

JAMES P. KELLY
Attorney at Law

Educational Background:

HARVARD LAW SCHOOL:
Juris Doctor, June 1975
Editor, *Harvard International Law Journal*.

HARVARD COLLEGE: A.B., June 1968;
Awarded the Landon Prize.

Professional Experience:

American Health Lawyers Association
Inaugural Fellow 2005

Listed in *Best Lawyers in America* and
*Chambers USA-Leading Lawyers for
Business*

The Bar Register of Pre-Eminent Lawyers –
Martindale-Hubbell

Atlanta Magazine Georgia Superlawyer

Selected as one of *Georgia Trend* magazine's Legal Elite

Forty-two years experience and development of clients in corporate, general business, hospital and health law matters involving:

Business planning for and representation of corporations, partnerships and entrepreneurs in a broad variety of transactions including acquisitions and sales of businesses, shareholder disputes, executive compensation, venture capital investments, foreign investment in the U.S., bankruptcy reorganization, trademark and general corporate counseling on contract and regulatory matters.

Banking law, commercial loan documentation and closings.

Health and hospital law for clients involved in business transactions or regulatory difficulties, Stark and fraud and abuse, *qui tam* defense, OIG investigations and subpoenas, HIPAA, networks and integrated health systems, Medicare and Medicaid disputes, particularly complex, high dollar statistically projected audit denials, certificate of need proceedings, acquisitions and mergers, ambulatory surgery centers, medical staff hearings, legislative liaison, home health agencies, right-to-die issues, medical software, elderly and retirement housing, residential treatment centers, nursing homes and other



long term care providers, specialty hospitals, dialysis centers, cardiac catheterization labs, health care entrepreneurs, pharmaceutical regulation and reimbursement, preferred provider organizations, mental retardation facility management, hospital authority law, hospital licensure, JCAHO accreditation, health care institution finance, private health insurance coverage and payment disputes, psychiatric hospital and clinic development joint ventures, health maintenance organizations, hospital contracts and operations, hospices, employer-sponsored health plans, day hospitals, renal dialysis facilities, medical research grant issues, professional licensure issues, and physician group practices.

Litigation in federal and state courts and before state administrative agencies on health law matters.

Structuring business ventures for medical, real estate and high tech ventures; advising clients on structuring venture capital transactions; advising clients concerning computer law issues and software marketing and development contracts.

Preparation and negotiation of private placement and syndication documents, federal and blue sky securities registrations, advising new public companies on SEC and NASD regulations and internal company policies to control insider trading.

Advising major national clients about dealing with managed care organizations, health maintenance organizations, Taft-Hartley welfare trusts, employee health benefit programs and preferred provider organization contracts; special counsel services for health trade and professions organizations; formation of professional medical and health corporations; preparation of profit sharing plans for small employers and professional service corporations, estate planning, wills and trusts.

Law Firm Experience:

Kelly Law Firm, P.C., Atlanta (October 1986-present): Partner, corporate, general business and health law.

Asbill Porter Churchill & Nellis, Atlanta (October 1985-until dissolution of the firm in September 1986): Partner, corporate and health law, health law team leader.

Smith, Gambrell & Russell, Atlanta (June 1983-October 1985): corporate and health law, health law team leader.

Morris, Manning & Martin, Atlanta (June 1980-June 1983): Partner, corporate, tax and health law.

Kilpatrick & Cody, Atlanta (June 1975-June 1980): Associate, corporate, health law and litigation.

Publications:

HFMA Scroll (September 1991), "Audit Sampling Results in Payment Denials to Physicians."

Caring (January 1987), "Franchising Home Health Agencies."

Ambulatory Care (February 1986), "Franchising Ambulatory Care Centers."

Atlanta Medicine (November 1978), "Euthanasia: The Legal Risks."

Speeches:

American Health Lawyers Association, Medicare and Medicaid Institute (April 2016), "Guerrilla Guide to Medicare Claims 'Box Appeals.'"

National Association of Rehabilitation Providers and Agencies, 2015 NARA Conference (May 2015), "Remedies for the ZPIC Audit."

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2015), "Guerrilla Guide to Medicare Claims 'Box Appeals.'"

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2014), "Guerrilla Guide to Medicare Claims 'Box Appeals.'"

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2013), "Fundamentals of Medicare Claims Appeals."

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2012), "Advanced Workshop on Medicare Claims Appeals."

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2011), "Advanced Workshop on Medicare Claims Appeals."

Health Care Compliance Association, South East Regional Conference (January 2011), "Self Reporting Disclosure Protocol for Stark Violations."

Institute of Continuing Legal Education (ICLE) of Georgia (October 2010), "Corporate Internal Investigations."

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2010), "Advanced Workshop on Medicare Claims Appeals."

Institute of Continuing Legal Education (ICLE) of Georgia (March 2009), "Corporate Internal Investigations."

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2009), "Advanced Workshop on Medicare Claims Appeals."

American Health Lawyers Association, Medicare and Medicaid Payment Institute (April 2008),
“Medicare Claims Appeals.”

American Health Lawyers Association, Medicare and Medicaid Payment Institute (April 2008),
“Advanced Workshop on Medicare Claims Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (February 2008),
“Medicare Claims Appeals.”

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2007),
“New Rules for Medicare Administrative Appeals.”

American Health Lawyers Association, Annual Meeting and In-House Counsel Program (June
2006), “New Rules for Medicare Administrative Appeals.”

American Health Lawyers Association, Medicare and Medicaid Payment Institute (March 2006),
“New Medicare Claims Appeals Procedures.”

American Health Lawyers Association, Long Term Care and The Law Institute (February 2006),
“Changes in Medicare Appeals Procedures.”

American Bar Association, 3rd Annual Health Care Summit (October 2005), “The New Medicare
Claims Appeals Process”

Georgia Gastroenterology and Endoscopy Society, 2005 Regional Postgraduate Course and
Annual Meeting (September 2005), “Legal Update for Gastroenterologists”

Medical Association of Georgia, Law and Physician Seminar (July 2005), “Consent to
Treatment.”

Part B News and DecisionHealth, Audio Conference (June 2005), “New Medicare Appeals
Rules: Put Them to Work for Your Practice.”

American Health Lawyers Association, Medicare and Medicaid Institute (March 2005), “Legal
Tips in Managing the Transition to New Regulations for Medicare Claims Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (February 2005),
“Fundamentals and New Developments in Medicare Claims Appeals for Long Term Care
Providers.”

American Health Lawyers Association, Annual Meeting and Corporate Counsel Institute (June
2004), “Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Medicare and Medicaid Institute (March 2004),
“Medicare Part A and Part B Claims Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (February 2004), “The 2003 Medicare Modernization Act and Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Physicians and Physician Organizations Law Institute (February 2004), “New Developments in Part B Medicare Administrative Appeals.”

Corporate Counsel Law Section of the State Bar of Georgia/Institute of Continuing Education (September 2003), “Corporate Internal Investigations.”

American Health Lawyers Association, Medicare and Medicaid Institute (April 2003), “Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (February 2003), “Medicare Part A and Part B Administrative Appeals.”

Physicians and Physician Organizations Law Institute (October 2002), “Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Medicare and Medicaid Institute (April 2002), “Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (February 2002), “Medicare Part A and Part B Administrative Appeals.”

Physicians and Physician Organizations Law Institute (April 2001), “Medicare Part B Administrative Appeals.”

American Health Lawyers Association, Medicare and Medicaid Institute (March 2001), “Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (February 2001), “Medicare Part A and Part B Administrative Appeals.”

American Health Lawyers Association, Medicare and Medicaid Institute (March 2000), “Medicare Part A and Part B Administrative Appeals.”

Georgia Institute of Continuing Legal Education (September 1999), “Medicare Part B Administrative Appeals.”

American Health Lawyers Association, Medicare and Medicaid Institute (March 1999), “Medicare Part B Administrative Appeals.”

American Health Lawyers Association, Long Term Care and the Law Institute (January 1999), “Medicare Part B Appeals for SNFs under Prospective Payment and Consolidated Billing.”

American Health Lawyers Association, Medicare and Medicaid Institute (March 1998),
"Medicare Part B Administrative Appeals."

Corporation and Banking Law Section of the State Bar of Georgia/Institute of Continuing Legal Education (October 1997), AWhat Every Corporate Lawyer Needs to Know When a Doctor Asks You to Help Sell His or Her Practice.

National Conference of Social Security Administrative Law Judges (August 1997), AMedicare Part B Appeals.

Medical Management Institute (June 1997), AThe Fraud and Abuse Squad Under Medicare Managed Care: An Increasing Concern and Ideas for Avoiding Liabilities.

National Health Lawyers Association (June 1997), APractice Issues in a Health Law Specialty Firm Setting.

American Academy of Hospital Attorneys/National Health Lawyers Association (April 1997),
"Medicare Part B Administrative Appeals."

National Health Lawyers Association (June 1996), "Fundamentals for Payors and Payees:
Medicare, Medicaid and Managed Care."

American Academy of Hospital Attorneys/National Health Lawyers Association (March 1996), "Medicare Part B Administrative Appeals."

Sunrise Medical Corporation Sales Managers and Manufacturer Representatives Seminar (February 1996), "Strategies for Medicare and Medicaid Reimbursement for Complex Durable Medical Equipment."

National Health Lawyers Association, Long Term Care and the Law Institute (January 1996),
"Urgent Remedies for Medicare Payment Cessation."

Health Resources Institute (September 1995), "Avoiding the Appearance of Medicaid Fraud."

National Health Lawyers Association (June 1995), "Fundamentals for Payors and Payees:
Medicare, Medicaid and Managed Care."

Institute for Continuing Legal Education in Georgia (May 1995), "Perspectives on
Reimbursement in Long Term Care."

American Academy of Hospital Attorneys/National Health Lawyers Association (March 1995),
"Medicare Part B Administrative Appeals."

National Health Lawyers Association, Long Term Care and The Law Institute (January 1995),
"Medicare Non-PRRB Part A and Part B Payment Issues."

NHLA Managed Care Law Institute (December 1994), "Energizing IPA's: Capitation and Risk Contracting."

University of Georgia, Graduate School of Business (October 1994), "Legal Considerations of Entrepreneurial Businesses and Multi-Party Business Alliances."

National Allergy Fellows Seminar (September 1994), "Employment Contracts: What You Should Know."

National Health Lawyers Association, Annual Health Law Update (June 1994), Moderator and Presenter: "Fundamentals of Health Law: Payment Issues of Medicare, Medicaid and Managed Care."

Medical Educational Services (April 1994 and January 1995), "Treatment Rights of the Mentally Ill."

Various Georgia Seminars (Spring and Summer 1994), "Negotiation of Managed Care Contracts by Physician Groups."

National Health Lawyers Association, Legal Issues in Medical Technology (April 1994), "Appealing Medicare Part B Denials."

American Academy of Hospital Attorneys/National Health Lawyers Association (March 1994), "Medicare Part B Administrative Appeals."

Long Term Care Conference/National Health Lawyers Association (January 1994), "Medicare Non-PRRB Part A and Part B Payment Issues and Appeals."

Gate City Bar Association and the Atlanta Medical Association (November 1993), "Health Care Reform."

University of Georgia, Graduate School of Business (October 1993), "Legal Forms of Business Organizations and Multi-Business Alliances."

Georgia Institute of Technology, Graduate School of Industrial Management (July 1992), "Business Organizations for Entrepreneurs."

Medical Educational Services (June 1993), "Treatment Rights of the Mentally Ill."

American Academy of Hospital Attorneys/National Health Lawyers Association (March 1993), "Medicare Part B Administrative Appeals."

Long Term Care Conference/National Health Lawyers Association (February 1993), "Medicare Part B Coverage and Payment Appeals."

Food and Drug Law Institute/National Health Lawyers Association (January 1993), "Medicare Contractor Reimbursement Decision-making."

American Medical Association/National Health Lawyers Association (May 1992), "Medicare Part B Appeals."

National Institute of Physician Recruitment and Retention (March 1992), "Legal Aspects of Physician Recruitment and Retention."

Institute for Continuing Legal Education (June 1991), "Medicare and Medicaid: Fundamentals and Appeals."

Morehouse School of Medicine, Atlanta Medical Association and Gate City Bar Association (March 1991), "Medicare and Medicaid Reimbursement."

Georgia Academy of Hospital Attorneys (April 1988), "Third Party Reimbursement for Hospital Services: Fundamentals and Developments."

National Health Lawyers Association, Seminar on Home Care Legal Issues: Access and Accountability (March 1988), "Home Health Care Acquisitions."

Addresses to Rehabilitation Agency Operators (July 1987 and February 1988), "Medicare Appeals" and "Maximizing and Defending Owner Compensation under Medicare."

National Health Lawyers Association, Seminar on Legal Issues in Home Health Care (December 1986), "Franchising Home Health Agencies."

National Health Lawyers Association, Annual Institute on Joint Ventures, Mergers and Acquisitions (March 1986), "Franchising Ambulatory Care Facilities."

National Health Lawyers Association, Annual Institute on Capital Finance and Joint Ventures (February 1985), "Financing Ambulatory Care Facilities."

National Health Lawyers Association, Third Annual Institute on Capital Finance for Health Care Facilities (March 1984), "Financing Ambulatory Care Facilities."

Emory University, Graduate School of Nursing's Continuing Education Program (January 1982), "Legal Aspects of Occupational Health Nursing" and (May 1982), "Legal Aspects of Critical Care Nursing."

American Association for the Advancement of Health Care Managers (November 1981), "Legal Considerations for Critical Care Nursing Management."

American Association for the Advancement of Health Care Managers (September 1980), "Legal Considerations for Evening/Night Nursing Management."

Georgia Association of Health Systems Agencies, Annual Seminar (September 1980), "Antitrust and Health Planning."

American Association of Medical Administrators (August 1980), "Legal Considerations in Critical Care Nursing."

Emory University, Graduate School of Nursing (June 1980), "Legal Issues for Nursing Supervisors."

Emory University, Phi Beta Kappa Symposium (October 1979), "Critical Legal Issues for the Nursing Profession."

Georgia Business and Industry Association (September 1979), "Georgia Employers under the New HMO Law."

Emory University, Graduate School of Nursing (July 1979), "Legal Issues for Nursing Supervisors."

Georgia Health Planners Seminar (September 1978), "Update on Health Planning Litigation."

Georgia Society of Hospital Attorneys (February 1978), "Dealing with Health Systems Agencies."

Professional Affiliations:

American Health Lawyers Association (Board of Directors 1993-1999 and selected in 2005 for the inaugural Class of Fellows of the AHLA); Georgia Academy of Healthcare Attorneys (Board of Directors 1990-1993); State Bar of Georgia, Registered Neutral, Supreme Court of Georgia Office of Dispute Resolution; American Bar Association; ABA Health Law Forum; State Bar of Georgia; Lawyers Club of Atlanta; International Network of Boutique Law Firms; Eleventh Circuit Historical Society; Supreme Court Historical Society.

Community Affiliations:

Harvard Alumni Association (national) (Board of Directors 1981-1984); Harvard Law School Association of Georgia (President 1990); Harvard Club of Georgia (President 1980-1981); Senior Citizens Services of Metropolitan Atlanta, Inc. (Trustee 1979-1983); Kiwanis International (President 1990-1991, Galleria Club); Capital City Club.

Military:

Captain, U.S. Army 1968-1972

Personal Information:

Interests include public speaking, triathlons, outdoor sports and travel.

October 2017