

Fisher Broyles

Name: Kelly Thompson

Email: kelly.thompson@fisherbroyles.com

Direct: (904) 240-4844

Mobile: (813) 260-0112

Office: Naples

Practice Areas: Compliance Counseling; Cyber-Risk, Privacy & Data Security; General Corporate; Health and Pharmacy Law

Bar Admissions: Florida

Education: Florida State University College of Law, JD, 2013; Florida State University, Marketing, 2010

Experience: Foley & Lardner, LLP; Shumaker, Loop & Kendrick, LLP

Kelly Thompson represents a range of health care entities including hospitals and health systems, physician groups, dentists, DME providers, assisted living facilities, home health agencies, pharmacies, imaging companies, and telehealth providers.

Kelly provides counsel regarding day to day compliance with regulatory health laws, transaction structuring, health regulatory-related due diligence reviews, the development of health care compliance programs, including development of policies and procedures and workforce training, billing and coding compliance, HIPAA and state law privacy and security compliance, scope of practice and supervision requirements, and advising on and completing required license and enrollment filings in the event of a change of ownership.

Kelly is also knowledgeable on HIPAA and state privacy law requirements, and frequently negotiates BAAs, drafts required privacy materials, and advises clients in the event of a privacy breach. Kelly assists with breach response investigations, and in the event of a cyber or ransomware attack on a covered entity or business associate, works with her clients' internal IT and digital forensics to provide legal advice on the nature of the occurrence, scope of data exfiltration, and obligations to notify impacted individuals and/or state and federal government regulators under HIPAA or state privacy laws.

Kelly's experience includes drafting and negotiating contracts, drafting compliance memorandums, policies and procedures, and employee handbook and training materials, conducting internal compliance investigations, preparing and filing state and federal licensure and enrollment applications, corresponding with health care agencies through final approval of filings on behalf of clients, and running incident response activity in the event of a HIPAA breach.

Professional and Civic Activities

- The American Health Lawyers Association
- Jacksonville Women Lawyers Association
- Jacksonville Bar Association
- World Affairs Council
- Committee Member of Local Non-Profit

Representative Transactions Include

- Advise a range of health care clients on HIPAA and state law breaches, including the preparation and completion of all required notices, government reports, and corrective action plans.
- Prepare Compliance and HIPAA Policies & Procedures and conduct relevant training.
- Complete multiple licensure and enrollment change of ownership filings for Health Care Clinics, Durable Medical Equipment Providers, Home Health Agencies, and Nurse Registry Companies in Florida, including assistance with Florida Medicaid enrollments.
- Act as lead counsel for licensure and enrollment change of ownership filings for a Durable Medical Equipment company in over 35 states.
- Complete licensure and enrollment change of ownership filings for a Home Health Agency and Nurse Registry/Staffing company in all 50 states.
- Advise a range of facilities on day-to-day operation, licensure, and enrollment matters.
- Represent an urgent care company in its sale to a hospital system.
- Represent a telepsychiatry company in a merger with another large telepsychiatry company.
- Conduct health regulatory due diligence reviews for a wide arrange of health care facilities, acting as buyer and seller counsel in different deals.
- Represent individual physicians in contract negotiations with employers.
- Draft and negotiate Business Associate Agreements for both covered entities and business associates.

- Draft Personal Services Agreements, Policies and Procedures for Providers, and Employment Agreements.

Presentations & Teaching Experience

- Presented "Privacy and Security Updates" at Let's Talk Compliance event with Foley & PYA in Orlando, FL, January 2020.
- Presented "Business Associate Liability" at a Quick Hit for the Association of Corporate Counsel, February 2019.
- Presented "Privacy and Security Updates" at Let's Talk Compliance event with Foley & PYA in Jacksonville, FL, January 2019.
- Presented "Privacy and Security Updates" at Compliance Round Table event with Foley & Deloitte in Tampa, FL, February 2018.

Publications

- Editorial Advisory Board for AHHA's Federal Healthcare Laws & Regulations, Volumes I-IV, 2019-2020 Edition.
- "HIPAA: Second Settlement this Year Related to Right to Access Initiative," Foley & Lardner Client Alert (December 18, 2019).
- "HIPAA: Failure to Report Breach Costs Hospital \$2.175 Million," Foley & Lardner Client Alert (December 5, 2019).
- "OCR Clarifies Direct Liability for Business Associates Under HIPAA," Foley & Lardner Client Alert (May 30, 2019).
- "Increased Interoperability of Health Information: Two New Proposed Rules," Foley & Lardner Client Article (February 15, 2019).
- "Happy New Year! Potential Changes to HIPAA Requirements on the Horizon," Foley & Lardner Client Article (December 19, 2018).
- "Florida's New Law Changes Physician Responsibilities for Opioid Dispensing," Foley & Lardner Client Article (June 12, 2018).
- "Sharing and Mining Patient Data In Digital Health and Telemedicine: Laws You Need to Know," Foley & Lardner Client Alert (April 2, 2018).