

Kathrin E. Kudner

Member

Ann Arbor

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Areas Of Practice

Health Care
Biotechnology and Life Science
HIPAA—Health Information Privacy & Security
Nonprofits & Tax-Exempt Organizations
Privacy and Data Security

Industries

Formations, Mergers and Other Transactions
Insurance Regulatory and Compliance
Dental Service Organizations Industry Group

Bar Admissions

Michigan, 1985

Education

University of Toledo, J.D., *cum laude*
University of Missouri, M.S., *summa cum laude*
University of Colorado, B.A.

Ms. Kudner's practice is devoted to the representation of health care providers, payors and biotechnology and life sciences companies in various corporate and regulatory matters. Ms. Kudner is a member of the Firm's Privacy and Data Security, Biotechnology and Life Sciences, Dental Service Organizations, and Insurance Teams.

Experience

- **Corporate Transactions.** Advise health care providers and payors in structuring businesses and transactions to comply with the law and payor requirements and to maximize reimbursement. Represent providers and payors in mergers and acquisitions, joint ventures, affiliations, conversions and consolidations. Advise clients on the corporate practice of medicine and corporate practice of dentistry.
- **Information Privacy and Security.** Counsel providers, managed care organizations, insurance companies, employers and business associates regarding HIPAA and HITECH compliance. Draft and review HIPAA forms, policies and procedures and business associate agreements. Counsel clients on cybersecurity and data breaches. Assist clients with data breach reporting, performance of risk assessments, and preparation of corrective action plans.
- **Biotechnology and Life Science.** Counsel manufacturers, distributors and health care providers regarding compliance with FDA requirements, including obtaining required clearances and approvals, labeling, informed consent and IRB. Review and negotiate clinical trial, clinical research organization, collaboration, license and technology transfer contracts and policies and procedures. Advise regarding reimbursement, data privacy and security, fraud and abuse, and tax issues related to clinical research, regulatory issues in connection with mobile medical applications and cloud-based services and compliance with the Sunshine Act.
- **Managed Care and Insurance.** Counsel regarding licensure and regulatory matters applicable to insurers and managed care organizations. Review and negotiate managed care and insurance contracts on behalf of providers, managed care organizations, commercial insurers, Medicare and Medicaid plans and third party administrators. Counsel regarding formation of ACOs and CINs, including MSSP.
- **Tax Exemption.** Advise tax exempt clients regarding governance, private inurement and private benefit, private use, UBIT, and excess benefit transactions. Represent tax exempt organizations in bond financings and commercial loans. Represent tax exempt organizations.

Kathrin E. Kudner (Cont.)

Prior to her law career, Ms. Kudner was an administrator of a rural medical and dental health care system in Nevada and served as a Peace Corps Volunteer in the Philippines.

Seminars & Speeches

Key Compliance Issues for 2018

January 24, 2018

HIPAA Compliance Update

March 16, 2017

Into the Matrix: Cyber/Data Risks and Insurance Issues for Health Care Providers

March 7, 2017

Maintaining Exemption Under 501(r)

March 16, 2016

Is Your Exempt Status at Risk?

March 24, 2015

Negotiating Managed Care Contracts With MCOs, ACOs and for Health Exchange Products, Strafford Publications, (Co-Presenter)

November 11, 2014

Compliance Issues in Corporate Transactions, Healthcare Financial Management Association

April 11, 2014

Drugs and Devices - What's New, (Co-Presenter), Institute of Continuing Legal Education

March 7, 2014

The Nuts and Bolts of Managed Care, American Health Lawyers Association, (Co-Presenter)

September 19, 2013

The Sunshine Act: How to Avoid Getting Burned by Health Care Reform, American Bar Association, (Co-Presenter)

June 4, 2013

Electronic Health Record and HIPAA Compliance, Healthcare Financial Management Association, (Co-Presenter)

March 12, 2013

Compliance in Mergers and Acquisitions, Healthcare Financial Management Association

January 24, 2013

EHR Billing Compliance Issues

May 31, 2012

Health Law Fundamentals, Institute of Continuing Legal Education

March 2012

Publications

"Cloud 3.0 – Drafting and Negotiating Cloud Computing Agreements," chapter co-author

"Medicaid Managed Care," chapter author

Fall 2011, 2014

"Health Plans Contracting Handbook, A Guide for Payors and Providers"

American Health Lawyers Association, chapter author

News

Nineteen Dykema Attorneys Listed as "Top Women Lawyers" in *Hour Magazine*

March 17, 2016

Kathrin E. Kudner (Cont.)

Kathrin Kudner Quoted in *Wall Street Journal Private Equity Beat* Blog
November 26, 2014

Robert Horwitz, Kathrin Kudner Present at HFMA Webinar
May 1, 2014

Kathy Kudner Offers Perspective on Small and Non-Healthcare Organizations' HIPAA Needs
September 13, 2013

Kathrin Kudner Quoted in *Law360* Article On CVS Rewards Program Controversy
August 30, 2013

Kathrin Kudner Quoted in *Law360* Article on ACA Sunshine Act
August 2, 2013

Kathy Kudner Quoted in *CNBC.com* Article on New Health Care Marketplaces
July 9, 2013

Blog Posts

DHHS Issues Proposed Rule Amending 42 CFR Part 2

OIG Okays Complimentary Care to Patients in Recent Advisory Opinion

Getting Ready to Text Patient Information? Think Twice!

Memberships & Involvement

- American Health Lawyers Association, Member
- Health Law Section, Michigan Bar Association, Member, 1999-2019; Chair, 2003-2004
- Great Lakes TE/GE Council, Emeritus Member

Awards & Recognition

Named by *Best Lawyers*® as Ann Arbor Health Care Law "Lawyer of the Year," 2017

Recognized in *Michigan Super Lawyers*® for Health Care, FDA, and Business/Corporate, 2006-Present

Recognized in *The Best Lawyers in America*® for Health Care, 1999-Present. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Named a Michigan Leading Lawyer in the areas of Biotechnology, Health and Insurance, Insurance Coverage & Reinsurance Law by the *Leading Lawyers Network*, 2014-2017. Law Bulletin Publishing Company

Named a Top Lawyer by *dbusiness Magazine* for Health Care Law, 2010-2011, 2015-2016

Recipient of an AV® Preeminent™ Rating by *Martindale-Hubbell*