

# Snell & Wilmer

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## **Paul J. Giancola**

Of Counsel | Phoenix

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## **Main Bio**

Paul Giancola's practice is focused in healthcare compliance, transactions and regulatory matters for healthcare organizations and physicians, including medical staff matters, HIPAA, Stark, ambulatory surgery centers, licensing board investigations, fraud and abuse, peer review, risk management, physician employment contracting, joint ventures, practice formation and separation, and litigation/arbitration. He has extensive trial and mediation experience.

## **Education**

- Syracuse University College of Law (J.D., cum laude)
  - Executive Editor, Syracuse Law Review
  - Judicial Clerkship Recommendation
- New York University (Certificate in Physical Therapy)
- State University of New York at Stony Brook (B.S., Biology)
- National Institute for Trial Advocacy Diploma
- CPR Institute of Dispute Resolution, Certified Mediator
- AHLA, Health Care Arbitration

## **Professional Memberships & Activities**

- Sandra Day O'Connor College of Law at Arizona State University, Adjunct Professor
  - Health Care Fraud Investigations & Litigation (2011-present)
  - The Litigation Experience (2011-2015)
- University of Arizona College of Medicine-Phoenix, Lecturer (2013-present)
- American Health Lawyers Association (1994-present)
- Arizona Association of Health Care Lawyers (1992-present)
  - Board of Directors (2000-present)
  - President (2003-2005)
- State Bar of Arizona (1987-present)
  - Civil Practice and Procedure Committee (1992-1995)
- American Bar Association

- Health Law Section
- Tort & Insurance Law Journal, Associate Editor (1986-1989); Executive Editor (1990-1991); Editor-in-Chief (1991-1993)
- Trial Lawyers Quarterly, Contributing Editor (1982-1988)
- Syracuse University College of Law, Adjunct Professor of Law, Scientific Litigation (1985)

## Representative Presentations & Publications

- "[CMS Proposes Changes to Medicare Overpayment Rules To Align With False Claims Act 'Knowledge' Standard](#)," Co-Author, Snell & Wilmer Legal Alert (January 10, 2023)
- "[Post-Roe Access to Abortion in Arizona: Implications for Patients and Providers](#)," Co-Author, Snell & Wilmer Health Law Checkup (June 28, 2022)
- "EMTALA Refresher and Trends," Presenter, Arizona Risk Management Collaborative (March 30, 2022)
- "Prosecuting and Defending False Claims Act Cases: Points of Contention and Collaboration," Presenter, Arizona Society of Healthcare Attorneys (AzHSA) Health Law Conference (February 25, 2022)
- "Selected Cybersecurity Issues for Attorneys," Presenter, Arizona Society of Healthcare Attorneys (February 8, 2022)
- "[Supreme Court Gives the OK to CMS Vaccine Mandate](#)," Co-Author, Snell & Wilmer Legal Alert (January 13, 2022)
- "EMTALA, HIPAA and Other Legal Minefields," Webinar Presentation, University of Arizona College of Medicine – Phoenix (January 6, 2022)
- "Surprise Billing & Price Transparency Overview," Co-Presenter, Arizona Society of Healthcare Attorneys (December 7, 2021)
- "[Issues in Medical Informed Consent: The Effects of Mental Health Status and Surrogate Decision-Makers](#)," Co-Author, Arizona Attorney Magazine (December 2021)
- "[HHS Office of Inspector General Issues Important Update to Self-Disclosure Protocol](#)," Co-Author, Snell & Wilmer Legal Alert (November 11, 2021)
- "[CMS Announces Vaccine Mandate for Healthcare Facilities](#)," Co-Author, Snell & Wilmer Legal Alert (November 9, 2021)
- "[Update on Arbitration Clauses in Medical Malpractice Cases](#)," Co-Author, Arizona Society of Healthcare Attorneys (October 20, 2021)
- "[Federal Trade Commission Provides New Guidance on its Health Breach Notification Rule for Health Apps and Connected Devices](#)," Co-Author, Snell & Wilmer Legal Alert (September 21, 2021)
- "[The Basics of Healthcare Fraud](#)," Episode Host, CalCurrent Podcast (July 15, 2021)
- "What You Should Know About the New Stark Regulations: Overview of Significant Changes, Group Compensation and Value Based Arrangements," Presenter, Arizona Society of Healthcare Attorneys (June 3, 2021)
- "[Arizona Expands Telehealth Law, Making it Broadest in the Nation](#)," Co-Author, Snell & Wilmer Legal Alert (May 12, 2021)
- "[Governor Ducey Signs Executive Order 2021-09 Banning Use of Vaccine Passports in Arizona](#)," Co-Author, Snell & Wilmer Legal Alert (April 26, 2021)

- "Determining Competence," Co-Presenter, Arizona Osteopathic Medical Association, 99th Annual Meeting (April 7-10, 2021)
- ["The Arizona Supreme Court Joins Other States in Ruling that HIPAA Can Be Used to Establish the Standard of Care in a Negligent Disclosure Case,"](#) Co-Author, Snell & Wilmer Legal Alert (March 10, 2021)
- ["McCarron-Ferguson Act Repeal Opens 75 Years of Exemptions for Health Insurers and Sets New Antitrust Enforcement Expectations,"](#) Co-Author, Snell & Wilmer Legal Alert (February 10, 2021)
- "Corporate and Ethical Considerations," Presenter, Arizona Health Law Basics Conference, ASU College of Law (January 13, 2020)
- "Out-of-Network & Surprise Medical Billings: Fundamentals, Cases and Politics," Presenter, Arizona Society of Healthcare Attorneys (November 12, 2019)
- "Risk Management and Confidentiality Minefields," Presenter, Western Regional Meeting of the Federation of State Physician Health Programs (October 18, 2019)
- "The Revised Yates Memo: Individual Accountability in Federal Investigations and Enforcement," Presenter, Arizona Society of Healthcare Attorneys (December 11, 2018)
- "Legal Issues in Transgender Health Care and Patient Bias Against Health Care Providers," Presenter, Arizona Society of Healthcare Attorneys (September 25, 2018)
- ["ACI/CCRE Compliance Program,"](#) Co-Presenter (January 30, 2018)
- ["The Yates Memo: Individual Accountability in Federal Investigations and Enforcement, A Primer for In-House Counsel,"](#) Presenter (January 23, 2018)
- ["HIPAA Update Training,"](#) Presenter (January 23, 2018)
- ["Policy Corner: Balance Billing Curtailed by New AZ Law,"](#) Author, Arizona Physician Magazine (June 2017)
- ["Arizona Enacts "Surprise Out-Of-Network" Balance Billing Law,"](#) Author, Snell & Wilmer Health Law Checkup Blog (June 8, 2017)
- "Health Law Forum", Panel Member, Maricopa County Medical Society (May 18, 2017)
- "Understanding MACRA (Medicare Access & Chip Reauthorization Act of 2015): Real Solutions for Real Needs," Panel Member, Perch (January 25, 2017)
- "Healthcare Law Update: Fraud and Abuse, HIPAA and Other Legal Minefields," Presenter, Arizona Orthopaedic Society 2016 Annual Meeting (November 5, 2016)
- ["Direct-to-Consumer Marketing: 20 Years Later,"](#) Author, AZMedicine (Fall 2016)
- ["Leveling the Playing Field: The Impact of Equalizing Payment for Evaluation & Management Visits on Physician Practice Consolidation,"](#) Author, AZMedicine (Spring 2016)
- "Peer Accountability - What are our obligations when we are faced with unethical colleague behavior?" Speaker, Sedona Scientific Program (April 1, 2016)
- ["New AZ Law on Self Referred Laboratory Testing,"](#) Author, AZMedicine (Fall 2015)
- "Arbitration Clauses in Contracts," Speaker, Arizona Corporate Counsel Forum (October 21, 2015)
- "Anatomy of a Medical Malpractice Lawsuit," Speaker, Banner Orthopedic Residency (September 23, 2015)
- "Surviving a Claims Audit and the Ever Expanding Scope of the False Claims Act," Speaker, Arizona Association of Health Care Lawyers (September 22, 2015)

- "Two Important Developments in Arizona Physician/Medical Staff Law," Speaker, Arizona Association of Health Care Lawyers (July 9, 2015)
- "[MACRA: The Good, the Controversial, and the Uncertain](#)," Author, AZMedicine (Summer 2015)
- "Health Care Reform 2015: Where Are We Now?" Tucson Osteopathic Medical Foundation, Southwestern Conference on Medicine (April 25, 2015)
- "[Are Physicians Evolving Into Shift Workers?](#)," Author, AZMedicine (Spring 2015)
- "Identifying and Assisting the Impaired Healthcare Worker," Panelist, American College of Healthcare Executives, Arizona Healthcare Executives Chapter (Phoenix January 29, 2015 and Tucson March 10, 2015)
- "[Ethical Dilemmas from Physician Ownership Interests in Ancillary Services](#)," Author, AZMedicine (Winter 2014)
- "[Medicare's Hospital Readmissions Reduction Program: Potential Risks for Physicians](#)," Co-Author, AZ Medicine (Fall 2014)
- "Physicians Treating Chronic Pain with Opioid Narcotics Face Multiple Risk Exposures," Author, Medical Liability Monitor, Vol. 39, No. 6 (June 2014)
- "So you Think Divorces are Unpleasant: Minimizing Collateral Damage in Physician Practice Separations," Speaker, Arizona Association of Health Care Lawyers (June 10, 2014)
- "Medicare's Hospital Readmissions Reduction Program: Considerations for Hospital Executives," Co-Author, American College of Healthcare Executives, Arizona Healthcare Executives (2nd Quarter 2014)
- "The Impact of the ACA : How Readmission Penalties will Affect the Healthcare Executive's Mission," Panelist, Arizona Chapter of the American College of Healthcare Executives (May 21, 2014)
- "[Treating Chronic Pain can be Risky for Physicians](#)," Author, AZ Medicine (Spring 2014)
- "Updates in Healthcare Reform – An Employee Benefits and Healthcare Provider Perspectives," Speaker, Association of Corporate Counsel Arizona Chapter (January 21, 2014)
- "[Health Care Reform Expands Physicians' Liability](#)," Author, AZ Medicine (Fall 2013)
- "[Can Accountable Care Organizations Hit the Trifecta: Improve Quality, Reduce Cost, and Increase Physician Compensation?](#)," Author, AZ Medicine (Summer 2013)
- "Breach Notification: The I'm Sorry Rule, Speaker, Arizona Association of Health Care Lawyers" (June 13, 2013)
- "Healthcare Reform: The Business of Expanding Healthcare Benefits and Adding Coverage for up to 30 Million People," Author, AZ Medicine (Spring 2013)
- "Conflicts of Interest: A Forerunner to Healthcare Fraud," Author, AZ Medicine (Fall 2012)
- "Sawbones Blues: Recent Cases & Trends," Speaker, AZ Orthopaedic Society (June 2012)
- "Social Media Malpractice Anyone?," Author, AZ Medicine (Spring 2012)
- "Defending Drug Charges: Drug Abuse and Malprescribing, Anatomy of a Government Investigation," Speaker, American Society of Interventional Pain Physicians (February 2012)
- "Controlled Substances Act of 1970," Speaker, American Society of Interventional Pain Physicians (February 2012)
- "Summary of Fraud and Abuse Statutes & Regulations, Arizona," Co-Author, American Health Lawyers Association (2012)

- "Physician Integration and ACOs - New Dynamics of the Antitrust Law," Author, AZ Medicine (Winter 2011)
- "[Doctors in Disguise? Physician Extenders on the Rise](#)," Author, AZ Medicine (Fall 2011)
- "Vampire Blues—Infectious Disease Litigation," Speaker, AZ Infectious Disease Society (October 2011)
- "Breaking Up Is Hard to Do," Speaker, Southwest Orthopaedic Trauma Association (September 2011)
- "[How to Avoid Becoming a 'Pot Doc': Physicians are the Gatekeepers for Medical Marijuana Use](#)," Author, AZ Medicine (Summer 2011)
- Frequent seminar speaker and author of health care articles
  - Recent presentations include fraud and abuse, HIPAA, healthcare reform, Arizona medical marijuana law, physician extenders, infectious disease litigation, ED on-call obligations for specialists
- Guest Lecturer in Health Law at Arizona State University, Graduate Business School (2002-2003)
- Physicians and Physician Organizations Law Institute, Presenter, American Health Lawyers (2002, 2004)

## Professional Recognition & Awards

- AZ Business Leader, AZ Business Leaders Magazine (2023)
- American Bar Foundation, Fellow (2018)
- American College of Trial Lawyers, Fellow (2004-present)
- The Best Lawyers in America<sup>®</sup>, Health Care Law (2007-2023)
  - Phoenix Lawyer of the Year, Health Care Law (2018, 2020)
- Chambers USA: America's Leading Lawyers for Business<sup>®</sup>, Healthcare (2015-2022)
- Top Rated Lawyers<sup>®</sup>, Health Care Law, Corporate Counsel Magazine (2012)
- Southwest Super Lawyers<sup>®</sup>, Health Care (2007-2022)
- Lawdragon Top 3000 Leading Lawyers in America (2010-2011)
- Ranking Arizona: The Best of Arizona Attorneys, Alternative Dispute Resolution (2010-2011)
- Arizona's Top Lawyers, AzBusiness Magazine (2010)
- Arizona's Finest Lawyers

## Community Involvement

- Scottsdale Museum of Contemporary Art, Advisory Board (2007-2016), Member (2004-2016), Chair (2007-2010)
- Scottsdale Cultural Council (2007-2011, 2013-2014)
- Partnership for a Drug-Free America, Arizona Chapter Board of Directors (2006-2008)
- Scottsdale Healthcare, Ethics Committee (1990-1993), Institutional Review Committee (1991-1994)

## Previous Professional Experience

- O'Connor, Cavanagh, Anderson, Killingsworth and Beshears, P.A., Senior Member/Shareholder
- Birnbaum and Manaker, P.C., Associate

## Bar Admissions

- Arizona
- District of Columbia (inactive)
- New York

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of New York
- United States Court of Appeals, Ninth Circuit
- United States District and Bankruptcy Court, District of Columbia
- United States District Court, District of Arizona
- United States District Court, District of New York