



Kim Stanger

Partner

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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, civil monetary penalties law, 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.

PRACTICES

Corporate
Data Privacy and Information Security

INDUSTRIES

Healthcare

EDUCATION

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

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

BAR ADMISSIONS

Idaho
Oregon
Washington

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.

Typical Healthcare Transactions

Draft physician and midlevel employment and services contracts for

hospitals and multi-specialty groups.

Draft HIPAA policies, forms, and business associate agreements.

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

Structure and document clinically integrated networks.

Structure management arrangements between hospitals, physician groups, and independent management companies.

Create joint ventures between hospital systems and provider organizations.

Compliance

Review and advise hospitals and other providers on compliance issues, including Stark, Anti-Kickback, HIPAA, CMPL, EKRA, EMTALA, etc.

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

Create model compliance plans for industry organizations and individual facilities.

Administrative and Judicial Proceedings

Advise clients concerning self-disclosures, repayments, and resolutions with state and federal agencies.

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

Draft medical staff and governing board bylaws for industry associations and individual facilities.

Train boards concerning fiduciary and compliance obligations.

Respond to laws governing public hospitals such as Open Meeting Laws and Public Record Acts.

PUBLICATIONS

"To BAA or Not to BAA: Must You Have One?," *Healthcare Update*, October 24, 2023

"Business Associate Agreements: Requirements and Suggestions," *Holland & Hart Healthcare Legal Update*, October 19, 2023

"No More EMTALA Exception to Idaho's Total Abortion Ban ," *Holland & Hart Legal Update*, October 2, 2023

"HIPAA and Subpoenas, Orders, and Administrative Demands," *Holland & Hart Legal Update*, September 15, 2023

"Referrals for Out-of-State Abortions: New Idaho Decision," *Holland & Hart Legal Update*, August 1, 2023

"Sports and Student Physicals: Legal Issues," *Holland & Hart News Update*, July 31, 2023

"Consent for Treatment of Minors in Idaho," *Holland & Hart Legal Update*, July 20, 2023

"The Idaho Medical Consent Act: Recent Amendments," *Holland & Hart Legal Update*, July 19, 2023

"Idaho's Amended Abortion Laws: Summary and Updated FAQs," *Holland & Hart Client Alert*, April 13, 2023

"Idaho's New Virtual Care [Telehealth] Access Act," *Holland & Hart Client Alert*, April 10, 2023

"Patient Inducements: Gifts, Discounts, Waiving Co-Pays, Free Screening Exams, Etc.," *Holland & Hart News Update*, April 4, 2023

"Physicians and Other Healthcare Providers: Beware "Eat What You Kill" Compensation Models," *Holland & Hart News Update*, March 31, 2023

"Public Health Emergency Ends May 11, 2023: Check Your Readiness," *Holland & Hart Client Alert*, 03/20/2023

"Idaho Abortion Laws: Updated FAQs," *Holland & Hart Client Alert*, 01/17/2023

"Idaho Abortion Laws: Idaho Supreme Court Upholds Laws but Offers Important Clarifications," *Holland & Hart Client Alert*, 01/11/2023

"Mandatory Disclosures for Healthcare Workers Under Idaho Law," *Holland & Hart Health Law Update*, 12/15/2022

"HHS Extends Deadline for Co-Provider Requirements Under the No Surprise Billing Rules," *Holland & Hart Health Law Update*, 12/05/2022

"Gifts to Patients and Referring Providers," *Holland & Hart News Update*, 12/01/2022

"Prepare for the End of the Public Health Emergency: Compliance Concerns," *Holland & Hart Health Law Update*, 11/29/2022

"No Surprise Billing Rules: Co-Provider Requirements Begin in 2023," *Holland & Hart Health Law Update*, 11/28/2022

"AHLA Health Care Fraud Law – A 50-State Survey, First Edition," *AHLA Health Care Fraud Law: A 50 State Survey, First Edition, Chapter Author*, October 2022

"Idaho Patient Act: Flow Chart," *Holland & Hart News Update*, 09/01/2022

"Idaho Abortion Laws: New Law and EMTALA Exception Now Effective," *Holland & Hart News Update*, 08/29/2022

"Idaho Abortion Law: The Limited EMTALA Exception," *Holland & Hart News Update*, 08/26/2022

"Paying Employees for Referring Healthcare Business," *Journal of Health Care Compliance*, July/August 2022

"Idaho Complete Abortion Ban Set to Take Effect," *Holland & Hart News Update*, 07/28/2022

"Small Win for Healthcare Providers: CMS Issues New Guidance Under No Surprise Billing Rules and DHHS' Appeal," *Holland & Hart News Update*, 04/26/2022

"New Guidance on Self-Pay Patients Under No Surprise Billing Rules," *Holland & Hart News Update*, 04/12/2022

"Idaho Patient Act Changes," *Holland & Hart News Update*, 04/05/2022

"Telehealth in Idaho: Regulations Withdrawn," *Holland & Hart News Update*, 02/08/2022

"CMS Vaccine Mandate: New Deadlines," *Holland & Hart News Update*, 01/18/2022

"No Surprise Billing Rules: Good Faith Estimates and Unscheduled Services," *Holland & Hart News Update*, 01/07/2022

"Sixth Circuit Reinstates OSHA's Vax-or-Test Mandate: Impact on Employers and Healthcare Providers," *Holland & Hart News Update*, 12/20/2021

"No Surprise Billing Rules: Checklist for Providers," *Holland & Hart News Update*, 12/17/2021, UPDATED 02/14/2022

"CMS Vaccine Mandate Stayed in Ten States," *Holland & Hart News Update*, 11/30/2021

"Federal Court Stays CMS Mandate Nationwide," *Holland & Hart News*

Update, 11/30/2021

"Evaluating Religious Exemption Requests Under the CMS COVID-19 Vaccine Mandate," *Holland & Hart News Update, 11/17/2021*

"CMS Vaccine Mandate for Healthcare Workers: Resources for Preparing Your Policies," 11/05/2021

"Employee Vaccine Information: Privacy Concerns," *Holland & Hart News Update, 09/23/2021*

"Vaccine Mandate for Healthcare Providers," *Holland & Hart News Update, 09/15/2021*

"Fraud and Abuse in Private Payer Situations," *Health Law Handbook (2021 ed.), Thomson Reuters, August 2021*

"New Physician Assistant Collaboration Rules for Idaho," *Holland & Hart News Update, 06/16/2021*

"HIPAA, Business Associates, and the Conduit Exception," *Holland & Hart News Update, 04/14/2021*

"Directed Referrals: New Stark Rules," *Holland & Hart News Update, 03/24/2021*

"HIPAA, Patient Access, and Designated Record Sets," *Holland & Hart News Update, 03/22/2021*

"New Stark and Anti-Kickback Statute Comparisons," *Holland & Hart News Update, 12/07/2020*

"wRVU Compensation Formulas: Time to Review," *Holland & Hart News Update, 11/11/2020*

"HIPAA Enforcement: Lessons from the OCR's Recent Settlements," *Holland & Hart News Update, 10/26/2020*

"Difficult Discharges: Sending Patients Out without Getting Into Trouble," *American Health Law Association Journal of Health and Life Sciences Law, Vol. 14, No. 1, October 2020*

"Paying Employees for Referring Healthcare Business," *Holland & Hart News Update, 09/25/2020*

"Telehealth in Idaho and Elsewhere," *Holland & Hart News Update, 08/31/2020*

"Healthcare Providers: Beware New Information Blocking Rule," *Holland & Hart News Update, 08/26/2020*

"New Idaho Laws Affecting Healthcare Providers – Effective July 1," *Holland & Hart News Update, 06/10/2020*

"Use of CARES Act Provider Relief Funds," *Holland & Hart News Update*, 06/08/2020

"Rural Hospitals Receive Next Round of Provider Relief Funds," *Holland & Hart News Update*, 05/06/2020

"HHS Updates Recently Issued Provider Relief Fund Terms and Conditions," *Holland & Hart News Update*, 04/27/2020

"More Provider Relief Funds on the Way: Beware Updated Terms and Conditions," *Holland & Hart News Update*, 04/24/2020

"Update to Provider Relief Fund," *Holland & Hart News Update*, 04/17/2020

"Disclosing Employee's COVID-19 Status to Employer," *Holland & Hart News Update*, 04/06/2020

"CMS Waives Stark Law Limits to Hospital-Physician Arrangements During COVID-19 Pandemic," *Holland & Hart News Update*, 04/01/2020

"CMS Expands Blanket Waivers to Help Hospitals and Other Providers," *Holland & Hart News Update*, 03/31/2020

"HEALTHCARE: Health Provisions/Medicare & Medicare Extenders/OTC Drugs," *Holland & Hart News Update*, 03/27/2020

"CARES Act Update: How the \$2.2 Trillion Relief Impacts Businesses and Employers," *Holland & Hart News Update*, 03/27/2020

"Telehealth and COVID-19," *Holland & Hart News Update*, 03/20/2020

"Fraud and Abuse in Private Payor Situations," *Holland & Hart News Update*, 03/12/2020

"Beware Laws Affecting Healthcare Transactions," *The Advocate*, 03/11/2020

"Use of PHI for Non-Patient Purposes," *Holland & Hart News Update*, 02/19/2020

"Modified HIPAA Rules for Sending Records to Third Parties," *Holland & Hart News Update*, 02/07/2020

"HIPAA, Psychotherapy Notes, and Other Mental Health Records," *Holland & Hart News Update*, 01/28/2020

"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," *Holland & Hart News Update*, 07/15/2019

"Mental Holds in Idaho," *Holland & Hart News Update*, 06/24/2019

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

"Liability of Business Associates for HIPAA Penalties," *Holland & Hart News Update*, 05/29/2019

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

"Key Terms for Provider Contracts," *Holland & Hart News Update*, 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*, 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

SPEAKING ENGAGEMENTS

"Difficult Patient Discharges: The Problem, The Law, and Some Options," *Health Law Webinar*, November 16, 2023

"Compliance Update Year-in-Review," November 2, 2023

"Provider Arrangements; Rules, Real Life, and Remedies," November, 2023

"Top Compliance Issues for Utah Rural Hospitals," *Rural 9: Health Law Update*, October 12, 2023

"Idaho Abortion Law Update," *Holland & Hart Health Law Webinar*,

October 5, 2023

"Laws Every Idaho Hospital Board Member Should Know," *IHA Convention*, October 4, 2023

"2023 Idaho MGMA Conference," September 28, 2023

"2023 Healthcare Compliance Webinar Series: Hospital Medical Staff Credentialing and Corrective Actions," August 17, 2023

"2023 Healthcare Compliance Webinar Series: Antitrust," August 3, 2023

"Creating, Handling, and Ending Patient Relationships," *Asthma & Immunology Conference*, July 28, 2023

"2023 Healthcare Compliance Webinar Series: Information Blocking," June 22, 2023

"2023 Healthcare Compliance Webinar Series: HIPAA - Privacy, Security, and Breach Notification," June 8, 2023

"2023 Healthcare Compliance Webinar Series: Telehealth," 4/20/2023

"2023 Healthcare Compliance Webinar Series: Fraud and Abuse Laws II - Applying the Laws to Common Provider and Patient Arrangements," 03/16/2023

"2023 Healthcare Compliance Webinar Series: Fraud and Abuse Laws I - Stark, Anti-Kickback Statute, Civil Monetary Penalties Law, and EKRA," 03/02/2023

"Applying Idaho's Abortion Law: Applicable Standards and Practical Suggestions," *Holland & Hart Health Law Webinar*, 01/18/2023

"Healthcare Compliance: 2022 Review and 2023 Preview," *Holland & Hart Health Law Webinar*, 12/08/2022

"Maintaining CAH Status: Identifying and Avoiding Traps," *Holland & Hart Health Law Webinar*, 11/10/2022

"Legal in a Year," *QHR Compliance Professionals Conference*, 11/04/2022

"Recent Rules Affecting Physician Practices," *Idaho Medical Association Webinar*, 10/19/2022

"Maintaining Critical Access Hospital Status: Identifying and Avoiding Traps," *Idaho Hospital Association Annual Convention*, 10/05/2022

"The Peer Review Privilege," *Idaho Association of Medical Staff Services Annual Conference*, 09/30/2022

"Telehealth for Idaho Hospitals," *Idaho Hospital Association Webinar*, 07/21/2022

"New(Ish) Billing Rules for LTC Facilities, HHA, and Hospice," *Idaho*

Healthcare Association Webinar, 07/14/2022

"HIPAA, Info Blocking, and Part 2: Overview and Update of Key Confidentiality and Security Concerns ," *Holland & Hart Health Law Webinar, 05/26/2022*

"Updates to the Idaho Patient Act," *Idaho Medical Association Webinar, 05/18/2022*

"Stark, Anti-Kickback, and Civil Monetary Penalties Law: Applying the Rules to Common Situations," *Holland & Hart Health Law Webinar, 05/05/2022*

"Confidentiality, Security, and Documentation," *Idaho Healthcare Association Webinar, 04/26/2022*

"No Surprise Billing Rules as They Apply to Long-Term Care and Assisted Living Facilities," *Idaho Healthcare Association Webinar, 03/29/2022*

"Legal Issues," *Idaho Ambulatory Surgery Center Association Conference, 03/17/2022*

"CMS Vaccine Mandate: Ongoing Compliance Issues," *Holland & Hart Health Law Webinar, 03/03/2022*

"No Surprise Billing Rules: Update and Answers to Common Provider Questions," *Holland & Hart Health Law Webinar, 02/16/2022*

"HEALTHCARE LAW WEBINAR | New Healthcare Regulations: 2021 in Review and 2022 Deadlines," *Holland & Hart Health Law Webinar, 12/09/2021*

"No Surprise Billing Rule: What Providers Need to Know," *Holland & Hart Health Law Webinar, 08/19/2021*

"No Surprise Billing Rules," *Holland & Hart Health Law Webinar, 08/19/2021*

"Creating and Terminating Patient Relationships," *Holland & Hart Health Law Compliance Webinar Series, 03/18/2021*

"EMTALA," *Holland & Hart Health Law Compliance Webinar Series, 03/11/2021*

"42 CFR Part 2," *Holland & Hart Health Law Compliance Webinar Series, 02/16/2021*

"Information Blocking Rule," *Holland & Hart Health Law Compliance Webinar Series, 02/09/2021*

"Fraud and Abuse Laws," *Holland & Hart Health Law Compliance Webinar Series, 01/21/2021*

"Unique Compliance Concerns Applicable to Idaho," *Holland & Hart Health*

Law Compliance Webinar Series, 01/19/2021

"Provider Relief Fund: Use, Reporting, and Repayments," *Holland & Hart Health Law Webinar, 12/10/2020*

"Overview of 'Hot' HIPAA Issues and New Updates to Templates," *Montana Health Network, 11/13/2020*

"Managing Physician Relationships," *presenter, 2020 Idaho Association of Medical Staff Services Conference, 11/11/2020*

"The Consequences of Adverse Credentialing Decisions," *presenter, 2020 Idaho Association of Medical Staff Services Conference, 11/11/2020*

"Legal Issues in Healthcare: Cybersecurity and HIPAA," *co-presenter, Idaho Medical Association Education Series, 10/21/2020*

"Health Law Webinar – Incident to and Locum Tenens: A Roadmap for Compliance," *Holland & Hart Health Law Webinar, 03/19/2020*

"Expanding Fraud and Abuse Liability in Private Payer Situations," *co-presenter, AHLA Long-Term Care and the Law Conference, San Antonio, TX, 03/02/2020-03/03/2020*

"Idaho Healthcare Compliance Bootcamp 2020," *02/28/2020*

"Use of PHI for Non-Patient Purposes: Limits, Liability, and Vendors Who Do Not Care," *co-presenter, AHLA Physicians and Hospitals Law Institute, 02/11/2020-02/12/2020*

"Health Law Webinar – New Year's Resolutions: Checking Key Compliance Issues," *Holland & Hart Health Law Webinar, 01/23/2020*

"Health Law Webinar – Proposed Changes to Stark, Anti-Kickback Statute and Civil Monetary Penalties Law," *Holland & Hart Health Law Webinar, 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, 11/08/2019*

"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," *Holland & Hart Health Law Webinar, 08/08/2019*

"Health Care Laws Every Transactional Attorney and Litigator Ought to Know," *Idaho State Bar Annual Meeting, 07/26/2019*

"Health Law Webinar – Waiving Copays, Patient Discounts, and Other

Common Issues with Patient Arrangements," *Holland & Hart Health Law Webinar*, 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," *Holland & Hart Health Law Webinar*, 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*, 04/05/2019

"42 CFR Part 2," *Idaho Primary Care Association*, 03/22/2019

"Health Law Webinar – Checking Your HIPAA Business Associate Agreements," *Holland & Hart Health Law Webinar*, 02/14/2019

RECOGNITION

- *The Best Lawyers in America*®, Health Care Law, 2010–2024
- *The Best Lawyers in America*® Lawyer of the Year, Health Care Law – Boise, 2014, 2019, 2021, 2023
- *Idaho Business Review*, Leaders in Law, 2022
- *JD Supra Readers' Choice Awards*, a Top Author in Healthcare, 2020
- Mountain States Super Lawyers®, Health Care, 2013-2023
- 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, 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