

Jenny G. Givens

Partner

Healthcare providers trust Jenny Givens to help them navigate the numerous regulatory frameworks impacting their businesses and to guide them through a variety of operational, privacy and corporate matters. She works with a wide range of providers with operations primarily in Texas but also in many states across the country, including hospitals, physician entities, ambulatory surgery centers, pharmacies, laboratories, neuromonitoring facilities plus many more. Jenny is Board Certified in Health Law by the Texas Board of Legal Specialization and Certified in Healthcare Compliance by the Compliance Certification Board.

Jenny is the go-to advisor for healthcare providers that need strategic guidance on how regulatory compliance interacts with their everyday operations and long-term business planning. She has substantial experience in developing proactive policies and corrective action plans concerning several issues, including fraud and abuse, the Stark Law, the Anti-Kickback Statute, HIPAA, EMTALA, licensure and certification, patient overflow and billing and reimbursement. Jenny also helps clients with a variety of transactional and corporate matters, ranging from employment contracts and coverage agreements to management services contracts and entity formation.

Before joining the firm, Jenny held in-house positions at Texas Scottish Rite Hospital for Children and City of Hope National Medical Center in Pasadena, California, where she handled a variety of transactional and compliance matters. Prior to entering law school, Jenny served as an assistant administrator for a community hospital in Los Angeles where she worked with medical staff committees, participated in all executive team committees and was responsible for strategic planning, service quality, licensing and accreditation activities and day-to-day operations of the hospital's ancillary services.

Experience

- Successfully led a physician-owned hospital through the CMS process



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Industries
Healthcare

Practices
Healthcare

Education
J.D., Southern Methodist University
Dedman School of Law (2007)
M.A., Health Administration, University
of Southern California (2001)
B.S., Gerontology, Minor in Biological
Sciences, University of Southern
California (1998)

Bar Admissions
Texas (2008)

for obtaining permission to expand under the whole hospital exception to the Stark Law.

- Negotiated and drafted agreements related to a hospital's purchase of the assets of a six-location specialty physician practice and affiliated management company.
- Guides clients through investigations of PHI disclosures, performance of risk assessments and reporting process/media notice.
- Regularly advises clients on responses to government investigations including the Department of Health and Human Services Office of Civil Rights, the Office of Inspector General regarding billing errors, the Texas Board of Pharmacy, the Texas Medical Board and the Texas Department of State Health Services.
- Advises clients regarding billing and coding matters, audits, focused investigations, refunds and disclosures of overpayment.
- Leads clients through implementation and evaluation of compliance programs in various provider settings.
- Counsels physician-owned hospitals on compliance and marketing matters, conversion of licensed beds to operating rooms, conversion of observation beds to licensed inpatient beds, investor transactions and member disputes.
- Guides clients through entity formation and preparation of corporate documents such as company/partnership agreements, private offering documents, bylaws and non-competes.
- Prepares and negotiates purchased services, equipment lease, management services, hospital department coverage and medical director agreements.
- Advises clients regarding federal and state fraud and abuse laws, use of midlevel providers, delegation of authority, EMTALA, state licensure and Joint Commission Standards, provider-based services, closing

hospital departments, consent for treatment, advance directives and payment matters.

- As hospital administrator, successfully led hospital through two Joint Commission surveys.
- As hospital administrator, played an integral role to secure \$35 million through the sale of tax-exempt bonds which, combined with \$17.5 million in FEMA grant money, funded an 80,000 sq. ft hospital expansion and renovation project.
- As hospital administrator, served as an owner's representative in the design and construction of a 10-bed ICU, 50-bed medical/surgical unit and 60-bed acute psychiatric unit, and a state-of-the-art central plant. Successfully remodeled the existing facility, including the laboratory and the surgical department, in phases to ensure the hospital's patient care services remained in operation while maintaining patient safety and satisfaction.

Press Releases

- “Gray Reed Elects Three New Shareholders” (September 14, 2016)
- “Three Gray Reed Attorneys Pass State Bar of Texas Board Certification Exam” (January 9, 2014)
- “Gray Reed Expands Healthcare Section with Two New Attorneys” (September 5, 2012)

Thought Leadership

- “Considerations When Accepting Grants Through the \$100 Billion Public Health and Social Services Fund”, *American Health Law Association Briefings* (April 30, 2020)
- “Second Tranche of Provider Relief Fund Payments Commences Today”, Gray Reed Legal Alert (April 24, 2020)

- “Keeping a Pulse on Telemedicine Changes in Light of COVID-19”, *Executive Connection* (American College of Healthcare Executives - North Texas) (Spring 2020)
- “The Federal Accelerated Payment Program— Is It All It Is Chalked Up to Be?”, American Health Law Association (April 17, 2020)
- “Keeping a Pulse on Telemedicine Changes in Light of COVID-19”, Gray Reed Legal Alert (April 1, 2020)
- “An Ideal Solution to Access: Telemedicine Restrictions Suspended in Light of COVID-19”, *Dallas Medical Journal* (April 2020)
- “An Ideal Solution to Access - Telemedicine Restrictions Suspended in Light of COVID-19”, Gray Reed Legal Alert (March 17, 2020)
- “Texas’ Prohibition on Balance Billing: What Now?”, Gray Reed Legal Alert (January 9, 2020)
- “Understanding the Legal Limitations on the Promotion of Physician Practices”, *AHHA’s Physician Organizations Practice Group Briefing (subscription required)* (May 15, 2019)
- “Due Diligence and HIPAA: Issues Pertaining to Complete Disclosure and the Limitations Imposed to Protect Privacy Considerations”, American Health Lawyers Association Business Law & Governance, Vol. 9, Number 1 (April 2016)
- “Researcher, “Hospital Negligence: Legal and Administrative Issues””, *Thomson Reuters* (2009)

Speeches and Presentations

- “Orange is Not Your Color, How to Stay in the Black: Recent Enforcement Activities Related to Fraud & Abuse, HIPAA and Anti-trust.”, HFMA Lone Star Chapter 2015 Winter Institute (February 2015)
- “One Size Doesn’t Fit All - Implementing an Effective Compliance

Program”, *LeadingAge* (May 2014)

- “Waving the Red Cape at the Charging Bulls”, *LeadingAge* (May 2013)

Honors

- Selected by her peers for inclusion in Woodward/White, Inc.’s *The Best Lawyers in America* in the field of Health Care Law (2020)
- Recognized in the Up-And-Coming 100 and Up-And-Coming 50 Women lists by Texas Super Lawyers (a Thomson Reuters company) as published in *Texas Monthly* and *Texas Super Lawyers* magazines (2017 - 2018)
- Named a Rising Star by Texas Super Lawyers (a Thomson Reuters company) as published in *Texas Monthly* and *Texas Super Lawyers* magazines (2014 - 2018)

Organizational Involvement

- Dallas Bar Association
- Health Care Compliance Association
- American Health Law Association
- American College of Healthcare Executives
- Dallas Fort Worth Hospital Counsel