

Over his 30+ years of experience representing every type of health care provider, Rich Yarmel has seen it all. There are no challenges, no matter how daunting and unexpected, that Rich can't handle.

As the Health Care and Human Services practice group leader at Harter Secrest & Emery, Rich provides counsel to a wide range of health care providers on medical, ethical, legal, reimbursement, transactional, operational, and federal and state regulatory issues. He is known as a trustworthy attorney who is highly regarded statewide as an exceptional collaborator who provides practical guidance.

Before law school, Rich worked with the New York State Office of Mental Health and was a consultant with the Hospital Association of New York State (now the Healthcare Association of New York State). Drawing on this background and his decades of experience, Rich understands regulatory agencies and his clients' businesses, and looks at complex legal problems from different perspectives to achieve quicker and more innovative results.

### Representative Experience

- Represented clients involved with audits and investigations by state and federal regulatory, licensure, investigatory and prosecutorial agencies, including the New York State Department of Health (DOH), Office of Mental Health (OMH), Department of Education (DOE), Office of Addiction Services and Supports (OASAS), Office for People With Developmental Disabilities (OPWDD), Office of Medicaid Inspector General (OMIG), Office of Professional Medical Conduct (OPMC), Office of Professional Discipline (OPD), Justice Center, and Attorney General including its Charities Bureau and Medicaid Fraud Control Unit (MFCU); and the U.S. Department of Health and Human Services (HHS), Office of Inspector General (OIG) and Office of Civil Rights (OCR), Department of Justice (DOJ), Substance Abuse and Mental Health Services Administration (SAMHSA), and more.
- Facilitated the formation of the Rochester Regional Health Information Organization (RHIO) and serves as outside general counsel since their inception advising on state and federal regulatory issues and legal transactions.
- Serves as legal counsel for the novel Systems Integration Project—a five-year project to create an integrated data exchange to facilitate the sharing of health care, education, and social services information to more efficiently and effectively provide necessary services and support for the community.
- Extensive experience in discharge planning and Medicaid issues, including the development of the Medical Orders for Life-Sustaining Treatment (MOLST) form and with Mental Hygiene Law Article 81 and Surrogate Court Procedure Act Section 17 guardianships; having filed



RICHARD T. YARMEL

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### Admissions

Connecticut  
New York

### Education

DePaul University College of Law,  
J.D.

University at Buffalo, B.A., *cum laude*

well over 100 guardianship petitions since bringing the first Article 81 guardianship petition in Monroe County in 1993.

- Assisted providers with the creation and implementation of provider networks for various Medicare and Medicaid Advantage Plans, including Special Needs Plans, as well as the negotiation of approximately one hundred managed care contracts and obtaining Centers for Medicare & Medicaid Services (CMS) and DOH approvals to operate the Plans.
- Advised acute care hospitals, physician practices, skilled nursing and assisted living facilities, and home care agencies on acquisitions and affiliations, including negotiating asset purchase and administrative and management services agreements, due diligence, assisting with regulatory approvals including Certificate of Need (CON) applications, and all other issues relating to the transaction.
- Advised providers on CON establishment and construction applications, including expansion and contraction of services and programs designated on operating certificates.
- Counseled health care clients on issues surrounding credentialing, medical staff bylaws, professional privileges, internal disciplinary proceedings, peer review, and state and National Practitioner Data Bank reporting obligations.
- Advised providers on responding to HIPAA breaches involving thousands of patient records, including mitigation, fulfilling NYS and federal reporting obligations, notifications to patients, media notices and inquiries, corrective action and interactions with U.S. HHS OCR.
- Developed and implemented corporate compliance programs for a wide range of providers, including physician practices, early intervention agencies, diagnostic and treatment centers, skilled nursing facilities and acute care hospitals; and advised clients on federal and NYS self-disclosures.
- Advised skilled nursing and acute care facilities on patient treatment issues, including issues regarding patients involuntarily admitted to facilities pursuant to the Mental Hygiene Law.
- Advised providers on compliance with Executive Orders issued by Governor Cuomo during the COVID-19 pandemic and related issues.

### Professional and Civic Affiliations

- Member, New York State Bar Association, Health Law Section, Committee on Ethical Issues in the Provision of Health Care
- Member, New York State Bar Association, Health Law Section, Payment, Enforcement and Compliance Committee
- Member, Legal Services Committee, LeadingAge NY
- Emeritus Member, Board of Directors, Healthcare Financial Management Association, Rochester Regional Chapter
- Member, Board of Directors, Executive Committee, CDS Life Transitions
- Member, Board of Directors, Executive Committee, iCircle
- Member, Board of Directors, Executive Committee, CDS Monarch
- Founding Member, Rochester RHIO Secondary Use Committee
- Member, Board of Directors, The Marilyn Lichtman Foundation

### Honors and Awards

- Named as *Best Lawyers*® 2019 Health Care Law “Lawyer of the Year” in Rochester, NY
- Selected by his peers for inclusion in *The Best Lawyers in America*® in the field Health Care Law
- Selected to the Upstate New York Super Lawyers list, 2011, 2012, 2014-2020
- Recipient, “Health Care Achievement” Award, *Rochester Business Journal*, 2013

- Recipient, “Leaders in Law” Award, *The Daily Record*, 2012

## Presentations

- “Breaches in HIPAA,” New York State Association of Ambulatory Surgery Centers Fall Conference, Albany, NY, October 7, 2016
- “Regulatory Issues Facing Student Health Centers,” Harter Secrest & Emery Higher Education Institute, August 2, 2016
- “Cracking the Code on Healthcare-Embracing Cultural Diversity and Creating a Healthy Equitable Future,” NorthStar Network seminar, June 10, 2016
- Guest Lecturer at graduate level, “Internal Investigations,” and “Health Care Fraud and Abuse” courses, State University of New York at Buffalo, November 10, 2015
- “Medicaid Redesign,” Eyes on the Future Radio Show WHAM 1180, November 2012

