Jennifer S. Kreick

Partner

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PRACTICES Healthcare and Life Sciences, Healthcare Transactions and Regulatory, Fraud, Abuse, and Compliance , Health Privacy (HIPAA) and Healthcare IT, Privacy and Data Security, Corporate, FDA Regulatory and Compliance, Precision Medicine and Digital Health, Telehealth, Medical Device and Technology, Life Sciences, Pharmaceuticals

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Jennifer has delivered practical legal and business advice to healthcare clients in a variety of regulatory and business transactional matters, such as structuring and negotiating acquisitions and divestitures, joint ventures, strategic business partnerships, and contractual relationships involving healthcare entities; drafting and negotiating agreements, such as management services agreements, physician employment and professional services agreements, medical director agreements, co-management agreements, clinical research related agreements, and others; development, formation, and operation of IPAs, CINs, and ACOs; formation, certification, and operation of non-profit health organizations (formerly known as a 5.01(a)'s); conducting fraud and abuse and other compliance reviews and assessments; and providing operational counsel and advice in areas such as anti-kickback and Stark Law compliance, fee splitting, beneficiary inducement laws, antitrust laws, corporate practice of medicine, licensure and change of ownership, Medicare and Medicaid rules and regulations, HIPAA/HITECH, and data privacy and security.

Prior to joining Haynes Boone, Jennifer managed the implementation of electronic medical record software for hospitals and outpatient clinics, including a large health system with more than 20 specialties. She worked closely with providers and staff to ensure the software supported their workflows and documentation needs.

Jennifer is a member of the Dallas Bar Association, where she serves on the Health Law Section Education Committee. She is also a member of the American Health Lawyers Association and the ABA Health Law Section. Jennifer serves as the firm's HIPAA Privacy Official. She is Board Certified in Health Law by the Texas Board of Legal Specialization.

QUALIFICATIONS

EDUCATION

- J.D., Southern Methodist University Dedman School of Law, valedictorian; *summa cum laude*; Order of the Coif; *SMU Law Review Association, Journal of Air Law & Commerce,* Associate Managing Editor
- B.A., Duke University, *magna cum laude*, Phi Beta Kappa

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CLERKSHIPS

- Legal Intern, U.S. Attorney's Office, Eastern District of Texas, July 2011-August 2011

  Legal Extern, The Honorable Barbara M.G. Lynn, U.S. District Court for the Northern District of Texas, January 2012-April 2012

ADMISSIONS

- Texas

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “Hot Topics and Trends in Fraud and Abuse Enforcement for Life Sciences and Health Technology Companies," presenter, Dallas Bar Association, February 26, 2024.
- “HHS Releases Action Plan to Bolster Cybersecurity in the Health Care Sector,” co-author, American Health Law Association, January 9, 2024.
- “As HIPAA Enforcement Discretion Ends, Telehealth and Other Healthcare Providers Reminded of Health Information Privacy and Security Obligations,” co-author, Haynes Boone client alert, August 7, 2023.
- “Data Privacy and Security Enforcement for Health and Wellness Apps,” moderator, American Health Law Association, June 13, 2023.
- “Looking Forward: Emerging Issues and Trends in Telemedicine and Virtual Care,” moderator, American Health Law Association, April 11, 2023.
- “FTC’S First Health Breach Notification Rule Enforcement Action Includes $1.5 Million Penalty Against Digital Health Platform,” co-author, American Health Law Association, March 14, 2023.
- “Privacy 2023: Planning for Success,” speaker, Health Care Compliance Association Dallas Regional Healthcare Compliance Conference, February 10, 2023.
- “Strengthening Cyber Posture to Effectuate Compliance and Mitigate Penalties Under HIPAA,” co-author, American Health Law Association, January 5, 2023.
- “What Lawyers & Business Leaders Need to Know about Cybersecurity & Managing Legal & Financial Risk,” speaker, SMU Rowling Center, October 5, 2022.
- “Health Care Regulatory Diligence Considerations for Digital Health Transactions,” co-author, American Health Law Association, April 21, 2022.
- “Part I: Legal and Regulatory Issues in Telemedicine,” co-presenter, American Health Law Association, April 19, 2022.
- "What to Expect with the Changes to the Stark Law Group Practice Compensation Requirements and Other Compliance Considerations,” presenter, Dallas Bar, November 17, 2021.
- "The Caregiver Solution," moderator, HealthTech Austin, Aging and Innovation Summit, October 21, 2021.
- “Medical Technology Company Arrangements and Opportunities for Participation in Value Based Care under AKS Final Rule,” co-author, Health Law Vitals, January 20, 2021.
- “Telehealth: Compliance, Expansion and Enforcement,” presenter, Texas Bar Association Advanced Business Law Course, November 6, 2020.
- “Device Identifiers: When Data Collection Gets Personal,” co-author, Haynes Boone client alert, September 9, 2020.
- “INSIGHT: Maximizing Immunity Under the PREP Act for Covered Countermeasures,” co-author, *Bloomberg Law*, September 8, 2020.
- “Regulators Expand Opportunities for Telehealth Services Under COVID-19 Shadow,” co-author, Health Law Vitals, March 23, 2020.
- “Healthcare M&A Opportunities Demand Special Care,” co-author, *Law360*, August 29, 2019.

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- “Fiduciary Duties of Directors in Medical Technology,” co-author, Haynes Boone client alert, April 24, 2019.
- “Anti-Kickback, Stark Law, and Other Regulatory Considerations When Analyzing Neuromonitoring Arrangements,” presenter, American Bar Association, March 19, 2019.
- “The Burden of Medical Records During Bankruptcy,” co-author, *Law360*, May 2018.
- “The Stark Law and Certain Trending Arrangements: What to Know When Analyzing Lithotripsy, Neuromonitoring, and Pathology Arrangements,” presenter, Dallas Bar Association, November 15, 2017, and Austin Bar Association, November 28, 2017.
- “Navigating the Texas Telemedicine Rulemaking,” co-author, Haynes Boone client alert, November 8, 2017.
- “OSHA Eyes Health Care Industry With Injury Reporting Rule,” co-author, *Law360*, July 2016.
- “OCR HIPAA Guidance for Mobile Health Developers,” co-author, Haynes Boone client alert, May 4, 2016.
- “The Impact of HIPAA (and Other Federal Laws) on Wearable Technology,” co-author, *SMU Science and Technology Law Review*, Winter 2015.
- “Physician-Owned Entities Still Under Federal Microscope,” co-author, *Law360*, December 2013.

SELECTED CLIENT REPRESENTATIONS

- Represented a pediatric cardiology practice with multiple locations in a sale of substantially all of its assets to a large health system.
- Represented Catholic non-profit health system in the acquisition of certain hospitals, an NPHO, and ASCs, and provided regulatory and compliance advice on referral source arrangements, licensure and accreditation, and patient confidentiality practices.
- Represented an investor entity in its acquisition of 13 pediatric clinics from, and its sale of a minority interest to, a health system’s affiliated nonprofit health organization.
- Represented large emergency physician group in structuring, negotiating, and implementation of joint venture with a Texas non-profit health system.
- Represented physicians and an accountable care organization in structuring, negotiation, and implementation of a joint venture with a healthcare services provider for the operation and management of outpatient behavioral health clinics.
- Represented investors and operators in the formation, certification, and operation of non-profit health organizations (formerly known as "5.01(a) organizations").
- Represented investor entity and accountable care organization having over 350 independent physicians in regulatory and operational matters and strategic initiatives, including compliance with applicable MSSP ACO waivers.
- Regularly provide regulatory and compliance advice regarding federal and state healthcare laws and regulations to hospital systems, physician groups, pharmacies, laboratories, investors, technology companies, and other healthcare entities in connection with diverse operational endeavors and complex transactions.
- Conducted anti-kickback and other fraud and abuse analyses for healthcare technology companies, providers, and suppliers involving discounts, referral arrangements, marketing/advertising programs, and other arrangements.
- Regularly perform comprehensive state and federal healthcare regulatory reviews, analyses, and assessments of various arrangements and transactions for compliance with fraud and abuse and other laws.
- Represented health systems, physician groups, home health and hospice provider, wellness company, revenue cycle management company, and other healthcare providers in investigations of potential breaches and analyses of disclosure obligations under HIPAA and state privacy laws and

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assisted with disclosures and communications to media, U.S. Department of Health and Human Services, state regulators, and affected individuals.
- Regularly draft and review HIPAA privacy and security policies and procedures, security risk assessments, business associate agreements, and training for covered entities and business associates.
- Regularly advise clients, including healthcare providers and mobile app/telemedicine platforms, on compliance with telemedicine laws, HIPAA/HITECH, data privacy and security matters, and permitted uses and disclosures of health information.
- Represent a variety of sponsors and institutions in their clinical research endeavors in the US and abroad, including drafting and negotiating agreements for the study and developing form agreements, such as clinical trial agreements, NDAs, informed consent forms, letters of indemnity, product development and supply agreements, and agreements with clinical research organizations, and advising on applicable regulations and compliance matters related to the research study, such as fraud and abuse laws, HIPAA and disclosures of subject information, subject recruitment, financial disclosures, and conflicts of interest.
- Represented a national for-profit healthcare system in a joint venture with a large non-profit healthcare system. The joint venture involved the sale, acquisition, and operation of five hospitals in North Texas.

AWARDS AND RECOGNITIONS

- Recognized by *Texas Super Lawyers Rising Stars*, Thomson Reuters, 2023
- Included in the "Ones to Watch" category of *Best Lawyers in America*, Woodward/White, Inc., 2021-2024

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