



Alan J. Sedley
Senior Counsel

T: 310.203.2800
T: 949.502.5399
F: 310.203.2727

asedley@nelsonhardiman.com

Admissions

State Bar of California
State Bar of Washington
State Bar of Ohio
State Bar of Colorado
Southern District of California
U.S. District Court for the District of Columbia
United States Supreme Court

Affiliations

California Society of Healthcare Attorneys
(CSHA)

American Health Law Association (AHLA)

American Society of Law, Medicine & Ethics

San Fernando Valley Bar Association

Orange County Bar Association

Dana Foundation for Brain Science

Education

Cleveland State University Marshall College
of Law, J.D.

University of Cincinnati, B.A.

PROFILE

Alan J. Sedley draws on his invaluable experiences while serving as corporate in-house general counsel to two large California hospital health systems to compliment his thirty-plus years as a private law firm healthcare attorney. During his years in-house, Alan performed work on a wide array of legal projects pertaining to corporate business issues at the health system level, while managing transactions, litigation, regulatory compliance and operational processes at the hospitals.

Through private practice and as retained outside counsel, he regularly advises and represents hospitals, health systems, physicians, NPs, PAs, ambulatory surgical centers and multi-specialty medical groups in their oft-challenging operational issues, addressing the traditional business and legal concerns within the context of the healthcare marketplace.

Experienced Medical Staff Counsel

Over years of healthcare law practice, Alan has pursued a specialized focus and offers highly experienced and dedicated counsel to large medical group and hospital medical staffs on issues including; medical staff credentialing, privileging, and recruitment, peer review analyses arising from suspected practitioner clinical deficiencies or disruptive conduct, peer review body and committee investigatory processes, and detailed guidance on peer review hearing procedures as well as statutory reporting requirements. He provides his expertise to the analysis and revision of medical staff bylaws and policies and procedures. Alan has been retained and has testified as a peer review expert witness in civil trial, offering his expertise on peer review due process requirements as applied to federal and state regulatory schemes.

Laser-Focus on Civil Litigation and Administrative Proceedings

As an experienced civil litigator with a proven track record of success in all phases of court civil trials and binding arbitrations, Alan's client-focused strategies and depth of experience also come into play through his efforts to resolve matters efficiently and expediently without needlessly exposing his clients to the uncertainties and costs often associated with litigation through use of his honed analyses skills and mediating and negotiating techniques.

In addition to representing health care providers in commercial litigation, Alan has successful litigation experience ranging from the defense of employers in complex sexual harassment matters to litigating medical malpractice claims. He has successfully litigated cases in federal district court on behalf of hundreds of hospitals nationwide, initiating civil suits against the Centers for Medicare and Medicaid alleging its misapplication of federal rules and regulations, the results of which provided payment of hundreds of thousands of dollars in additional Medicare program reimbursement that had been initially withheld from those hospitals.

Able to navigate the complexities of administrative law, Alan has a track record of successfully representing physicians and other healthcare professionals before California regulatory and licensing boards and agencies, aggressively defending clients through the investigatory and administrative hearing phases, all the while maintaining a keen focus on the ultimate goal of preserving a client's hard-earned license and enabling him/her to continue professional pursuits.

Accolades

Since 2017, Alan has been selected annually to Southern California Super Lawyers and has received the Martindale-Hubbell 'AV Preeminent' Rating. He is honored to have been selected to serve key leadership roles at various community based organizations, including

the boards of the San Fernando Valley Bar Association, Temple Aliyah, Israel Cancer Research Foundation, West Hills Hospital, United Synagogue and the Los Angeles County Citizens for Veterans. Having been certified in bioethics studies, Alan instructed oncology fellows at St. John's Hospital annually through a six-month focused curriculum of health law and bioethics. He has been qualified to serve as a peer review hearing officer through the California Society of Healthcare Attorneys.

Frequently called upon to speak on health law-related topics, Alan enjoys the challenge of educating and training a variety of health care professionals and associations, including engagements with hospital and large medical group medical staff leaders, hospital administrators and medical societies, law schools and bar associations.

Life Outside the Firm

When not immersed in the myriad of challenges occasioned by healthcare law practice, Alan loves to hike local mountain trails, and is avid indoor and outdoor cyclist. While he pursues his dream of someday becoming a well-respected amateur photographer, he is focused on providing mounds of love and bits of offbeat humor to his three adult children and two young grandsons.

EXPERIENCE

Medical Staff/Peer Review/Hospital-Medical Staff Relations:

- Drafted and revised cosmetic outpatient surgical center's policies & procedures and medical staff bylaws
- Provided legal guidance to hospital through peer review investigatory process arising from medical staff physician's disruptive behavior which effected the morale of surgical department and could have jeopardized the health and safety of patients.
- Revised medical center's policies concerning patient informed consent, pain management and palliative care, advanced directives and DNR orders
- Rendered legal analysis and created in-depth program to guide hospital bioethics committee professionals and lay members at patient/family care conferences convened to offer meaningful options for provision of palliative care, hospice and end-of life decision making.
- Advised hospital clients on application of California Evidence Code section 1157 discovery inquiries in peer review proceeding
- Successfully defended psychologist brought before the California Department of Behavioral Sciences for issues jeopardizing license to practice.
- Negotiated favorable agreement with state agency on behalf of owner of residential care facilities for the elderly who was issued numerous citations and threats of facilities closure
- Procured favorable resolution with California Medical Board on behalf of physician accused of improperly prescribing class IV narcotics.
- Successfully represented claim of health science clinical instructor/physician at academic medical center arising from his dismissal of teaching duties and termination from fellowship program.
- Negotiated favorable resolution for physician brought before hospital physician well being committee investigating allegations of sexual harassment.
- Qualified and testified as legal expert witness in Superior Court post peer review hearing litigation following physician's termination from medical staff without having been afforded due process hearing rights.

Regulatory:

- Advised hospital in its medical office building leasing arrangements with referring physicians/tenants, best ensuring compliance with applicable Stark and antikickback laws.

- Developed strategy to enable for-profit health system to create foundation to fund studies for clinical trials program.
- Advised hospital in evaluating, determining and documenting fair market value for its medical office building leasing arrangements with referring physicians, ensuring compliance with all applicable Stark and antikickback laws.
- Initiated and led investigation on behalf of hospital health system regarding newly discovered Medicare billing irregularities, developing sound anticipatory “self-reporting” legal defenses.
- Established regulatory compliance guidelines for hospital/ medical group marketing joint venture.
- Developed compliant-sound protocols for clinical trial studies, promulgating strict guidelines for participant informed consent, privacy, confidentiality and safety considerations.

Litigation:

- Represented OB/GYN physicians terminated by their hospital medical staff through peer review process in subsequent superior court writ of mandamus proceeding.
- Successfully defended vascular specialty medical group in claims for payment of significant penalties and interest initiated by Department of Health & Human Services for alleged non-compliance with Medicare Electronic Health Record Incentive Program.
- Represented hundreds of hospitals nationwide in a series of federal court lawsuits against the Centers for Medicare & Medicaid challenging Medicare reimbursement adjustments.
- Successfully defended hospital in action for breach of contract and intentional interference with contractual relations brought by imaging center following abandoned joint venture project.
- Successfully defended orthopedist in allegations of medical malpractice and lack of informed consent claims brought by patient.
- Initiated action on behalf of hospital brought against a physician who breached the terms of a recruitment agreement.
- Served as testifying medical staff expert in post peer review/JRC hearing matter in Superior Court on behalf of plaintiff medical group, sued by physician who had been terminated by its medical staff.
- Negotiated six-figure settlement in elder abuse wrongful death matter on behalf of two surviving adult children of decedent and brought against residential care facility for the elderly.
- Negotiated six-figure settlement on behalf of two female employees of military base, each who was sexually assaulted in workplace by male supervisor.
- Represented court-appointed receiver charged with overseeing operations of high-profile residential addiction treatment center during course of its bankruptcy and bitter co-ownership disputes.
- Successfully defended Ph.D. fertility expert in breach of contract action initiated by former practice partner.
- Successfully defended large orthopedic medical group in disputed partnership dissolution.
- Prevailed at summary judgment proceedings a week before trial on behalf of owner of martial arts studio, sued for ten million dollars arising from claim of minor student of studio who alleged that apprentice instructor had sexually assaulted him several times over a month’s time, such occurring after hours and off-site at instructor’s home.

Transactional:

- Represented hospital in negotiation of exclusive anesthesiology services agreement.
- Organized and prepared all documentation relative to the sale and purchase of corporate stock and reorganization of corporate management, duties and responsibilities of an Orange County pediatric medical group seeking to expand its community footprint.
- Drafted all origination documentation for physician assistant (P.A.) seeking to incorporate a start-up practice

- Drafted hospital's directorship agreements, physician on-call arrangements, business associate agreements, affiliation agreements, physician recruitment agreements and hospital-third party joint venture agreements.
- Drafted a joint residency program agreement on behalf of hospital to include physician participants from U.S. Naval Academy