



Kim Stanger

Partner

800 W. Main Street, Suite 1750, Boise, ID 83702

P 208.383.3913

kcstanger@hollandhart.com

Kim Stanger guides facilities and professionals through the many regulatory, transactional, and practical challenges facing the rapidly evolving healthcare industry.

He has particular expertise on unique laws facing healthcare providers, including HIPAA, Stark, the Anti-Kickback Statute, EMTALA, Medicare/Medicaid regulations, and licensing requirements. With 20 years of experience, he understands the needs of his healthcare clients and how to address those needs in a cost-efficient manner.

Kim's commitment to his clients and the industry is demonstrated by the hundreds of hours he spends each year providing free education to his clients and serving in industry organizations. He is a frequent and popular speaker at healthcare meetings and association conferences. He also presents monthly webinars and publishes regular Holland & Hart Health Law Alerts.

EXPERIENCE

Kim helps institutional and individual clients structure and document healthcare transactions, including:

- Services contracts
- Joint ventures
- Practice and network formations
- Mergers and acquisitions
- Conversions

Additionally, he advises and helps clients respond to compliance questions or concerns, including:

- Federal and state fraud and abuse laws
- Privacy requirements
- Reimbursement rules
- Licensing regulations

Kim represents clients in internal, administrative, and judicial proceedings, including licensing, credentialing and peer review, and government investigations and audits.

CLIENT RESULTS

Typical Healthcare Transactions

PRACTICES

Corporate
Healthcare Law
Privacy and Information Security

EDUCATION

Brigham Young University, J.D., 1990
magna cum laude

Brigham Young University, B.A., 1987
cum laude

BAR ADMISSIONS

Idaho
Oregon
Washington

Regularly draft physician and midlevel employment and services contracts for hospitals and multi-specialty groups.

Created model HIPAA policies, forms, and business associate agreements.

Negotiate and document acquisition and sale of physician practices by hospitals and others.

Assist in the conversion of a public hospital to 501(c)(3) status.

Structure and document clinically integrated networks.

Structure management arrangements between hospital and physician groups, and between hospital and independent management company.

Create joint ventures between hospital systems and provider organizations.

Compliance

Regularly review and advise hospitals and other providers on compliance issues, including HIPAA, Stark, Anti-Kickback, EMTALA, etc.

Created model HIPAA policies, forms, and business associate agreements for clients and others.

Drafted model compliance plan for Idaho hospitals through Idaho Hospital Association.

Drafted state laws for consent and advance directives.

Administrative and Judicial Proceedings

Regularly respond to OCR investigations for alleged HIPAA violations.

Defend facilities and individuals in adverse licensure actions by state boards or survey agencies.

Represent hospitals and medical staff leadership in credentialing proceedings and litigation.

Navigate and negotiate resolution of payment dispute with federal and state Medicare and Medicaid programs.

Governance

Drafted model medical staff and governing board bylaws for the industry associations.

Train boards concerning fiduciary and compliance obligations.

PUBLICATIONS

"[Encrypt Your Devices or Face HIPAA Penalties](#)," *Holland & Hart News*

Update, 11/07/2019

"Contacting Parents, Spouses or Others to Obtain Payment," Holland & Hart News Update, 10/30/2019

"Diverting Ambulances and EMTALA," Holland & Hart News Update, 10/01/2019

"Business Associates' Use of Information for Their Own Purposes," Holland & Hart News Update, 09/06/2019

"IMGMA Q/A: Sharing PHI for Treatment Purposes," Idaho Medical Group Management Association e-newsletter, 08/22/2019

"New Patient Rights Rules for Idaho Hospitals," 07/15/2019

"Mental Holds in Idaho," 06/24/2019

"Licensing Board Stipulations: Beware Unanticipated Consequences," Holland & Hart News Update, 06/10/2019

"Liability of Business Associates for HIPAA Penalties," 05/29/2019

"HHS Reduces the Annual Cap for Most HIPAA Penalties," Holland & Hart News Update, 05/02/2019

"Key Terms for Provider Contracts," 03/26/2019

"Common Stark Concerns for Hospitals," Holland & Hart News Update, 03/14/2019

"Telehealth: Practicing Across the Idaho Border," Holland & Hart News Update, 02/12/2019

"Medical Record Retention Guidelines," Holland & Hart News Update, Co-Author, 02/05/2019

"Identifying Business Associates: Make Sure You Have BAAs in Place," Holland & Hart News Update, 01/23/2019

"HIPAA Breach Notification: When and How to Self-Report," Holland & Hart News Update, 01/08/2019

"EMTALA: Guide for Exams, Treatment and Transfers," Holland & Hart News Update, 11/27/2018

"Gifts to Patients and Referring Providers," Holland & Hart News Update, 11/15/2018

"Department of Health & Human Services Upgrades Security Risk Assessment Tool," Holland & Hart News Update, Co-Author, 10/31/2018

"Handling HIPAA Breaches: Investigating, Mitigating and Reporting," Holland & Hart News Update, 10/22/2018

"Producing Records of Other Providers," *Holland & Hart News Update*, 10/10/2018

"Idaho Fraud and Abuse Statutes: Requirements, Penalties and Repayments," *Holland & Hart News Update*, 10/05/2018

"Sports and Student Physicals: Legal Issues," *Holland & Hart News Update*, 08/08/2018

"Summary of Selected Fraud & Abuse Statutes & Regulations," *AHLA Fraud and Abuse Practice Group*, May 2018

"Rules for Telemedicine," *IMGMA Monthly Newsletter Q&A*, March 2018

"Minimizing Liability For Business Associate Misconduct ," *AHLA Physicians and Hospitals Law Institute*, 03/09/2018

"Consent for Treatment of Minors in Idaho," *Holland & Hart News Update*, 03/06/2018

"Producing Patient Records: The "Designated Record Set," the "Legal Health Record," and Records Created by Other Providers," February 20, 2018

"Reporting HIPAA Breaches: Annual Deadline Approaches," *Holland & Hart News Update*, 01/09/2018

"Using an Employee's Protected Health Information for Employment Decisions," *Holland & Hart News Update*, 12/18/2017

"Non-Physicians Owning or Investing in Medical Practices in Idaho," *Holland & Hart News Update*, 11/08/2017

"Marketing Traps for Healthcare Providers," *Holland & Hart News Update*, 10/12/2017

"Police, Providers, Patients and HIPAA," *Holland & Hart News Update*, 09/26/2017

"Offering Free Screening Tests to Patients," *Holland & Hart News Update*, 07/24/2017

"Consent Forms v. Informed Consent ," *Holland & Hart News Update*, 7/18/2017

"The On-Call Physician's Liability for Failing to Respond to Emergency Room Call," *Holland & Hart News Update*, 5/31/2017

"HIPAA and Disclosure to Media," *Holland & Hart News Update*, 5/24/2017

"Admitting Privileges in Hospitals: New Idaho Law," *Holland & Hart News Update*, 5/10/2017

"HIPAA: Releases of Information v. Authorization," *Holland & Hart News*

Update, 05/02/2017

"[CardioNet Settlement Shows Need for Healthcare Providers to Secure Mobile Devices,](#)" *Holland & Hart News Update*, Co-Author, 04/28/2017

"[HIPAA: Should You Ask Patients for Consent to Disclose Information?,](#)" *Holland & Hart News Update*, 4/25/2017

"[Group Compensation Arrangements: Stark Requirements,](#)" *Holland & Hart News Update*, 4/17/2017

"[Withdrawing Care for Developmentally Disabled Persons: New Idaho Standards ,](#)" *Holland & Hart News Update*, 4/10/2017

"[Report HIPAA Breaches Without Delay,](#)" *Holland & Hart News Update*, 1/13/2017

"[New FDA Guidance Addresses Medical Device Cybersecurity for the Internet of Things,](#)" *Holland & Hart News Update*, Co-Author, 1/05/2017

"[Idaho Peer Review Privilege,](#)" *Holland & Hart News Update*, 12/28/2016

"[Requiring Referrals from Employees and Contractors,](#)" *Holland & Hart News Update*, 12/19/2016

"[New Safe Harbors for Transportation Programs, Certain Cost-Sharing Waivers, and Gap Discount Programs,](#)" *Holland & Hart News Update*, 12/12/2016

"[OIG Increases Limit on Gifts to Government Beneficiaries,](#)" *Holland & Hart News Update*, 12/07/2016

"[Liability for Non-Employees: Beware Apparent Authority,](#)" *Holland & Hart News Update*, 12/05/2016

"[Beware Gifts to Providers, Patients or Other Referral Sources,](#)" *Holland & Hart News Update*, 11/29/2016

"[Responding to Negative Internet Reviews: Beware HIPAA,](#)" *Holland & Hart News Update*, 11/23/2016

"[Conduct a Thorough HIPAA Risk Analysis or Pay Big Fines,](#)" *Holland & Hart News Update*, Co-Author, 10/26/2016

"[Resources for ACA Notice of Nondiscrimination: Beware October 16 Deadline,](#)" *Holland & Hart News Update*, 10/06/2016

"[Check Your Business Associate Agreements: OCR Tags Health System for Outdated BAA,](#)" *Holland & Hart News Update*, 10/04/2016

"[Idaho Board of Medicine Disavows the Corporate Practice of Medicine Doctrine,](#)" *Holland & Hart News Update*, 9/13/2016

"[Providers Must Post New Nondiscrimination Notices,](#)" *Holland & Hart*

News Update, 07/06/2016

"New ACA Anti-Discrimination Rules: Language Assistance for Non-English Speakers," *Holland & Hart News Update, 5/26/2016*

"Charging Patients for Copies of Their Records: OCR Guidance," *Holland & Hart News Update, 5/23/2016*

"Ensure You Have Business Associate Agreements or Face HIPAA Penalties," *Holland & Hart News Update, 5/12/2016*

"Consents and Advance Directives and Language Barriers, Interpreters, and Translators," *Portneuf Medical Center, 3/31/16*

"HIPAA and Disclosure to Family Members or Others Involved in the Patient's Care," *Holland & Hart News Update, 03/10/2016*

"Prompt Pay Discounts," *Holland & Hart News Update, 02/05/2016*

"Traps for the Unwary: Federal and State Laws Affecting Healthcare Business Transactions," *The Advocate, January 2016*

"Physician Timeshare Arrangements: New Stark Option for Sharing Space with Visiting Specialists and Others," *Holland & Hart News Update, 12/17/2015*

"Responding to HIPAA Breaches," *Holland & Hart News Update, 11/06/2015*

"Complying With HIPAA: A Checklist for Business Associates," *Holland & Hart News Update, 10/26/2015*

"Complying With HIPAA: A Checklist for Covered Entities," *Holland & Hart News Update, 10/13/2015*

"HIPAA and Records of Deceased Persons," *Holland & Hart News Update, 9/29/2015*

"HIPAA: Disclosing Exam Results to Employers," *Holland & Hart News Update, 09/22/2015*

"Physician Contract Checklist," *Holland & Hart News Update, 9/15/2015*

"Medical Record Retention," *Holland & Hart Health Law Blog, August 2015*

"How Long Must We Maintain Medical Records?," *Idaho Medical Group Management Association newsletter, August 2015*

"Recruiting Physicians: Beware Stark, Anti-Kickback Statutes, and IRS Rules," *Holland & Hart News Update, 7/28/2015*

"HIPAA, E-mails, and Texts to Patients or Others," *Holland & Hart News Update, June 8 2015*

"Idaho's Medical Lien Statute," *Holland & Hart News Update*, 2/2/2015

SPEAKING ENGAGEMENTS

"Health Law Webinar - New Year's Resolutions: Checking Key Compliance Issues," 01/23/2020

"Health Law Webinar - Proposed Changes to Stark, Anti-Kickback Statute and Civil Monetary Penalties Law," 11/22/2019

"Provider Contracts: Tips from the Trenches," *Colorado Rural Health Center*, 11/19/2019

"Fraud and Abuse Laws; Marketing Traps; EMTALA; Collection Traps," *2019 Wyoming Healthcare Compliance Bootcamp*, 11/8/19

"Provider Contracts: Tips from the Trenches," *Idaho Hospital Association Annual Convention*, 10/06/2019

"Health Law Webinar - Compensation and Perks to Referring Providers: Common Questions and Compliance Traps," 08/08/2019

"Health Care Laws Every Transactional Attorney and Litigator Ought to Know," *Idaho State Bar Annual Meeting*, 7/26/19

"Health Law Webinar - Waiving Copays, Patient Discounts, and Other Common Issues with Patient Arrangements," 07/18/2019

"Workplace Violence v. Resident Rights," *Idaho Health Care Association 2019 Convention*, 07/11/2019

"Compliance and Ethics Programs for Nursing Facilities," *Idaho Health Care Association 2019 Convention*, 07/09/2019

"Health Law Webinar - Federal Fraud and Abuse Laws," 07/02/2019

"Montana Fraud and Abuse Laws: Common Problems," *Montana Society for Healthcare Risk Management*, 06/28/2019

"Using Non-Physicians to Expand Your Practice: Legal Issues," *MIEC Summit for Insurance Defense*, 06/20/2019

"Cybersecurity and HIPAA," *Wyoming Healthcare Financial Management Association Spring Conference*, 05/23/2019

"Medical Records: Definitions and Disclosures," *Idaho Health Information Management Association Annual Meeting*, 4/5/19

"42 CFR part 2," *Idaho Primary Care Association*, March 22, 2019

"Health Law Webinar - Checking Your HIPAA Business Associate Agreements," 02/14/2019

"Fraud and Abuse Laws; Interpreters and Translators; EMTALA; HIPAA and Patient Confidentiality," *Wyoming Healthcare Compliance Bootcamp*,

Laramie, WY, September 28, 2018

"Health Law Webinar - Stark, Anti-Kickback Statute, and Other Fraud and Abuse Laws," 09/13/2018

"Duties and Responsibilities for Hospital Board Members," *Hospital Trustee Symposium, The Hospital Cooperative*, 09/07/2018

"Structuring Call Coverage Agreements: Key Considerations and Provisions," *Strafford Live CLE Webinars*, 09/06/2018

"Health Law Webinar - HIPAA and 42 CFR part 2: Disclosure of Substance Use Disorder Records," 08/09/2018

"Health Law Webinar - HIPAA and Disclosure to Family, Friends and Others Involved in Patient's Care," 07/24/2018

"Patient Rights Issues: Informed Consent and Confidentiality," *Lorman Webinar*, 07/23/2018

"Difficult Discharges: Sending Patients out without Getting into Trouble," *AHLA Annual Meeting*, Chicago, IL, 06/25/2018

"Telehealth," *Holland & Hart Health Law Webinar*, 06/07/2018

"Applying Laws to Common Situations," *2018 Idaho Healthcare Compliance Bootcamp Part 2*, 05/11/2018

"Fraud and Abuse Laws," *2018 Idaho Healthcare Compliance Bootcamp Part 2*, 05/11/2018

"Responding to Noncompliance," *2018 Idaho Healthcare Compliance Bootcamp Part 2*, 05/11/2018

"Legal Traps for Physician's Assistants," *Idaho State University Physician Assistant Program*, May 2018

"HIPAA and Law Enforcement: Responding to Subpoenas, Orders, and Warrants," *Audio Educator Webinar*, 04/10/2018

"Health Law Webinar - Fair Market Value in Healthcare Transactions: Why and How," 03/22/2018

"Consent Aspects and Billing Issues for Minors," *Peer Network Meeting, The Hospital Cooperative*, 03/09/2018

"Consent for Treatment," *Holland & Hart Health Law Webinar*, 02/15/2018

"Peer Review," *Idaho Health Care Association Winter Workshop*, February 2018

"Creating and Terminating Patient Relationships," *2018 Idaho Healthcare Compliance Bootcamp Part 1*, 02/09/2018

"Informed Consent," *2018 Idaho Healthcare Compliance Bootcamp Part 1*,

02/09/2018

"HIPAA and Patient Confidentiality," *2018 Idaho Healthcare Compliance Bootcamp Part 1*, 02/09/2018

"EMTALA," *2018 Idaho Healthcare Compliance Bootcamp Part 1*, 02/09/2018

"Minimizing Risk for Business Associate Misconduct," *AHLA Physicians and Hospitals Law Institute*, New Orleans, LA, 02/05/2018

"Employment Contracts: Avoiding Potholes and Defensive Driving Skills," *Ada County Medical Society R2 Unit Training*, 01/31/2018

["Health Law Webinar - Texting with Providers and Patients: CMS Rules, HIPAA, and Other Considerations,"](#) 01/25/2018

"Contracting with Non-Employed Physicians and Physicians Groups," *Stafford Webinar*, 01/04/2018

"Client Rights Issues: Informed Consent and Confidentiality," *Lorman Webinar*, December 2017

["Gifts to Patients and Referral Sources,"](#) *Holland & Hart Health Law Webinar*, 11/09/2017

"HIPAA and the Media," *Idaho Hospital Association Annual Convention*, Sun Valley, ID, 10/08/2017

"Behavioral Health Problems in the ED: Legal Requirements and Risk Management Solutions," *Idaho Hospital Association Annual Convention*, Sun Valley, ID, 10/8/17

"Credentialing and Peer Review," *Idaho Association of Medical Staff Services Fall Education Conference*, 9/22/17

"Behavioral Health Problems in the ED: Legal Requirements and Risk Management Solutions," *Montana Hospital Association Fall Convention*, Billings, MT, 9/20/17

"Stark Law, Federal and State Anti-Kickback, Report and Pay, and Other Compliance Issues," *AAPC*, 9/19/17

"Using Non-Physicians to Expand Practice: Legal Issues," *Idaho MGMA Annual Conference*, September 2017

["Health Law Webinar - HIPAA and Subpoenas, Orders and Law Enforcement Requests,"](#) 08/31/2017

"Fraud & Abuse: Stark Law, Anti-kickback Statute, and State Referral Laws," *Idaho Health Care Association Convention*, 7/13/2017

["Physician Contracts: Terms to Include in Your Agreements,"](#) 6/22/2017

- "Telehealth Credentialing and Privileging: Minimizing Liability, Protecting Patient Privacy, Ensuring Quality Care," *Strafford Webinar*, 6/21/2017
- "HIPAA," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp Part II*, 5/19/17
- "Legal Traps for Physician Assistants," *ISU Physician Assistant Program*, 5/10/17
- ["Health Law Webinar - Mental Holds Under Idaho Law,"](#) 4/18/2017
- "Consent and Advance Directives," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp Part I*, 3/17/17
- "Telemedicine," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp Part I*, 3/17/17
- "Fraud and Abuse Laws," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp Part I*, 3/17/17
- ["Health Law Webinar - HIPAA: Responding to Breaches,"](#) *Webinar Only*, 2/23/2017
- ["Health Law Webinar - HIPAA: Business Associate Agreements,"](#) *Webinar Only*, 2/16/2017
- "Ensuring HIPAA Compliance When Transmitting PHI via Patient Portals, Email and Texting," *Panelist, Strafford Webinar*, February 2017
- "Consent and Advance Directives," *IHCA*, 2/9/17
- ["Health Law Webinar - HIPAA: Checking Your Privacy Rule Compliance,"](#) *Webinar Only*, 2/09/2017
- "Hot Legal Topics for 2017," *IHFMA*, 2/8/17
- ["Health Law Webinar - EMTALA,"](#) December 2016
- ["Health Law Webinar - Responding to Patient Problems,"](#) October 2016
- "Providing Incentives for Patients," *Foundation/Marketing Peer Network Meeting, The Hospital Cooperative (Idaho)*, October 2016
- "HIPAA Challenges: E-mail, Texts, Social Media, BAAs, Reporting and Other Common HIPAA Problems," *Idaho Medical Association Webinar*, October 2016
- "New ACA Anti-Discrimination Notices: What You Need to do for the October 16 Deadline," September 2016
- ["Health Law Webinar - Marketing Traps for Healthcare Providers,"](#) September 2016
- ["Health Law Webinar - Social Media: Legal Issues in the Healthcare](#)

Industry," August 2016

"Health Law Webinar - Provider Compensation Arrangements: Employees, Contractors, and Groups," 07/14/2016

"Health Law Webinar - Hospital Board Training Part 2: Laws Every Board Member Should Know," 06/23/2016

"Health Law Webinar - ACA Anti-Discrimination Rules Finalized," 06/09/2016

"Health Law Webinar - Hospital Board Training Part 1: Operational Basics for Hospital Board Members," 05/19/2016

"Consents and Advance Directives, and Language Barriers, Interpreters, and Translators," *Portneuf Medical Center*, March 2016

"Health Law Webinar - Responding to HIPAA Breaches," 02/18/2016

"Billing and Collection Issues; Complying with Anti-Kickback Statutes," *Two presentations at the Idaho Ambulatory Surgery Center Association Conference*, February 2016

"Health Law Webinar - HIPAA Privacy and Security Rules," 02/04/2016

"Responding to HIPAA Violations to Minimize Exposure/Suspect a Data Breach? Do This Immediately!," *AHLA Physicians and Hospitals Law Institute*, Austin, TX, February 2016

"Health Law Webinar - Fraud and Abuse Laws," 01/07/2016

"Structuring Business Associate Agreements for Covered Entities and Business Associates," *Strafford Webinar*, December 2015

"Risk and Compliance Management," *Idaho Medical Group Management Association/St. Alphonsus Health Alliance ACMPE Class*, November 2015

"Telemedicine Credentialing and Privileging: Minimizing Liability, Protecting Patient Privacy, and Ensuring Quality Care," *Strafford Webinar*, October 2015

"HIPAA for Business Associates," *The CORE Inaugural Idaho MedBuild Symposium*, September 2015

"Responding to Patient Complaints," *Idaho Medical Group Managers Association Conference*, September 2015

"HIPAA for Business Associates," *The CORE Inaugural Idaho MedBuild Symposium*, September 2015

"Industry Expert Panel," *Panelist, Idaho Medical Group Management Association Conference*, September 2015

"What does the Idaho Telehealth Access Act Do?," *Idaho Medical*

Association Webinar, September 2015

"Health Law Basics Webinar - EMTALA," August 2015

"Health Law Basics Webinar - Telemedicine," July 2015

"Consent, Advance Directives, and Guardianships," *Idaho Health Care Association Annual Convention*, July 2015

"Complex Business Associate Issues," *ABA Health Law Section*, July 2015

"HIPAA Update: Avoiding Penalties," *Idaho Health Care Association Annual Convention*, July 2015

"Trustee Toolkit: Laws Affecting Hospitals," *Western Regional Trustee Symposium*, June 2015

"HIPAA and Law Enforcement," *Montana Health Network*, June 2015

"Antitrust Laws," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp*, May 2015

"Fraud and Abuse Laws," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp*, May 2015

"HIPAA Overview," *Idaho Hospital and Medical Associations, Healthcare Compliance Bootcamp*, May 2015

"Common HIPAA Compliance Issues," *In-House Seminar for St. Luke's Health System*, April 2015

"HIPAA Hot Topics," April 2015

"Training for Board Members," April 2015

"Resident Rights and Legal/Ethical Issues for Nursing Home Administration," *Idaho Health Care Association*, March 2015

"HIPAA," *Idaho Ambulatory Surgical Center Association*, March 2015

RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Health Care Law – Boise, 2014, 2019
- *The Best Lawyers in America*®, Health Care Law, 2010–2020
- Mountain States Super Lawyers®, Health Care, 2013-2019
- St. Luke's Regional Medical Center Merit Award
- Martindale-Hubbell®, AV Preeminent® Rating

PROFESSIONAL AND CIVIC AFFILIATIONS

- Boise State University, Health Law & Ethics, Adjunct Professor
- American Health Lawyers Association, Fraud and Abuse Practice Group

- American Bar Association, Health Law Section, Member
- Boise Metro Chamber of Commerce, Healthcare Industry, Advisory Board
- Idaho Medical Group Management Association, Member
- Idaho Health Information Management Association, Member
- Idaho State Bar, Health Law Section, Member
- Idaho State Bar, Health Law Section, Past President
- Oregon State Bar, Health Law Section, Member
- Idaho Association of Healthcare Risk Managers, Past President
- American Hospital Association, Allied Attorneys, Member
- Idaho HIPAA Coordinating Council, Board Member
- Idaho End of Life Coalition, Member