



# Dena DeFazio

She | Her | Hers

*Associate*

*Albany*

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## Education

- Albany Law School, *Summa Cum Laude*; *Albany Law Review*, JD
- University at Buffalo, MSW
- State University of New York at Brockport, BS

## Practices & Industries

- Data Security & Technology
- Health & Human Services Providers
- Health Care
- Health Care Controversies

## Admitted to Practice

- New York

## Biography

Dena focuses her practice on regulatory and compliance issues in the health care and human services industry. She assists health care and human services providers with a wide range of regulatory and compliance matters, including advising clients on confidentiality requirements, reimbursement issues, compliance programs and self-disclosures, audits and investigations, professional practice issues, the provision of telehealth services, licensure and certification, and health information privacy and security compliance, including HIPAA and the 21st Century Cures Act. Dena also advises health care and human services providers on matters related to corporate formation and governance, corporate reorganizations, and regulatory compliance and approvals.

Dena has experience working with behavioral health providers, mental health providers, agencies serving individuals with developmental disabilities, substance use disorder providers, and home care agencies, among others. Dena's experience as a former social worker gives her a unique perspective in working with health care and human services providers and helps her develop comprehensive approaches to the challenges these providers face.

Dena also routinely conducts trainings and presentations for health care practitioners, administrators, and employees on supporting the LGBTQIA+ community in professional health care environments. She also assists employers with labor and employment-related matters pertaining to the LGBTQIA+ workforce, including preparing and implementing workplace gender transition policies and gender transition plans to support transgender employees and providing corresponding training to management, administrators, and staff.

## Bar Associations

- New York State Bar Association, Committee on Diversity, Equity, and Inclusion, Co-Chair; Health Law Section, Member; LGBTQ Law Section, Member; Young Lawyers Section, Member

## Selected Memberships & Affiliations

- Barclay Damon's Women's Forum

## Representative Experience

- Served as counsel to a home health care agency and provided representation in multiple audits by the Office of Medicaid Inspector General (OMIG), resulting in significant reductions in overpayment amounts. Also negotiated settlement agreements with OMIG, resulting in agreements for even lower overpayment amounts.
- Representing a physician in a landmark lawsuit against insurers for failing to protect the physician's confidential information from fraud and abuse by third parties.
- Served as counsel to a direct support professional of a developmental disabilities provider and appealed a substantiated Category 2 physical abuse finding by the NYS Justice Center for the Protection of People With Special Needs, resulting in the findings being unsubstantiated.
- Served as counsel to a direct support professional of a developmental disabilities provider and provided representation appealing Category 1 serious physical abuse and Category 2 neglect findings by the NYS Justice Center for the Protection of People With Special Needs, resulting in both findings being unsubstantiated.
- Representing a not-for-profit rural health care enterprise in restructuring and corporate governance matters.
- Assisting a domestic violence education and advocacy agency with its corporate dissolution, not-for-profit incorporation, and 501(c)(3) status.
- Represented a pro bono client seeking a legal name change, and obtained an order granting leave to change name from the Albany County Supreme Court.
- Assisted a licensed mental health counselor with the formation of a professional limited liability company.
- Assisted a hospital with preparing and implementing a Workplace Gender Transition Policy and Gender Transition Plan to support a transgender employee, and provided training to management, administrators, and staff on sexual orientation, gender identity, and gender expression.

## Prior Experience

- Barclay Damon LLP, Summer Associate
- Albany Law School Government Law Center, Law, Technology, and Entrepreneurship Legal Intern
- Albany Law School Clinic & Justice Center, Health Law Clinic, Legal Intern
- Albany County Family Court to Judge Susan Kushner, Summer Legal Intern

## Selected Honors

- *Best Lawyers: Ones to Watch in America*®: Health Care Law, 2023–2024
- Selected to *Super Lawyers* Upstate New York Rising Stars: Health Care, 2021–2023
- Albany Law School, Gold Public Service Award, 2018; Moscowitz Health Law Clinic Prize, 2018
- In Our Own Voices, LGBT Community Advocacy Award, 2017
- Prisoners' Legal Services of New York, Robert F. Bensing Award, 2017

## Selected Speaking Engagements

- Northern District of New York Federal Court Bar Association, Pro Bono Training: Trying a Civil Rights Case CLE, "Representing LGBTQIA+ Clients in Federal Court"
- Anxiety and Depression Association of America, "Telemental Health and the COVID-19 Pandemic: The Basics"
- New York Medical Group Management Association, "The New Information Blocking Rule: What Providers Need to Know" Webinar
- In Our Own Voices, Inc. Unity Through Diversity National Lesbian, Gay, Bisexual, and Transgender People of Color Health Conference, "Legal Considerations in LGBTQIA+ Health Care"
- American Bankruptcy Institute Annual Spring Meeting, "A Primer on Gender Identity and Pronoun Usage," Diversity Working Group Presentation

## Selected Media

- New York State Bar Association *Stride*, "The Supreme Court's Affirmative Action Cases and the Impact on Diversity Initiatives"
- *Albany Law Review*, "Justice or Injustice? A History and Critique of the New York State Justice Center for the Protection of People With Special Needs"
- Syracuse.com, "Coronavirus Tips: How to See a Doctor Without Leaving Your House"
- Syracuse.com, "Coronavirus Way-of-Life: Doctors, Patients Turn to Telemedicine Like Never Before"
- *USLAW Magazine*, "When an Employee Transitions: What Every Employer Should Know"

## Selected Alerts & Blog Posts

- NYS Board of Regents Adopts Regulations on the Mental Health Diagnostic Privilege
- New York State Adopts Key Changes to Nation-Leading Cybersecurity Rules for Financial Industry
- OMIG's Abbreviated Self-Disclosure Process: What Providers Need to Know
- OPWDD Adopts Regulatory Changes for the Protection of Individuals Receiving Services
- A Pride Month Reminder: Are You Compliant?