



Kathryn F. Edgerton (Russo)
Partner

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Admissions

State Bar of California
State Bar of New York

Affiliations

Health Care Compliance Association
International Association of Privacy
Professionals

Education

Cornell Law School, J.D.
University of Southern California, B.S.,
Business Administration, *magna cum laude*

PROFILE

A Partner in the firm's Regulatory Compliance and Transactional practice groups, Kathryn F. Edgerton has built a significant practice advising hospitals, physician organizations, long-term and behavioral health providers, telemedicine providers, home health providers, medical spas, and other health-related organizations on the complex transactional and regulatory issues impacting the healthcare industry. Kathryn has a strong focus on compliance issues for addiction treatment providers and telemedicine providers. She is known for her pragmatic guidance on a large range of operational issues. She also regularly advises on HIPAA, HITECH, and state privacy and security laws and regulations, the Federal Anti-Kickback Statute, the physician self-referral and payments law (Stark Law), and other healthcare compliance matters.

Focused on Addiction Treatment and Behavioral Care Providers

Drawing on her experience as counsel to over 100 addiction treatment providers, Kathryn brings a practical perspective to her work advising on day-to-day operational issues, as well as business and regulatory concerns. Kathryn successfully obtained licensure, certification, and accreditation for a host of facilities regulated by the California Department of Health Care Services (DHCS), the California Department of Social Services (DSS), and the California Department of Public Health (CDPH), including substance abuse treatment facilities, group homes, adult residential facilities, congregate living health facilities, and home health agencies. Kathryn has a wealth of experience drafting facilities' patient intake documentation, and policies and procedures related to licensure, certification, and compliance with privacy and security laws and regulations. She has successfully represented behavioral care facilities facing denial and non-renewal of licensure, certification, and accreditation by government and accreditation agencies.

Strong Experience Advising Telemedicine Providers

Kathryn has advised national organizations and start-ups on numerous first-of-a-kind telemedicine models, and the many healthcare laws and regulations implicated in these projects. Kathryn provides guidance beyond traditional legal advice and engages with regulators, clients' strategic partners, and investors, enabling clients to achieve their business and financial goals.

Healthcare Data Privacy and Security Compliance

Kathryn regularly advises hospitals, physician organizations, behavioral health providers, telemedicine providers, ancillary providers, and others on federal and state health information privacy and security laws and regulations including HIPAA, HITECH, 42 CFR Part 2, the FTC Act, CMIA, California breach notification laws, and California unfair competition law. She has experience drafting data privacy and security policies and procedures, evaluating potential breaches, conducting risk assessments, and developing solutions to mitigate risks.

Before Nelson Hardiman

In 2007, Kathryn was the recipient of the Pillsbury Stimson Pro Bono Fellowship and spent her fellowship year working for Human Rights Watch, one of the world's leading independent organizations dedicated to defending and protecting human rights. Following her fellowship year, Kathryn was a finance associate in the New York office of Pillsbury Winthrop Shaw Pittman LLP, where she gained experience in transactional issues, including structured finance and securitizations.

Certifications

Kathryn is a Certified Information Privacy Professional in U.S. private-sector privacy laws and regulations (CIPP/US), and is Certified in Healthcare Privacy Compliance (CHPC) by the Compliance Certification Board.

Accolades

Kathryn has been recognized by Super Lawyers Magazine as a Southern California Rising Star for past four consecutive years (2015 – 2019). She was also named to Super Lawyers' 2018 and 2019 List of Top Women Lawyers. Kathryn was recognized by The Best Lawyers: Ones to Watch (2021).

EXPERIENCE

Addiction Treatment and Behavioral Care Providers

- Counsel to approximately 70 addiction treatment providers, advising on day-to-day operational issues, as well as business and regulatory concerns.
- Successfully obtained licensure, certification, and accreditation for a host of facilities regulated by the California Department of Health Care Services (DHCS), the California Department of Social Services (DSS), and the California Department of Public Health (CDPH), including addiction treatment facilities, group homes, adult residential facilities, congregate living health facilities, and home health agencies.
- Drafted facilities' client intake documentation and policies and procedures related to state licensure and certification.
- Successfully represented behavioral care facilities facing denial and non-renewal of licensure, certification, and accreditation by government and accreditation agencies.
- Successfully settled a potential large whistle-blower lawsuit on behalf of an addiction treatment facility. In addition to potential false claims act violations, a former employee alleged a hostile work environment (constructive discharge) and retaliation.
- Represented healthcare providers investigated by insurance companies' Special Investigations Units (SIU).
- Drafted anti-kickback and anti-referral legislation for the addiction treatment community.

Telemedicine and Healthcare Technology

- Worked closely with the leadership and physicians of a leading telehealth company to develop the regulatory pathway to a model that represents the future of digital health.
- Advised a telehealth company regarding regulatory and operational issues for providing telemedicine services across state lines.

Healthcare Data Privacy and Security Compliance

- Advised hospitals, physician organizations, behavioral health providers, telemedicine providers, ancillary providers, and others on federal and state health information privacy and security laws and regulations including HIPAA, HITECH, 42 CFR Part 2, the FTC Act, CMIA, California breach notification laws, and California unfair competition law.
- Drafted data privacy and security policies and procedures, evaluated potential breaches, conducted risk assessments, and developed solutions to mitigate risks.
- Drafted online privacy policies, notice of privacy practices, and terms of use.
- Drafted business associate agreements.

Transactional

- Advised clients on corporate governance matters, and drafted various organizational and operational documents including articles of incorporation and organization, certificates of formation, certificates of conversion, bylaws, company/operating agreements, shareholder agreements, stock restriction agreements, and related board resolutions and consents.
- Formed corporations, LLCs, and non-profits, together with governance documents to support regular business operations, financing, and mergers.
- Drafted medical director, clinical director, and laboratory director agreements.
- Drafted physician and other healthcare provider employment agreements and independent contractor agreements.
- Drafted essential documents required for a company setting up laboratory business.
- One of the leaders of the regulatory counsel for the \$235 million sale of two Verity Health System hospitals – O'Connor Hospital and Saint Louise Regional Hospital – to Santa Clara County.

Regulatory Compliance

- Advised hospitals, physician organizations, long-term and behavioral health providers, telemedicine providers, home health providers, medical spas, and other health-related organizations on the complex transactional and regulatory issues impacting the healthcare industry.
- Advised clients on HIPAA, HITECH, and state privacy and security laws and regulations, the Federal Anti-Kickback Statute, the physician self-referral and payments law (Stark Law), and other healthcare compliance matters.
- Advised clients regarding physician and healthcare provider advertising laws and regulations, including compliance with the federal and state consumer protection laws and regulations.
- Advised clients regarding compliant marketing relationships.
- Lead regulatory counsel to a large health system in its Chapter 11 bankruptcy case, the largest hospital bankruptcy in U.S. history. The matter has involved corporate and regulatory support for the system's day-to-day operations as well as extensive regulatory work on the sale of the system's six hospitals, including counsel regarding California attorney general conditions and approval process.
- Resolved disputes with five cities across California regarding complaints concerning behavioral health housing.