical care to a Skilled Nursing and Rehabilitation Center. Peconic Bay Medical Center also offers an extensive range of outpatient services that includes Peconic Bay Physical Therapy & Rehabilitation Center and Peconic Bay Home Health Services, a certified home health agency, the Cancer Services Program of Suffolk County, and the Gertrude & Louis Feil Campus for Ambulatory Care. Additional services include Pegasus House Palliative Care, eight offsite physician offices specializing in family, internal and pulmonary medicine, and surgical specialties, including the Krauss Musculoskeletal Institute. Northwell Health, with 21 hospitals and nearly 450 outpatient practices, serves 8 million people in the metro New York area and beyond.



Anne Marie Montijo is deputy director for strategic initiatives at the Association for Mental Health and Wellness (MHAW) in Ronkonkoma. Montijo has more than 25 years of experience in social work and has extensive experience in child and adolescent mental health as both a practitioner and administrator.

Joining MHAW in 2015, Montijo provides executive leadership in managing the organization's community outreach and education department; Incident Review Committee; staff development and training; organizational diversity and cultural competency initiatives; student Internship programs; and children's services.

A 1992 graduate of Stony Brook School of Social Welfare, Montijo went on to lead

North Suffolk Mental Health Center's adolescent boys community residence. She then joined South Oaks Hospital as director of child and adolescent community services. There she led an extensive outreach effort working with children's mental health agencies across Long Island and the five boroughs. Offering numerous educational workshops to schools, advocacy organizations, hospitals, higher education, and other venues, Montijo established a reputation as a tireless advocate for children's mental health with a strong focus on reducing the stigma of mental illness.

More than two-thirds of the United State's population owns a smartphone and are connected socially to friends, family, and colleagues, Montijo said.

"The mental health community sees this mobile technology as a powerful tool that can give providers the ability to engage patients outside of their regular in-person sessions, with the potential to improve compliance behaviorally and with medication management," she said.

"In recent years, many patients and providers have been able to communicate directly and effectively via secure email and patient portals," Montijo noted. "Utilizing this same technology on mobile devices allows mental health providers to reach people who are either physically isolated because of geography, or emotionally isolated because of the state of their mental health."

The Association for Mental Health and Wellness is partnering with Peer Support Solutions to provide real-time interactions with trained peer specialists via smartphones, tablets, and other mobile devices, she explained. "It's expanding the boundaries of when and where people can access urgent emotional help, as well as routine text reminders regarding appointments, medication scheduling, and follow-up tests, she said.

"As a founding member of the Long Island Health Collaborative, MHAW plays a prominent role in promoting the Population Health Improvement Program by encouraging physical activity as an important pathway to recovery," Montijo stated. "A 'walking portal' enables people to track and monitor their progress from any mobile device or a desktop computer."

"These new 'connections' can assist with fostering a trusting relationship between provider and patient, which in turn has the potential to greatly improve health outcomes," Montijo said.

Montijo has presented both nationally and internationally on topics such as culture and self-harm, and resiliency.

She has extensive volunteer experience in cancer services having worked with The Eye Cancer Foundation in New York City for 10 years leading patient support services and organizing patient and family luncheons on Long Island and New York City. Since 2011, she has also volunteered for the Melanoma Research Foundation's CURE Ocular Melanoma (CURE OM) initiative. As a Steering Committee member for CURE OM, she has helped to spearhead five patient and caregiver symposiums across the country and often leads groups at these events for newly diagnosed patients including workshop on resiliency. Montijo is also part of the Host Committee for the Wings of Hope Gala in New York City, a fundraising event for the Melanoma Research Foundation.

The Association for Mental Health and Wellness is the result of the 2014 merger of three organizations: Clubhouse of Suffolk, Suffolk County United Veterans and the Mental Health Association in Suffolk County,

founded in 1955.

MHAW programs help individuals overcome the impact of mental health illnesses, disabilities, and trauma to achieve goals of education, employment, social connection, housing, community involvement, and overall wellness. The agency also provides community and professional education for mental health providers through ongoing workshops and seminars.

A range of peer-led support services include the highly-successful Joseph P. Dwyer Veterans Peer Support Project. Through SCUUV, the agency offers a broad range of services delivered by trained veterans and family members to assist with outreach, crisis prevention and diversion, social and employment supports, housing and homeless assistance, and PTSD peer support.

MHAW is committed to the core practice values of empowerment, hope, opportunity, and cultural competence. The agency takes a "whole person" perspective with an enriched understanding of the social and economic conditions that contribute to physical and mental health and substance abuse.



Rachel E. Schnabl, LMSW is vice president, chief development officer at Brookhaven Memorial Hospital Medical Center in Patchogue.

Schnabl has years of experience in the health care field. Prior to joining Brookhaven Memorial Hospital Medical Center she was director of advancement and external affairs at Stony Brook University's Stony Brook Medicine - School of Dental Medicine. During her tenure, she coordinated all aspects of the School of Dental Medicine's fundraising programs, alumni relations initiatives and external affairs and was part of the SBU Medicine/Health Sciences Center development team that increased annual revenue from \$8 million to \$18 million between FY11-FY14.

She was also director of development at Stony Brook University's *Stony Brook Medicine & Health Sciences and Regional Coordinator* at Muscular Dystrophy Association.

Schnabl earned a master's degree in social work from SUNY Stony Brook and a bachelor's degree from Marist College.

Schnabl is a member of the Association of Healthcare Philanthropy and the Association of Fundraising Professionals. She has published a research paper entitled, "Teaching Macro Research to BSW Students: An Exploratory Study of Welfare Reform" and presented this paper at the New York State Social Work Education Association (NYSSWEA) conference in November 2000. Schnabl has earned many awards and honors including the 1996 United States Congressional Medal of Merit and an Award for Excellence in Social Work in 2000.

Brookhaven Memorial Hospital Medical Center (BMHMC) is a full-service, 306-bed, acute care, voluntary, not-for-profit community hospital located in Patchogue, New York. BMHMC delivers accessible, high-quality health services in a focused caring and teaching environment while providing health advocacy for the community and people served.



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