

Michael R. Costa, Esq., M.P.H.

Health Care Counsel

mcosta@verrill-law.com

Michael is a health care attorney with substantial transactional and regulatory experience supporting both privately held and publicly traded healthcare service providers, large hospital systems, academic medical centers, medical device, and pharmaceutical companies.

Michael has over 26 years of experience in the health care industry, advising a multitude of health care facilities including hospital systems, hospitals, nursing homes, home health agencies, specialty cancer providers, physicians. Michael has also managed care entities including physician service organizations and physician independent practice associations on matters including: advice regarding mergers and affiliations by and among health-care providers; regulatory matters affecting health-care providers and managed care entities; drafting and negotiation of contracts by and between third-party payors and health-care providers and managed care entities; advice regarding operational issues affecting health-care providers, including risk management, contracting, medical staff, quality assurance; strategic planning advice; and general corporate matters.

Michael has proven experience making difficult legal decisions, juggling challenging workloads, and managing in-house and outside counsel resources. He has been both General Counsel and Vice President of several health care facilities and groups in Massachusetts, and California.

Michael received his law degree from Suffolk University School of Law, his master's degree from Boston University School of Public Health, and his bachelor's degree from Roger Williams University.

When not in the office, Michael enjoys spending time with his family traveling, skiing and attending musical concerts.

**Michael Costa is an independent Contract Counsel to Verrill.*

Education

- Suffolk University Law School (J.D., *cum laude*)
- Boston University School of Public Health (M.P.H., *magna cum laude*)

Services/Industries

- Health Care

- Roger Williams University (B.S., *magna cum laude*)

Public Service

- North Los Angeles County Regional Center (NLACRC), Board Member
- Health Care for All
- Town of Rehoboth Planning Board, Associate Member

Bar Admissions

- Massachusetts
- California
- Texas
- Georgia

Memberships

- Massachusetts Bar Association (former Health Law Section Council Chair)
- American College of Healthcare Executives
- American Association of Health Lawyers
- American College of Healthcare Executives

Honors

- Massachusetts Lawyers Weekly, named 2012 'In-House Leader in Law' (2012)
- Massachusetts Medical Law Report, RX for Excellence award, 'Hero from the Field' (2008)
- Recognized business leader in Boston Business Journal's "40 Under 40" publication

Court and Other Admissions

- United States District Court - District of Massachusetts
- California - Registered In-House Counsel

Teaching

Adjunct Faculty:

- Professor of Law, FDA Drug and Medical Device Regulation, Suffolk University Law School, Boston, Massachusetts (October 2017-present)
- Visiting Assistant Professor of Health Care Economics and Health Care Budgeting, Framingham State University, Framingham, Massachusetts (September 2010-present)
- Professor of Health Care Management, Health Care Ethics and Economics, Emmanuel College, Boston, Massachusetts (September 2008-December 2013)
- Professor of Health Care Economics, Health Care Management and Epidemiology, Newbury College, Brighton, Massachusetts (May 2008-July

2010)

Publications

- **POST COVID- OCR AND DOJ TO STEP UP ENFORCEMENT ACTIONS**
- Hooper Lundy Health Care Alert -April 29, 2023
- **HIPAA Enforcement Discretion to End on May 11, 2023** - Hooper Lundy Health Care Alert - April 12, 2023
- **The Upcoming End of the COVID-19 Public Health Emergency. Here's what it means for Laboratories** - Hooper Lundy Health Care Alert - March 26, 2023
- **"CMS Publishes RFI on ACA Essential Health Benefits"** - Hooper Lundy Health Care Alert - December 5, 2022
- **"DHHS Proposes Rule to Align 42 CFR Part 2 and HIPAA"** - Hooper Lundy Health Care Alert - December 3, 2022
- **"Telemedicine 2023 Updates- Top Ten Healthcare Issues"** - American Health Lawyers Association - December 1, 2022
- **"Will SCOTUS Reexamine the Rights of Providers and Medicaid Beneficiaries to Access Federal Courts"** Hooper Lundy Health Care Alert - November 8, 2022
- **"DOJ announces far-reaching guidance on corporate criminal enforcement"** - Reuters Legal - October 14, 2022
- **"Health law changes vex contract labor shops"** - Boston Business Journal - March 23, 2007
- **"Physician Pay-for-Performance: Legal Obstacles to Successful Implementation"** - Massachusetts Medical Law Report Vol. 1, No. 5 - Winter 2006
- **"An Act Providing Access to Affordable, Quality, Accountable Health Care": An Outline of the New Massachusetts Health Insurance Legislation and its Effects on Employers** - GT Alert - April 25, 2006
- **Current Medicare Compliance Issues in Physical Therapy** - Advance for Directors in Rehabilitation, October 2005 edition
- **Regulatory and Design Issues for an Effective Physician Practice Compliance Program** - Author of book chapter- Physician Practice Management, Medical Group Management Association - February 2004
- **Medicare Electronic Claims Submissions Rule Took Effect In October** - Massachusetts Bar Association- Section Review, Vol. 6, No. 1 - 2003
- **HIPAA Compliance Creates Ongoing Challenge** - Lawyers Weekly USA - September 1, 2003
- **HIPAA Designed to Protect Privacy of Medical Records** - Structured Settlements, 2nd Issue - July 2003
- **Negotiations Beginning in Tufts, Partners Care Deal** - quoted in Boston Business Journal - May 16, 2003
- **HIPAA Final Security Regulations Announced** - Massachusetts Bar Journal, Vol. 5, No. 2 - 2003
- **HIPAA's Enforcement** - Boston Business Journal - May 9, 2003
- **HIPAA Locks the Gate- Lawyers, Health Care Providers Get Ready to Tighten Patient Privacy Rules this Month** - Massachusetts Bar Journal - May 5, 2003
- **Lawyers Must Alter Practices to Conform With HIPAA** - Lawyers

Weekly USA - April 14, 2003

- **Drug Purchasing Coalitions** - Product Management Today - March 2003
- **Far-reaching HIPAA leaves area law firms scrambling** - Boston Business Journal - March 14, 2003
- **Law Firms Offer Health Care Compliance Software** - Boston Business Journal - February 17, 2003
- **U.S. Court of Appeals Strikes Down Healthy Maine Prescription Program** - Product Management Today - January 2003
- **Implementation of New Medicare Appeals Procedures Delayed** - For the Record - December 2, 2002
- **Biotechs Must Pay Attention to Some HIPAA Regulations** - Boston Business Journal - October 25, 2002
- **The Effect of HIPAA Privacy Rules on Personal Medical Records** - Journal of Compensation and Benefits, July/August 2002, Vol. 18, No. 4
- **HIPAA Extension Still Available - Get it While You Can**
- **Health Care Administration** - Author- Hospital Compliance Chapter, Third Edition, Aspen Publications
- **Legal Challenge to Reductions in Medicaid Payments Could Advert Anticipated Closures of Massachusetts Skilled Nursing Facilities** - Boston Bar Association Journal - Summer 2002
- **Student Protests- Is the National Resident Matching Program in Violation of Antitrust Laws?** - Lead author, Medical Crossfire, Vol. 4, No. 7 - July 15, 2002
- **Legal Challenge to Reductions in Medicaid Payments Could Avert Anticipated Closures of Massachusetts Skilled Nursing Facilities** - Boston Bar Journal - Summer 2002
- **As HIPAA Deadline Looms, Extensions Gain Attention** - Boston Business Journal - July 19, 2002
- **An Overview of the Final Report of the Massachusetts Health Care Task Force** - Massachusetts Bar Journal - Summer 2002
- **Improving the Medicare Appeals Process - Will BIPA Accomplish its Goals?** - Medical Crossfire - Vol. 4, No. 5 - May 15, 2002
- **Health Care Benefits Law** - Authored Chapter on Medicare Secondary Payer Program and HIPAA Privacy Regulations - May 2002
- **"Income First" Method for Calculating Medicaid Eligibility Upheld by United States Supreme Court** - Boston Bar Association Health Law Section Journal - Spring 2002
- **Health Risk: The Rescue of Ailing Deaconess - Waltham Hospital** - Quoted in Boston Business Journal - April 19, 2002
- **Tackling the HIPAA Giant - There May Be Strength in Numbers** - Lead Article - TIPPS in Managed Care, Vol. 6, No. 1 - March/April 2002
- **Hub Trails Nation in Medicare** - Quoted in Boston Business Journal - March 15, 2002
- **HIPAA: Countdown to Compliance** - Mass HighTech Magazine, March 11, 2002
- **The Effect of HIPAA on Paper-Based Medical Records** - For the Record - March 2002
- **New Health Insurance Regs Come at a Cost** - Massachusetts Lawyers Weekly - January 14, 2002
- **Hospitals Say AG Probing Medical Ties** - Boston Globe - January 11,

2002

- **Helping Physicians Navigate the Stark Physician Self-Referral Rules** - Physicians' Financial News - February 2002
- **Suit Targets Nursing Home Medicaid Payments** - Quoted in Boston Business Journal - December 20, 2001
- **A Report on Chapter 141 (the "Patients Bill of Rights"): One Year Under Our Belt- Are Consumers Any Better Off?** - Massachusetts Bar Journal - Volume 4, Number 4 - Fall 2001
- **The Health Insurance Portability and Accountability Act of 1996- Understanding the Final Health Privacy Regulations** - Authored complete chapter in Health Care Benefits Law - Law Journal Press - November 2001
- **Patients' Bill of Rights Legislation** - Journal of Compensation and Benefits- Volume 17, No.5 -September/October 2001
- **An Overview and Analysis of the New Health Insurance Consumer Protection Regulations: A Victory for Patients, But at What Cost?** - Massachusetts Bar Journal - Volume 3, Number 3 - Summer 2001
- **CEO's firing raises questions about future of CareGroup** - Quoted in Boston Business Journal - July 27, 2001
- **Hospitals say they Embrace new Disclosure Rules** - Quoted in Boston Business Journal - July 20, 2001
- **Nursing Shortage Catches Attention of Lawmakers** - Quoted in Boston Business Journal - June 8, 2001
- **HIPAA Compliance Can Help Preserve Your Company's Health** - Boston Business Journal - April 27, 2001
- **Health Insurers Keep Mum as State Law Adds to Costs** - Boston Business Journal - April 27, 2001
- **The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000** - Boston Bar Association Health Law Journal - March/April 2001
- **Current Reform in the Medicare Disproportionate Share Hospital Program** - Boston Bar Association, Health Law Section Newsletter - April/May 2000
- **Compliance Issues Facing Skilled Nursing Facilities Under the Medicare Prospective Payment System** - Boston Bar Association, Health Law Section Newsletter - Nov./Dec. 1999
- **Hospital-Physician "Gainsharing" Agreements Prohibited By Federal Law** - Healthcare Financial Management, Vol. XXVI, Number 9 - September, 1999
- **Genetic Testing: International Strategies To Prevent Potential Discrimination in Insurance Risk Classification** - Suffolk Trans'n'l L. Rev. Volume 20:1 - Winter 1996
- **Impaired Drivers: A Physician's Dilemma** - Bulletin of Medical Licensure and Discipline - Summer 1995

Presentations

- **"A Candid Discussion of General Counsel Compensation Trends"**- Nixon Peabody conference presenter- February 4, 2015, Boston, MA
- **"3rd Annual Corporate Counsel Institute"**- Suffolk University Law

School, September 19, 2014, Boston, MA

- **“In-House Counsel Technology Use”- 2nd Annual Corporate Counsel Institute** - Suffolk University Law School, October 4, 2013, Boston, MA
- **“Ethical and Business Issues for the Physical Therapist”**- New England Physical Therapy Network- Quarterly meeting, June 22, 2010, Wellesley, MA
- **“Update on National Dialysis Chains and National Practices”**
- **“Regulatory Compliance Issues for Physical Therapy”** - American Physical Therapy Association (Private Practice Section), October 7, 2008, Needham, Massachusetts
- **“An Update on Complex Legal Issues in Pay-For-Performance”** - The 5th Annual World Congress Leadership Summit on Healthcare Quality and Pay-for-Performance, Boston, MA , August 6, 2007
- **“An Overview of State Privacy Laws and Preemption Issues Under HIPAA”** - 13th National HIPAA Summit: Leadership Forum on Healthcare EDI, Privacy, Confidentiality, Data Security and HIPAA Compliance, Washington, DC, September 25, 2006
- **“An Outline of Basic Legal Issues in Pay-for-Performance and Understanding the New AMA Principles and Guidelines for Pay-for-Performance Programs”** - 4th Annual World Health Congress Leadership Summit on Healthcare Quality and Pay-for-Performance - Boston, MA, August 8, 2006
- **“Financial Incentives and Legal Issues: Understanding the New AMA Principles and Guidelines for Pay for Performance Programs- A Legal Interpretation”** - National Pay for Performance Summit- Los Angeles, CA, February 7, 2006 - Hyatt Regency Century Plaza Hotel
- **“Understanding the Legal Implications of Direct Access”**
- **How to Understand and Evaluate Managed Care Contracts** - 4th Annual Network Contract Optimization Conference- Orlando, Florida- October 27, 2005- Disney Contemporary Resort
- **A Detailed Explanation of Medicare Pay-For-Performance Rules** - Presentation at Primary Care, LLC Annual Conference- September 27, 2005
- **A Detailed Explanation of Medicare Pay-For-Performance Rules** - Presentation at Primary Care, LLC Annual Conference- September 27, 2005
- **2005 Pharmacy Legislative Initiatives: Understanding Current and Proposed State and Federal Laws Effecting Pharmacy Providers** - Presentation before the Northeastern University School of Pharmacy Continuing Education Program- August 18, 2005
- **Medical Records Law in Massachusetts/HIPAA Update** - Lorman Conference, Taunton, MA, May 10, 2005
- **Managed Care Contracting Techniques** - World Research Group, Network Optimization Conference, Las Vegas, Nevada, March 29-30, 2005
- **Medicare Billing and Compliance Update for Physical Therapists** - New England Physical Therapy Network- Waltham, MA, March 11, 2005
- **An Understanding of Massachusetts Medical Record Law** - Lorman Conference, Peabody, MA, January 18, 2005
- **An Understanding of Current Medicare Compliance Issues in Physical Therapy** - Presentation at the PPS Annual Conference and

Exposition, Colorado Springs, CO, November 3, 2004

- **The Impact of the Medicare Modernization Act** - Presentation at 2nd Annual Network Contract Optimization Conference, Las Vegas, NV, March 2004
- **Health Law Update on Massachusetts Pharmacy Law** - Presentation before Massachusetts College of Pharmacy and Health Sciences- November 21, 2003
- **HIPAA: “Where are We Now? Where Are We Going?”** - Primary Care, LLC Fall Forum Trade Show, September 30, 2003
- **Understanding HIPAA’s Impact on Nurses** - Presentation before the American Association of Office Nurses, July 23, 2003
- **How to Develop an Effective Corporate HIPAA Compliance Program** - Lead Presenter - Sixth National HIPAA Summit- Washington, D.C. , March 28, 2003
- **Understanding HIPAA and its Impact on Healthcare Providers: For the Beginner and Expert** - Presentation before Massachusetts Bar Association- December 11, 2002
- **Understanding HIPAA’s Impact on Physical Therapists** - Presentation before the New England Physical Therapy Network, September 20, 2002
- **MBA Health Law Update 2002: Challenging Issues for Health Law Attorneys and Their Clients** - Presentation before the Massachusetts Bar Association - Topic: Physician Reimbursement Issues in 2002, Boston, MA, March 1, 2002
- **Physician/Hospital Joint Ventures** - Presentation before the Boston Bar Association - February 14, 2002
- **A Report on Health Care Reform: A One-Year Experience of Chapter 141 of the Acts of 2000: “Managed Care Reform Act”** - Lead Presenter at Annual Health Care Law Conference - November 29, 2001
- **An Overview of HIPAA for Rehabilitation Specialists** - Presentation before the Annual Conference of the New Hampshire Rehabilitation Association - November 8, 2001
- **Recent Updates in Massachusetts Pharmacy Law** - Presentation before the Massachusetts College of Pharmacy and Health Sciences - October 24, 2001, November 18, 2001 and December 15, 2001
- **Prevention Strategies in Managing Patients with Asthma & Understanding HIPAA and Its Impact on Pharmacy** - Presentation before the Massachusetts College of Pharmacy and Health Sciences - July 31, 2001
- **Understanding HIPAA and its Impact on Freestanding and Hospital-Based Pharmacies** – Presentation before the 26th Annual Meeting of the Massachusetts Association of Health Systems Pharmacists - May 12, 2001
- **The Final Stark II Regulations** - Program Chair and Moderator, Presentation before the Massachusetts Bar Association - March 30, 2001
- **A Step-by-Step Analysis of the Final Rules Governing Inpatient Rehabilitation Facilities** - Presentation before the National Rehabilitation Association, March 9, 2001
- **Understanding HIPAA and Its Impact on Health Care Providers** - Program Chair, Presentation before the Massachusetts Bar Association, February 27, 2001
- **Advising Health Care Clients on the Implications of the Medicare,**

Medicaid and SCHIP Benefits Improvement and Protection Act of

2000 - Program Chair- Presentation before the Massachusetts Bar Association, January 29, 2001

- **Massachusetts Hospital Association, Corporate Compliance Series- Understanding and Complying with the new HIPAA privacy requirements** - Presentation before the Massachusetts Hospital Association, January 25, 2001
- **Advising Clients on the new Office of Inspector General Final Compliance Guidance for Individual Physician and Small Group Physician Practices** - Presentation before the Boston Bar Association, October 31, 2000
- **MBA Health Law Conference 2000** - Presentation before the Massachusetts Bar Association -Topic: Emerging Issues in E-Health and Telemedicine, Boston, MA, October 19, 2000
- **The Impact of Harvard Pilgrim Healthcare's Financial Woes on Hospital and Physician Medical Practice and Reimbursement** - Presentation before Grand Physician Rounds – Deaconess-Waltham Hospital, Waltham, MA, June 15, 2000
- **Advising Elders on Practical Aspects of Long Term Insurance Plans** - Presentation before Bristol Elder Services, Fall River, MA, May 18, 2000
- **Understanding and Advising Client's on Medicare's New Outpatient Prospective Payment System** - Program Chair - Presentation before the Massachusetts Bar Association, May 9, 2000
- **Recent Developments in Health Information Privacy** - Program Chair - Presentation before the Massachusetts Bar Association, March 28, 2000
- **What Lies Ahead for Health Care?** - Program Chair - Presentation before Massachusetts Bar Association with Alan Sager, PhD and Rep. Harriett Chandler, House Chair, Joint Committee on Health Care - March 15, 2000
- **Advising Health Care Clients on the Implications of the Balanced Budget Refinement Act of 1999** - Program Chair - Presentation before the Massachusetts Bar Association, February 9, 2000
- **Coverage of Hospital Outpatient Services Under MassHealth When Those Services are Provided at a Site Other Than the Inpatient Campus** - Co-Chair - Presentation before the Boston Bar Association - Health Law Section, November 22, 1999