



## Lori C. Ferguson

### Partner

Lori focuses her practice on helping her clients resolve health care-related disputes. She has guided medical staffs through difficult situations involving credentialing and privileging issues, handled fair hearings, and represented hospitals in both federal and state lawsuits involving medical staff issues. Lori also has experience in the field of physician contracting and in navigating issues pertaining to health care fraud and abuse laws. She has represented long-term care facilities, senior care communities, and various health care providers in civil, administrative, and regulatory proceedings involving a wide range of issues, including resident discharges and evictions, federal deficiency and state citation appeals, and licensing actions. Lori's skills in managing and resolving disputes carry over to her work as a medical staff hearing officer and as a mediator.

#### Representative Work

Successfully represented medical staffs in fair hearing proceedings involving medical staff members challenging proposed disciplinary actions.

Obtained summary judgment in favor of a hospital in a lawsuit filed by physicians adversely impacted by the hospital's award of an exclusive radiology contract to a competing group.

Obtained dismissal of a physician's federal lawsuit against a hospital challenging the hospital's peer review proceedings on due process grounds.

Successfully appealed a decision of a federal health plan to recoup payment from a skilled nursing facility for more than a year of skilled nursing care charges.

Successfully defended against a motion to enforce an arbitrator's subpoena of a hospital committee incident report, preserving the peer review immunity from discovery.

#### Publications

"California Assisted Living Regulation Catches Up with Statute Regarding Evictions for Change of Use of Facility," *Senior Housing and Care Law Alert* (January 2019)

#### Sacramento

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#### Firm Leadership

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Pro Bono Committee

Health Section Assistant Leader

#### Practices/Industries

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Litigation & Dispute Resolution

Health Care Litigation

Senior Housing and Care

Health Care

"California Medical Staff Reporting Update: New Penalties For Failure To Report Go Into Effect January 1, 2018," co-author, *Health Care Law Alert* (November 2017)

"California Statutes Expanded to Include Peer Review Protections and Requirements for Licensed Midwives," *Health Care Law Alert* (November 2017)

"Supreme Court Reiterates Arbitration Agreements Must Be Placed on Equal Footing with Other Contracts," co-author, *Senior Housing and Care Law Alert* (June 2017)

"District Court Orders CMS in *Jimmo* Settlement to Implement Maintenance Coverage Standard for SNF Services," co-author, *AHLA Member Alert* (February 2017)

"Stark Regulations Updated to Include New Exception for Recruitment of Non-Physician Practitioners," co-author, *Health Care Law Alert* (January 2016)

"Evidence Code Section 1157 Expanded to Include Pharmacy Review Committees," co-author, *Health Care Law Alert* (October 2015)

"New California Law Expands Peer Review Requirements," co-author, *Health Care Law Alert* (October 2015)

"New York Court Rules Against Hospital Defendants in ACA '60-Day Rule' Case," co-author, *Health Care Law Alert* (August 2015)

"AB 2171: Will Your Arbitration Agreements Comply?" *CALA Fall 2014 Magazine: News & Views, The Voice of Assisted Living* (November 2014)

"What to Expect From a Medical Staff Hearing," *California Association Medical Staff Services* (November 2013)

"How to Decipher Public Information Available on the Medical Board of California License Lookup," *California Association Medical Staff Services* (January 2013)

"Impact of Recent Supreme Court Arbitration Decisions on Enforceability of Health Care Arbitration Provisions in California," *Litigation Alert* (March 2012)

"Enforcing Arbitration Agreements: California Supreme Court Expands Enforceability of Arbitration Agreements in Healthcare Context," *California Assisted Living Association Bulletin* (October 2010)

"Litigation Basics: Surviving the Dreaded Deposition," *California Assisted Living Association Bulletin* (February 2010)

"Litigation Basics: What To Do When You Are Sued - ACT," *California Assisted Living Association Bulletin* (August 2009)

"Bill Would Alter Legal Landscape for Nursing Home Arbitration Agreements," *Nursing Home Litigation Reporter* (September 2008)

## **Presentations**

"Resident Evictions: Following the Rules and Avoiding Pitfalls" co-presenter, California Assisted Living Association

Fall Conference (November 2018)

"Navigating Challenging Family Dynamics" co-presenter, California Assisted Living Association Fall Conference (November 2018)

"Legal Issues Related to Board Certification," California Association Medical Staff Services Annual Forum (May 2018)

"Resident Evictions: Following the Rules and Avoiding Pitfalls," Leading Age Annual Conference and Exposition (May 2018)

"Medical Staff Legal Update," CAMSS Mid-Valley Chapter Legal Seminar (October 2017)

"Developing Overall Strategies for Defense of Regulatory Enforcement and Civil Lawsuits Arising from Same Events" co-presenter, California of Health Facilities (July 2017)

"Resident Evictions: Following the Rules and Avoiding Pitfalls" co-presenter, California Assisted Living Association Spring Conference (June 2017)

"Arbitration Under Attack: Implications for Senior Living" co-presenter, Leading Age Public Policy Summit (March 2017)

"Strategies for Managing Disruptive Physician Behavior," CAMSS Mid-Valley Chapter Seminar (September 2016)

"The Scope and Protections of Evidence Code Section 1157," CAMSS Bay Area Chapter (November 2015)

"SB 337," CAMSS Mid-Valley Chapter (November 2015)

"Medical Staff Legal Update," CAMSS Legal and Regulatory Seminar (September 2015)

"Legal Update: What's New in Medical Staff Law and How to be Ready for It," co-speaker, California Association Medical Staff Services 44th Annual Education Forum (May 2015)

"Medical Staff Issues for Employed Physicians," California County Counsels' Association Health & Welfare Conference (November 2014)

"What to Expect from a Medical Staff Hearing," California Association Medical Staff Services Mid-Valley Chapter Meeting (October 2014)

"Responding to Threats - Don't Wait Till It's Too Late!" co-presenter, California Assisted Living Association Spring Conference and Trade Show (June 2014)

"The Meaning of Investigation in Peer Review Matters and Privileges, Immunities, and Pitfalls in Peer Review," co-speaker, California Association Medical Staff Services Annual Forum (May 2014)

"Business & Professions Code Section 805.01," California Association Medical Staff Services Mid-Valley Chapter Meeting (April 2014)

"Medical Staff Bylaws: Pitfalls and Best Practices," co-speaker, California Association Medical Staff Services (October 2013)

"Fair Hearings for the Allied Health Professional," co-speaker, California Association Medical Staff Services (October 2013)

"How to Decipher Public Information Available on the Medical Board of California License Lookup System," Mid-Valley Chapter (April 2013), CAMSS Redwood Empire Chapter (June 2013), Bay Area Chapter (June 2013)

"A Practical Approach to Legal Issues—Aging & Re-Entry Practitioners; Court Orders, Arrests and Probation Outside the Medical Arena," co-speaker, California Association of Medical Staff Services (November 2012)

"Late Career Physicians: The Pros and Cons of Adopting a Policy Triggered by a Physician's Age," co-speaker, National Association Medical Staff Services (September 2012)

"Medical Staff Leaves of Absence: Best Practices," co-presenter, California Association Medical Staff Services, Bay Area Chapter (August 2012)

"Ask the Expert Panel Discussion," panelist, California Association Medical Staff Services, Mid-Valley Chapter Credentialing Seminar (June 2012)

"A Medical Staff/Human Resources Psychodrama and Vignette: How to Conduct a Medical Staff Investigation of Allegations of Disruptive and Unprofessional Conduct Without Demoralizing the Medical Staff Leadership for the Next Ten Years," co-speaker, California Association Medical Staff Services, 41st Annual Education Forum (May 2012)

"End-of-Life Planning in Health Care Reform Era," co-speaker, LeadingAge, CA DON Certificate Program Webinar (January 2012)

"Elder Abuse: Risks, Prevention, and Response," CALA Fall Conference and Trade Show (October 2011)

"Dealing with Aging Physicians," co-presenter, California Association Medical Staff Services, Bay Area Chapter (October 2011)

"Elder Justice Act of 2009," Delta Chapter of CAHF (October 2011)

"Physician Behavior Contracts," California Association Medical Staff Services, Bay Area Chapter (June 2011)

"SB 700: New Reporting and Other Requirements Medical Staffs Face Under the New Law," California Association Medical Staff Services, Bay Area Chapter (April 2011)

"SB 700: New Reporting and Other Requirements Medical Staffs Face Under the New Law," California Association Medical Staff Services, Yosemite Chapter (April 2011)

"SB 700 and Its Implications for Your Medical Staff," California Association Medical Staff Services, Mid-Valley Chapter (February 2011)

"The Elder Justice Act of 2009," California Association of Health Facilities, Sacramento Chapter (February 2011)

"How Health Care Reform May Impact Medical Staff," California Association Medical Staff Services, Mid-Valley Chapter (November 2010)

"Elder Abuse: Do You Really Understand the Risks?" California Association of Adult Day Services Annual Conference (November 2010)

"Elder Justice Act," American Health Lawyers Association webinar (November 2010)

"Recent Developments in Alternative Dispute Resolution: Are your arbitration agreements ironclad?" Association of Corporate Counsel, Sacramento Chapter (September 2010)

"Medical Staff Legal and Regulatory Update," CAMSS Mid-Valley Chapter Seminar (September 2010)

"Elder Abuse: Do You Really Understand the Risks?" CAADS Spring Conference (May 2010)

"What To Do When You Anticipate or Receive a Lawsuit," CAHF DD Symposium (May 2010)

"Staying Away from the Courthouse: Tips for Avoiding Resident Lawsuits," California Association of Health Facilities (January, March, June 2010)

"EMTALA: Key Issues Emergency Departments and On-Call Physicians Face," Schwartz/Levy Inn of Court (March 2010)

"Responding to Incidents at Long-term Care Facilities," California Association of Health Facilities Spring Conference (April 2008)

### **Honors & Awards**

Top Lawyer, Sacramento Magazine (2019)

Northern California Super Lawyers, Health Care (2011-2017)

Sacramento Magazine's Top Lawyers (2015-2016)

Order of the Coif

### **Professional Affiliations**

State Bar of California

Defense Research Institute, Medical Liability and Healthcare Law Committee, Past Membership Chair

California Society for Healthcare Attorneys, Membership Committee

California Association of Medical Staff Services

Lori C. Ferguson  
Partner



California Association of Health Facilities

California Assisted Living Association, Legal Subcommittee

American Arbitration Association National Roster of Arbitrators, Panelist

### **Education**

J.D., University of Virginia School of Law (1996)

B.A., University of Virginia (1993)

### **Admissions and Courts**

California

Texas

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Western District of Texas