

John W. Kaveney

PARTNER

75 Livingston Avenue
Roseland, New Jersey 07068
T: 973.577.1796
F: 973.577.1797
jkaveney@greenbaumlaw.com



For a time, I was certain I wanted to be a doctor, however an afternoon in high school spent shadowing a physician in the operating room helped me realize that I was not destined for that profession. Still, the experience strengthened my desire to work in the healthcare field in some capacity, and led to a career in which I help healthcare providers navigate the complex legal landscape so they can focus on caring for their patients and the community.

Mr. Kaveney focuses his practice in the area of healthcare law, representing a range of clients that includes for-profit and non-profit hospitals and health systems, academic medical centers, individual physicians and physician groups, ambulatory surgery centers, ancillary service providers, medical billing companies, skilled nursing and rehabilitation facilities, behavioral health centers and pharmacies.

His practice in the healthcare field encompasses advising healthcare clients on corporate compliance matters, including the implementation of new, and the assessment of existing, corporate compliance programs. He also assists healthcare clients with compliance audits and investigations, as well as guiding clients through the self-disclosure and repayment processes. Finally, he provides general legal advice concerning compliance and regulatory matters under state and federal healthcare laws.

In the area of information privacy and data security, Mr. Kaveney advises healthcare clients on issues arising under the Health Insurance Portability and Accountability Act (HIPAA) and the Health Information Technology for

Departments

Healthcare

Litigation

Education

Seton Hall University School of Law, J.D., 2008

University of Notre Dame, B.B.A., 2005

Bar Admissions

New Jersey, 2008

New York, 2009

U.S. District Court, District of New Jersey, 2008

Economic and Clinical Health Act (HITECH). This includes the implementation and assessment of privacy and security policies and procedures to ensure the proper protection and utilization of protected health information both by healthcare providers and the business associates with which they contract. In addition, he represents healthcare clients in investigating, reporting, and remediating information breaches and the liability such breaches create under various information privacy and security laws.

Additionally, Mr. Kaveney provides counsel on Medicaid and Medicare reimbursement matters before the Division of Medical Assistance and Health Services and the Provider Reimbursement Review Board, as well as assisting clients in civil litigation and with professional licensing and medical staffing concerns.

Mr. Kaveney serves as Editor-In-Chief of "Healthcare Perspectives," the firm's blog covering issues of interest to the healthcare industry.

Results may vary depending on your particular facts and legal circumstances.

HONORS & AWARDS

- Listed in The Best Lawyers in America® (a trademark of Woodward/White, Inc.) in the Health Care Law practice area (2024)
- Listed in *Chambers USA* (a publication of Chambers and Partners) in the Healthcare practice area (2021 - present)
- Listed in *Super Lawyers - New Jersey Rising Stars* (a Thomson Reuters business) in the Health Care and Professional Liability: Defense practice areas (2013-2018)
- Selected for inclusion by the *New Jersey Law Journal* on the 2016 list of "New Leaders of the Bar," the publication's annual listing of outstanding attorneys under the age of 40 and practicing in New Jersey

Please visit our Award Methodology page for a description of the standard or methodology on which these accolades are based. Attorney Advertising: No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

REPRESENTATIVE MATTERS

Results may vary depending on your particular facts and legal circumstances.

- Represented various provider types in compliance audits, investigations and remediation efforts
- Represented various provider types in assessing and preparing overpayment submissions and self-disclosures to the Medicaid Fraud Division, Office of the Inspector General and Fiscal Intermediaries
- Represented hospitals in Provider Reimbursement Review Board (PRRB) appeals of Medicare reimbursement issues
- Represented hospitals in the pursuit of Medicaid calculation error appeals and Medicaid rate appeals

- Represented hospitals and physician groups in commercial payor reimbursement appeals
- Represented behavioral health facilities and rehabilitation facilities in Medicaid Fraud Division investigations and Corrective Action Plans
- Represented various provider types in HIPAA breach investigations and notifications
- Represented various provider types in other regulatory matters including Stark, Anti-Kickback, state self-referral laws, fraud and abuse, licensure and certification issues, and analysis of the corporate practice of medicine laws
- Represented post-acute care facilities in challenges to State survey deficiency determinations
- Represented various provider types and attorneys in civil litigation matters before the Superior Court of New Jersey Law Division, Superior Court of New Jersey Appellate Division and the New Jersey Supreme Court

UNIQUELY NJ

- Healthcare Financial Management Association New Jersey Chapter: CARE (Compliance, Audit, Risk & Ethics) Forum
- New Jersey State Bar Association

MORE ACTIVITIES & EXPERIENCE

- American Health Law Association
- Health Care Compliance Association
- Former judicial intern to The Hon. Thomas P. Olivieri, P.J.Ch. and The Hon. Harriet Farber Klein, J.S.C.

PRESENTATIONS & SPEAKING ENGAGEMENTS

Presenter, *The Conclusion of the Public Health Emergencies: What This Means for Healthcare Providers and the Accommodations Put in Place by the Federal and State Governments*

Sponsor: *New Jersey Chapter – Healthcare Financial Management Association, September 28, 2023*

Participant, *Medical Audits...Are you Ready?*

Sponsor: *Withum Healthcare Advisory Services Group, June 15, 2021*

Presenter, *The Business of Healthcare in the Pandemic Age: Six Months Into the New World of COVID-19*

Sponsor: *Association of Corporate Counsel New Jersey, September 29, 2020*

Speaker, Delivering Healthcare in a COVID-19 World: What Providers Should Know to Adjust and Adapt to the Pandemic

Sponsor: *Greenbaum, Rowe, Smith & Davis LLP, NJ Hospital Association, NJ Healthcare Financial Management Association, Medical Society of NJ, and NJ Dental Association, June 17, 2020*

PUBLICATIONS & ALERTS

Author, HHS OIG Seeks To Re-Focus And Re-Educate The Healthcare Industry on The Importance of Effective Voluntary Compliance Programs

Garden State Focus, Spring 2024

Author, New Jersey Legislature Revises Involuntary Commitment Law, Requiring Hospitals to Change Handling of Patients in Need of Involuntary Commitment

Greenbaum, Rowe, Smith & Davis LLP Client Alert, September 27, 2023

Author, What the Expiration of the Public Health Emergency Means for Telehealth

Garden State Focus, Summer 2023

Author, IBM Security Report Underscores Significant Cost of Healthcare Industry Data Breach

Greenbaum Rowe, Smith & Davis LLP Healthcare Perspectives Blog, August 2, 2023

Author, Mandated Report from the MedPAC Offers Insights on the Utilization of Telehealth During the Public Health Emergency

Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, June 23, 2023

Author, HHS OCR Announces Expiration of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretions

Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, April 14, 2023

Co-Author, Health Care Providers Should Note Court's Clarification on Jury Waiver

New Jersey Law Journal, March 13, 2023

Author, New York Providers Should Re-Examine Their Compliance Programs Following New Regulations and Guidance from New York State Office of the Medicaid Inspector General

Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, February 15, 2023

Co-Author, 340B Underpayment Remedy Remanded to HHS

Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, January 24, 2023

Author, New Jersey Healthcare Entities Face New Challenges and Requirements When Terminating Employees

Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, January 19, 2023

Author, Federal Government Takes Action to Begin Ensuring Cybersecurity in Medical Devices
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, January 17, 2023

Co-Author, A Primer on Medicare Graduate Medical Education Payments: What Hospitals Should Know About How the Government Calculates GME Reimbursement
Garden State Focus, Winter 2022

Co-Author, A Look at a Successful Hospital Challenge to CMS's DGME Calculation – and Some More Recent Cases Overturning Agency Action
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, December 12, 2022

Author, Many Hospitals Remain in Noncompliance with Price Transparency Rule: House Committee Urges More Oversight
Greenbaum, Rowe, Smith & Davis LLP Client Alert, December 1, 2022

Co-Author, A Primer on Medicare Graduate Medical Education Payments
Greenbaum, Rowe, Smith & Davis LLP Client Alert, November 29, 2022

Co-Author, CMS Issues OPPS/ASC Payment System Final Rule and Physician Fee Schedule Final Rule
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, November 11, 2022

Author, U.S. District Court Judge Vacates Unlawful Drug Reimbursement Rate For 340B Hospitals for Remainder of 2022
Greenbaum, Rowe, Smith & Davis LLP Client Alert, September 30, 2022

Author, Artificial Intelligence Presents Unique Challenges for Healthcare Regulators
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, September 20, 2022

Co-Author, New Implementation Requirements for Cures Act Final Rule Become Effective This Fall
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, August 17, 2022

Co-Author, Feds Target Fraud In Telemedicine Arrangements
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, July 28, 2022

Author, HFMA Article Addresses Key Takeaways for Hospitals Following Release of HHS 2023 Hospital Outpatient Payment Proposed Rule
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, July 22, 2022

Author, The U.S. Supreme Court Issues Unanimous Ruling in Favor of 340B Hospitals
Greenbaum, Rowe, Smith & Davis LLP Healthcare Perspectives Blog, July 12, 2022

Quoted, '2 Troubling Litigation Trends': Medical Professionals Suffering Burnout Are Driving Health Care Lawsuits
New Jersey Law Journal, February 18, 2022

Co-Author, An Overview of The American Rescue Plan

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 24, 2021

Author, On Eve of November 2 Deadline, ONC Extends Compliance Dates for Implementation of Cures Act Final Rule Requirements

Greenbaum, Rowe, Smith & Davis LLP Client Alert, October 30, 2020

Author, Elective Surgeries and Invasive Procedures Set to Resume in New Jersey: Department of Health and Division of Consumer Affairs Issue Guidance

Greenbaum, Rowe, Smith & Davis LLP Client Alert, May 20, 2020

Co-Author, Second Emergency Stimulus Bill Provides \$100 Billion in Additional Funding to Further Support COVID-19 Treatment and Testing

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 27, 2020

Author, COVID-19 Emergency Legislation in New Jersey Impacts Healthcare Providers

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 17, 2020

Co-Author, Title III of the CARES Act: Supporting America's Health Care System in the Fight Against the Coronavirus

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 31, 2020

Author, Department of Health and Human Services Expands Telehealth Benefits During COVID-19 Emergency; Waives Penalties for Potential Resulting HIPAA Violations

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 20, 2020

Author, AHLA Corporate Practice of Medicine: A Fifty State Survey, 2nd Edition

American Health Law Association, January 2020

Author, CMS Proposes E/M Visit Documentation and Requirement Changes

NJHFMA's Garden State Focus, Fall 2018, Vol. 65, No. 1

Co-Author, Potential for Fraud and Abuse in the Administration of Telehealth Services

American Bar Association Health Law Section, September 27, 2018

Author, A Hospital's Not-For-Profit Status Remains At Risk As The IRS Confirmed Its First Revocation Under 501(r)

NJHFMA's Garden State Focus, Fall 2017

Author, New York Court Issues First Decision Taking Hard-Line Position on Meaning of 'Identified' For Purposed of Sixty Day Obligation to Repay Overpayments

NJHFMA's Garden State Focus, Fall 2015, Vol. 62, No. 1

Co-Author, Extrapolation Nation: The Recent Challenges to the Use of Governmental Audit Sampling
American Bar Association Health Law Section, Vol. 10 No. 12

Co-Author, ACA Federal Subsidies: What Does The Text Say? And What Could The U.S. Supreme Court Ruling Mean to Their Future?

NJHFMA's Garden State Focus, Spring 2015, Vol. 61, No. 4

Co-Author, What is So Essential About Health Benefits? The Federal Government Recently Released the Final Rule Giving States the Flexibility to Set Standards for the ACA's Essential Health Benefits

NJHFMA's Garden State Focus, Spring 2013, Vol. 59, No. 4

Co-Author, Affordable Insurance Exchanges: Coming to a State Near You

NJHFMA's Garden State Focus, Early Spring 2013, Vol. 59, No. 3

Co-Author, 'Hope Springs Eternal' Will CMS Do A Reality Check Before Finalizing Its New Proposed Rule on Reporting and Returning Overpayments?

NJHFMA's Garden State Focus, November/December 2012, Vol. 59, No. 2

Co-Author, It's Not a Mandate, It's a Tax

NJHFMA's Garden State Focus, September 2012, Vol. 59, No. 1

Co-Author, 'Did Congress Tip the Scale of Power Too Far?' – The United States Supreme Court Will Soon Determine the Constitutionality of the Patient Protection and Affordable Care Act

NJHFMA's Garden State Focus, November/December 2011, Vol. 58, No. 3

NEWS

2024 Edition of *Best Lawyers* Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition

August 17, 2023

2023 Chambers USA Guide Ranks Greenbaum, Rowe, Smith & Davis in Key Practice Areas and Recognizes 22 Attorneys as Leading Individuals

June 9, 2023

Greenbaum Partner John W. Kaveney Featured in *New Jersey Law Journal* Litigator Q&A on Trending Issues for the Healthcare Industry

February 24, 2022