



John W. Kaveney

Of Counsel

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JOHN W. KAVENEY is Of Counsel in the Firm’s national Health Care Practice Group. He represents a range of health care clients, including hospitals and health systems (non-profit and for-profit), academic medical centers, physician groups, individual physicians, ambulatory surgery centers, ancillary service providers, medical billing companies, skilled nursing facilities, rehabilitation facilities, behavioral health centers, and pharmacies. His practice in the healthcare field includes work on Medicaid and Medicare reimbursement matters before the Division of Medical Assistance and Health Services and the Provider Reimbursement Review Board as well as work on corporate compliance and HIPAA compliance matters, health care regulatory matters, civil litigation and professional licensing matters.

Mr. Kaveney also has considerable experience in the insurance defense field representing attorneys in civil litigation against claims of legal malpractice.

Mr. Kaveney began his career at the firm of Kalison, McBride, Jackson & Robertson, P.C. in 2008. He received his Bachelor of Business Administration from the University of Notre Dame in Management Information Systems and his Juris Doctor from Seton Hall University with a concentration in Health Law. During law school Mr. Kaveney served as a judicial intern for the Hon. Thomas P. Olivieri, P.J.Ch. and the Hon. Harriet Farber Klein, J.S.C.

Mr. Kaveney has spoken regularly on health care and civil litigation issues. He has also written, in local and national publications, on a variety of health care topics and is a regular contributor and the managing editor to the Firm’s Health Care Law blog.

He has also been listed in Super Lawyers® Rising Stars (2013-2018), a Thomson Reuters business, in the areas of Health Care and Professional Liability: Defense. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court). Additionally, in 2016, Mr. Kaveney was named one of New Jersey’s “New Leaders of the Bar” (formerly called “Top 40 Lawyers Under 40”) by the New Jersey Law Journal.

REPRESENTATIVE MATTERS

- Represented various provider types in compliance audits, investigations and remediation efforts
- Represented various provider types in assessing and preparing overpayment submissions

and self-disclosures to the Medicaid Fraud Division, Office of the Inspector General and Fiscal Intermediaries

- Represented hospitals in Provider Reimbursement Review Board (PRRB) appeals of Medicare reimbursement issues
- Represented hospitals in the pursuit of Medicaid calculation error appeals and Medicaid rate appeals
- Represented hospitals and physician groups in commercial payor reimbursement appeals
- Represented behavioral health facilities and rehabilitation facilities in Medicaid Fraud Division investigations and Corrective Action Plans
- Represented physicians and physician groups in HIPAA breach notifications
- Represented various provider types in other regulatory matters including Stark, Anti-Kickback, state self-referral laws, fraud and abuse, licensure and certification issues and the corporate practice of medicine
- Represented post acute care facilities in challenges to State survey deficiency determinations
- Represented various provider types and attorneys in civil litigation matters before the Superior Court of New Jersey Law Division, Superior Court of New Jersey Appellate Division and the New Jersey Supreme Court

Education

- Seton Hall Law School (J.D. 2008)
- University of Notre Dame (B.B.A. 2005)

Admissions

- State of New Jersey
- State of New York
- U.S. District Court, District of New Jersey

Publications

"CMS Proposes E/M Visit Documentation and Requirement Changes", Garden State Focus, Fall 2018, Vol. 65, No. 1, 10.1.2018

"Potential for Fraud and Abuse in the Administration of Telehealth Services", American Bar Association, Health Law Section, 9.27.2018

A Hospital's Not-For-Profit Status Remains At Risk As The IRS Confirmed Its First Revocation Under 501(r), 10.5.2017

"Trumpcare" The Latest Efforts to Repeal and Replace The Affordable Care Act, 4.21.2017

"New York Court Issues First Decision Taking Hard-Line Position on Meaning of 'Identified' For Purposed of Sixty Day Obligation to Repay Overpayments," Garden State Focus, Fall 2015, Vol. 62, No. 1, 10.1.2015

"SCOTUS Once Again Saves the Affordable Care Act", Garden State Focus, Summer 2015, Vol. 61, No. 5, 8.20.2015

"Extrapolation Nation: The Recent Challenges to the Use of Governmental Audit Sampling," American Bar Association, Health Law Section, Vol. 10 No. 12, 8.1.2014

"Proposed OIG Regulations Seek to Amend 'Kiss of Death'", Garden State Focus, Summer 2014, Vol. 60, No. 5, 6.1.2014

"ACA Federal Subsidies: What Does The Text Say? And What Could The U.S. Supreme Court Ruling Mean to Their Future?", Garden State Focus, Spring 2015, Vol. 61, No. 4, 4.1.2014

"What is So Essential About Health Benefits?", Garden State Focus, Spring 2013, Vol. 59, No. 4;, 7.1.2013

"Affordable Insurance Exchanges: Coming to a State Near You," Garden State Focus, Early Spring 2013, Vol. 59, No. 3;, 4.1.2013

"'Hope Springs Eternal' Will CMS Do A Reality Check Before Finalizing Its New Proposed Rule on Reporting and Returning Overpayments?", Garden State Focus, November/December 2012, Vol. 59, No. 2;, 12.1.2012

"It's Not a Mandate, It's a Tax", Garden State Focus, September 2012, Vol. 59, No. 1;, 9.1.2012

"'Did Congress Tip the Scale of Power Too Far?' – The United States Supreme Court Will Soon Determine the Constitutionality of the Patient Protection and Affordable Care Act", Garden State Focus, November/December 2011, Vol. 58, No. 3;, 11.1.2011

"Does The New Jersey False Claims Act Live Up To Higher Federal Standards? Not Yet", Garden State Focus, September/October 2011, Vol 58, No. 2;, 9.1.2011

Co-authored Chapter 3 of Appleman on Insurance Law, Library Edition for Matthew Bender and LexisNexis

Awards & Recognitions

- He has also been listed in Super Lawyers® Rising Stars (2013-2018), a Thomson Reuters business, in the areas of Health Care and Professional Liability: Defense. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).
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