



Robin Locke Nagele

Principal
Co-Chair, Health Care Practice Group

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Ms. Nagele has a national health care litigation and consulting practice, in which she represents, in complex commercial, regulatory and antitrust matters, proprietary and not-for-profit health care providers, multi-hospital systems, integrated delivery systems, academic/teaching medical centers, and ancillary service providers, along with their medical, executive and corporate leadership.

Bio

Robin Locke Nagele is a Principal and Co-Chair of the Firm's Health Care Practice Group. She has a national health care litigation and consulting practice, in which she represents, in complex commercial, regulatory and antitrust matters, proprietary and not-for-profit health care providers, multi-hospital systems, integrated delivery systems, academic/teaching medical centers, and ancillary service providers, along with their medical, executive and corporate leadership.

Ms. Nagele's antitrust and trade regulation practice focuses on complex medical staff injunctive and damages litigation, credentialing/privileging strategic planning and dispute resolution, exclusive contracts, economic credentialing, board and physician conflicts of interest, medical staff appointment/reappointment criteria and processes, medical staff closures, intra-hospital corrective action and fair hearing processes, medical staff/board governance, strategic planning and fiduciary oversight.

Ms. Nagele's commercial health care litigation practice involves complex business and regulatory disputes such as reimbursement litigation, hospital pricing litigation, single-plaintiff, multiple-plaintiff, and class-action provider and enrollment disputes and litigation, actions for equitable relief and damages arising out of hospital-physician joint ventures and other business arrangements, health care information technology litigation, and civil *qui tam* litigation.

Ms. Nagele's health care consulting and compliance practice covers a wide range of federal and state regulatory issues, including anti-kickback, Stark and other fraud and abuse issues, not-for-profit governance, licensing requirements, federal and state payor regulations, EMTALA, HIPAA, HCQIA, and Patient Safety and Quality mandates.

Ms. Nagele speaks nationally on health care issues for American Health Lawyers Association (AHLA), Pennsylvania Bar Institute, The Governance Institute, and other health care provider organizations and entities, and has written extensively for national publications.

In 2016, Ms. Nagele was honored by *The Legal Intelligencer* as one of the "Top Women in the Law." She was one of 25 women selected from law firms, corporations, and government entities throughout Pennsylvania for "making

Practices

- Regulated Cannabis
- Internal Investigations & White Collar Defense
- Health Care
- Health Care Transaction Services
- Health Care Regulatory Services
- Health Care Litigation Services
- Corporate
- Commercial Litigation
- Class Action Defense
- Alternative Dispute Resolution

Industries

- Health Care
- Medical Device & Life Sciences

Education

- J.D., Harvard Law School, 1982
- B.A., Wesleyan University, 1979

Bar Memberships

- Pennsylvania

Court Admissions

- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- Supreme Court of Pennsylvania
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit

strides to push the legal profession forward for women." She was also named as one of *Philly Biz* magazine's "Best Attorneys in Business 2016."

Ms. Nagele is AV Preeminent peer review rated with Martindale-Hubbell, and she was recognized by *Best Lawyers in America*® in its 2020 and 2021 editions in the category of Health Care Law. Ms. Nagele is ranked in Band 2 of the Healthcare, Pennsylvania category by Chambers and Partners in its annual survey, *Chambers USA: America's Leading Lawyers for Business 2020*. For information about these selections and an overview of common third-party publications, rankings, and lists methodologies, [click here](#).

Publications

- Article, "COVID Telehealth Considerations For Providers In Pa. and NJ," *Law360* (April 15, 2020)
- Article, "Maintaining Quality and Preserving Privilege for Telemedicine and Other Outsourced Providers," *American Health Lawyers Association's (AHLA) Connections* (November 2019 issue)
- Article, "Pa. High Court Ruling Erodes Medical Peer Review Protection," *Law360* (March 30, 2018)
- Article, "PSQIA Prompts Federal Courts to Reconsider a Federal Common Law Peer Review Privilege," *MedStaff News*, a publication of the AHLA's Medical Staff, Credentialing, and Peer Review Practice Group (November 2017 issue)
- Article, "Maintaining a Unified Medical Staff in a Multi-Hospital System," *Hospitals & Health Systems Rx*, a publication of the American Health Lawyers Association (AHLA) Hospitals and Health Systems Practice Group (May 2017)
- Article, "Implications of the Medical Marijuana Law for Health Care Providers," *The Legal Intelligencer's* Life Sciences, Pharmaceuticals, and Health Care Supplement (October 11, 2016)
- Member Briefing, "Highlights of the 2015 Databank Guidebook: Navigating the New NPDB," AHLA's NPDB Work Group of the Medical Staff, Credentialing, and Peer Review Practice Group (June 2015)
- Article, "Strategic Quality Oversight by the Hospital/Health System Board of Directors," *BoardRoom Press*, Vol. 25, Number 5 (October 2014)
- Article, "A Framework for ACO Credentialing and Peer Review," PBI Health Law Institute (March 2012)
- Article, "A New Quality Compass: Hospital Boards' Increased Role Under the Affordable Care Act," *Health Affairs* (July 2011) (with Elisabeth Belmont, Claire Cowart Haltom, Douglas A. Hastings, Robert G. Homchick, Lewis Morris, Kathryn C. Peisert, Brian M. Peters, Beth Schermer and Julie Taitsman)
- Article, "Hospital-Physician Relationships After National Health Reform: Moving from Collaboration to Competition," *Pennsylvania Bar Quarterly*, Vol. LXXXII, No. 1 (January 2011)
- Article, "The Quality Challenge," PBI Health Law Institute (March 2011)
- Article, "Quality in Action: Paradigm for a Hospital Board-Driven Quality Program," *J. Health & Life Sci. L.* (February 2011) (with Elisabeth Belmont, Claire Cowart Haltom, Douglas A. Hastings, Robert G. Homchick, Lewis Morris, Kathryn C. Peisert, Brian M. Peters, Beth Schermer and Julie Taitsman)
- Article, "PPACA's Implications for Medical Staff Oversight, Credentialing, and Peer Review," *Med Staff News* (October 2010)
- Article, "The Joint Commission's Medical Staff Standard MS.01.01.01: Shoring up a Dysfunctional Leadership Model," The Governance Institute, *BoardRoom Press* (August 2010)

- Co-Author, "Promoting Quality Care & Patient Safety: The Case for Abandoning The Joint Commission's 'Self-Governing' Medical Staff Paradigm," *Michigan State University Journal of Medicine and Law* (August 2010) (with Brian M. Peters)
- Lead Author, "When your Physicians are your Competition: What's a Hospital to Do?," AHLA Hospitals and Health Systems Law Institute (February 2010); PBI Health Law Institute (March 2010)
- Lead Author, "Health Law Basics: Medical Staff Issues," PBI Health Law Institute (March 2010) (with Kaitlin Piccolo)
- Article, "Hospital Facility Access: Physician Rights and Hospital Control," *The Health Law Handbook*, 21st Edition, West Group (2009)
- Lead Author, "Health Law Basics: Managing Medical Staff Issues," PBI Health Law Institute (March 2009) (with Kaitlin Piccolo)
- Article, "Managing Intra-Hospital Business Dispute Litigation to Keep it from 'Going Nuclear,'" PBI Health Law Institute (March 2009)
- Lead Author, "Physician-Owned Specialty Hospitals and Hospital Conflict-of-Interest Policies: Healthy Competition or Business Opportunism?" *The Health Law Handbook*, 18th Edition, West Group (2006)
- Lead Author, "Charity Care Class Action Litigation Is Denied Federal Status" *The Health Lawyer* (March 2005)
- Lead Author, "Courts Reject Nationwide Charity Care Class Action Litigation," *The Legal Intelligencer* (December 30, 2004)
- Lead Author, "Economic Credentialing: How to Balance Competition, Compliance and Collegiality to Resolve Conflicts of Interest," *HCPPro* (2004)
- Article, "Hospital Privileges as Kickbacks?: The Economic Credentialing Debate Commands Renewed Attention," *2003 Health Law Handbook* (A. Gossfield, ed.), (West, 2003)
- Article, "Critique of the 'Kickback' Challenge to Economic Credentialing," *The Legal Intelligencer* (February 2, 2003)
- Co-Author, "Good Intentions Still Matter: A Health Care Anti-Kickback Case Requires a Finding of Specific Intention to Violate the Law," *New Jersey Lawyer* (August 2001)
- Co-Author, "To Disclose or Not to Disclose: There Should Be No Question," American Bar Association, *The Health Lawyer* (June-July 2001)
- Co-Author, "Healthcare Providers Do Not Deserve to be Treated as Drug Dealers: An Analysis of the Criminal Intent Standard Under the Anti-Kickback Act," American Bar Association, *The Health Lawyer* (June 2001)
- Co-Author, Part 1 "To Disclose or Not to Disclose: There Should Be No Question," and Part II, "An Effective Voluntary Disclosure Program Needs an Amnesty Provision," *The Legal Intelligencer* (September 18-19, 2000)
- Co-Author, "Full Amnesty Could Encourage Provider Self-Disclosure," *Healthcare Financial Management* (July 2000)

Speaking Engagements

- Presenter, "Lessons from Case Law: Optimizing the Structure of the Patient Safety Evaluation System (PSES)," ECRI and the Institute for Safe Medication Practices (ISMP) PSO Virtual Annual Meeting (October 28, 2020)
- Co-Presenter, "Preserving Privilege in a Hostile Litigation Environment Post-*Ungurian*," Post & Schell Webinar (May 28, 2020)
- Co-Presenter, "COVID 19 and Telehealth Guidance for Healthcare Providers," Women of Post & Schell Webinar (May 7, 2020)
- Presenter, "COVID-19 Telehealth: What Providers Need to Know," Pennsylvania Bar Institute (PBI) Webinar (April 20, 2020)

- Presenter, "Telehealth 360," PBI's 2020 Health Law Institute, Philadelphia, PA (March 11, 2020)
- Co-Presenter, "Conducting Peer Review under the PSQIA Protections," with Peggy Binzer, Alliance of Quality Improvement and Patient Safety (AQIPS) Webinar (June 26, 2019)
- Presenter, "Diversity/Implicit Bias on the Medical Staff – How to Raise Awareness and Implement Best Practices for Your Medical Leadership Team," American Health Lawyers Association (AHLA) Webinar (June 13, 2019)
- Presenter, "Conducting Peer Review Under PSQIA Protection," American Health Lawyers Association (AHLA) Webinar (May 28, 2019)
- Presenter, "Medical Staff Challenges: Overcoming Conflicts Between Hospitals and Medical Staffs," Strafford Publications Webinar (May 22, 2019)
- Co-Presenter, "Working with Hospital Leadership: Who Is the Client?" PBI's 2019 Health Law Institute, Philadelphia, PA (March 12, 2019)
- Presenter, "Medical Staff Issues," PBI's Healthcare Basics Bootcamp, Philadelphia, PA (March 11, 2019)
- Presenter, "Legal Ethics: Working with Hospital Leadership-Who Is the Client?" AHLA Physicians and Hospitals Law Institute, San Antonio, TX (February 4, 2019)
- Presenter, "PSQIA: How to Conduct and Protect Patient Safety Analysis within a Provider PSES," Louisiana Hospital Association's 29th Annual Health Law Symposium, Baton Rouge, LA (November 2, 2018)
- Co-Presenter, "Successful Integration and Use of Advanced Practice Professionals (APPs)," Pennsylvania Bar Institute (PBI) CLE Seminar "A Day on Health Law," Philadelphia, PA (October 23, 2018)
- Co-Presenter, "Sexual Harassment by Physicians: Implications on Medical Staff Privileges, Licensure, and Physician Practices," American Health Lawyers Association's (AHLA) 2018 In-House Counsel Program & Annual Meeting, Chicago, IL (June 25 and 26, 2018)
- Co-Presenter, "Answering the Question: How to Use PSO Protections for Peer Review and RCA?," CHART Institute Webinar (June 20, 2018)
- Presenter, "Telemedicine Compliance Issues for Medical Staff Professionals," Tennessee Association of Medical Staff Services (TAMSS), Nashville, TN (June 15, 2018)
- Co-Presenter, "Medical Peer Review Protection in Pennsylvania Post-*Reginelli*," Post & Schell CLE Seminar, Philadelphia, PA (June 13, 2018)
- Panelist, "How PSOs Can Help Protect Their PSWP – A Legal Perspective," Agency for Healthcare Research and Quality (AHRQ), PSO Annual Meeting (April 16, 2018)
- Co-Presenter, "Successful Integration and Use of Advanced Practice Professionals (APPs)," PBI's 24th Annual Health Law Institute, Philadelphia, PA (March 14, 2018) (co-presented with Stephanie Sher)
- Presenter, "Medical Staff Issues," PBI's 24th Annual Health Law Institute, Philadelphia, PA (March 13, 2018)
- Co-Presenter, "Advanced Practitioner Professionals (APPs) in the Hospital/Health System Setting," AHLA's Physicians and Hospitals Law Institute, New Orleans, LA (February 5 and 6, 2018)
- Co-Presenter, "Overview of Credentialing and Peer Review," In-House Presentation to DaVita Inc. (October 24, 2017)
- Presenter, "Telemedicine and Surrogate Credentialing for Hospitals and Health Systems," National Association of Medical Staff Services (NAMSS) 41st Educational Conference and Exhibition, Colorado Springs, CO (October 23, 2017)
- Co-Presenter, "Fundamentals in PSQIA Protections: Patient Safety Evaluation System (PSES) Compliance," Alliance for Quality Improvement

and Patient Safety's (AQIPS) PSO and Provider Convention/Law and Litigation Conference, Washington, D.C. (September 17, 2017)

- Co-Presenter, "Medical Staff Governance Structure: Bylaws, Rules, Regulations, Policies, Procedures, Accreditation and Regulatory Standards Overview," Part I of an AHLA and National Association Medical Staff Services (NAMSS) Webinar Series (September 7, 2017)
- Co-Presenter, "Informed Consent in Pennsylvania Post-*Shinal*: Impact on Litigation Defense and Clinical Operations," Post & Schell Presentation and Roundtable Discussion, Philadelphia, PA (August 17, 2017)
- Co-Presenter, "Creating a Patient Safety Evaluation System That Is PSQIA-Compliant and Helps Drive Patient Safety on a System-Wide Basis," AHLA In-House Counsel Program & Annual Meeting, San Francisco, CA (June 25, 2017)
- Co-Presenter, "Maintaining a Unified Medical Staff in a Multi-Hospital System," PBI's 23rd Annual Health Law Institute, Philadelphia, PA (March 7, 2017)
- Presenter, "Medical Staff Issues," PBI's 23rd Annual Health Law Institute, Philadelphia, PA (March 7, 2017)
- Co-Presenter, "Legal and Practical Challenges of Maintaining a Unified Medical Staff in a Multi-Hospital System," AHLA 2017 Physicians and Hospitals Law Institute, Orlando, FL (February 2, 2017)
- Faculty, "An Interactive Case Study: How to Respond to Complaints of Unnecessary Medical Procedures in the Hospital," AHLA Webinar (June 6 and June 14, 2016)
- Presenter, "The New Databank Guidebook: Issues and Challenges," PBI's 22nd Annual Health Law Institute, Philadelphia, PA (March 15, 2016)
- Co-Presenter, "ACO/CIN Provider Denials and Terminations: Procedural Protections, Immunities, and Databank Reporting," MSCPR/ACO Practice Group Luncheon, AHLA's Physicians and Hospitals Law Institute, Austin, Texas (February 9, 2016)
- Faculty, "ACO Credentialing and Peer Review: Essential Tools for Effective Clinical Integration," AHLA Webinar (March 25, 2015)
- Presenter, "Population Health: Confronting the Legal & Operational Challenges of Managing Health Across Multiple Providers and Health Systems," AHLA In-House Counsel Program and Annual Meeting, New York, NY (July 2014)
- Co-Presenter, "Effective Peer Review as Your Best Defense to Fraud and Abuse – A Look at the Role of Peer Review in Some of the Key False Claims Cases and Lessons Learned," AHLA In-House Counsel Program and Annual Meeting, New York, NY (June 2014)
- Co-Presenter, "Quality Metrics, Contractors and the "Right to Control: Extending 'Employee' Rights to the Independent Medical Staff," PBI's Health Law Institute, Philadelphia, PA (March 14, 2014)
- Co-Presenter, "Population Health: Confronting the Legal & Operational Challenges of Managing Health Across Multiple Providers and Health Systems," AHLA Physicians & Hospitals Institute (February 6, 2014)
- Co-Presenter, with Kathy Poppitt, "Is the Peer Review Privilege in Critical Condition?" Annual Meeting of the American Health Lawyers Association, San Diego, CA (July 1, 2013)
- Moderator, "The Hospital Medical Staff of the Future Part II: Opportunities and Exposures: A Comparison of the Legal and Operational Challenges Associated with the "Employed" and "Independent" Physician Models," Medical Staff, Credentialing and Peer Review Practice Group of the American Health Lawyers Association (May 1, 2012)
- Presenter, "A Framework for ACO Credentialing and Peer Oversight," Pennsylvania Bar Institute's Health Law Institute, Philadelphia, PA (March 14, 2012)

- Presenter, "New Directions In Systems Innovations", National Press Club Conference sponsored by Health Affairs, Washington, D.C. (July 7, 2011)
- Co-Presenter, "The New Healthcare: Do We Shop for Quality at Neimans or Filenes?," American Health Lawyers Association, Annual Meeting, Boston, MA (June, 2011)
- Co-Presenter, "The New CMS Rule on Telemedicine Credentialing and Privileging," American Health Lawyers Association Webiner (June 2011)
- Presenter, "The Quality Challenge," PBI Health Law Institute, Philadelphia, PA (March 2011)
- Co-Presenter, "When your Physicians are your Competition: What's a Hospital to Do?," AHHA Hospitals and Health Systems Law Institute, Miami, FL (February 2010); and the PBI Health Law Institute, Philadelphia, PA (March, 2010; October, 2010)
- Presenter, "Health Law Basics: Medical Staff Issues," at the PBI Health Law Institute, Philadelphia, March, 2010
- Presenter, "Hospital Director & Officer Liability: It's Real, It's Serious & It's Avoidable," at The Governance Institute Leadership Conference, Naples, FL (January 12, 2010)
- Presenter, "Joint Commission Accreditation: Help or Hindrance to Hospital Quality?" at The Governance Institute Leadership Conference, Naples, FL (January 12, 2010)
- Presenter, "Managing Intra-Hospital Business Dispute Litigation to Keep it from 'Going Nuclear,'" PBI Health Law Institute (March 13, 2009)
- Presenter, "Health Law Basics: Managing Medical Staff Issues," PBI Health Law Institute (March 12, 2009)
- Presenter, "Fiduciary Oversight in a World of Fraud, Tax and Quality Exposures," and "Federal Patient Safety & Quality Improvement Act (PSQIA): Challenges and Opportunities," Governance Institute's Leadership Conference for Trustees, Physicians, Executives and Nurse Executives, Palm Beach, FL (February 10, 2009)
- Presenter, Presentation to the Board of Directors of Health Quest System regarding Community Benefits Planning in the new not-for-profit tax environment (February 6, 2009)
- Presenter, "Serious Event Letters: Truth and Consequences," Post & Schell, P.C.'s Hospital and Health Care Clients Seminar (October 23, 2008)
- Organizer and Co-Presenter, "Hospital-Medical Staff Flashpoints: Accountability, Disclosure, Money," The American Health Lawyers Association Annual Meeting, Chicago, IL (June 26-27, 2007)
- Presenter, "The Challenge of Kadlec: Improving Credentialing Candor While Avoiding Legal Risk," HCPro Teleconference (March 15, 2007)
- Presenter, "Negotiating JCAHO's Evolving Standards of Leadership and Accountability," PBI Health Law Institute, Philadelphia, PA (March 14, 2007)
- Presenter, "M-Care and Patient Safety: Do the Increased Reporting and Enforcement Mechanisms Lead to Better Patient Care?" Heart of Lancaster Regional Medical Center CME (November 9, 2006)
- Presenter, "Medical Staff Issues," Pennsylvania Bar Institute's Fundamentals of Health Law Seminar, Philadelphia, PA (April 18, 2006)
- Presenter, "National 'Charity Care' Class Actions Move to State Courts: Strategy and Challenges," Hospitals and Health Systems Law Institute, Sponsored by the American Health Lawyers Association, Ft. Lauderdale, FL (February 10, 2006)
- Co-Presenter, "Medical Staff Relations - the Ever-Evolving Landscape," American Health Lawyers Association, Annual Meeting and In-House Counsel Meeting, San Diego, CA (June 26, 2005)
- Faculty Member - Program, "Legal Issues for Medical Leadership," The Greeley Company, a Division of HC Pro, Inc., Chicago, IL (May 12-14, 2005)

- Co-Presenter, "Managing the Pressure Points of Medical Staff Competition Through Collaboration and Control," 11th Annual PBI Health Law Institute, Philadelphia, PA (March 16, 2005)
- Course Planner and Co-Presenter, "Are Private Whistleblowers Effective Enforcers of the Federal Health Care Fraud and Abuse Laws?," Philadelphia Bench-Bar Conference, Atlantic City, NJ (November 5-6, 2004)
- Faculty Member - Program, "Legal Issues for Medical Leadership," The Greeley Company, a Division of HCPro, Santa Fe, NM (October 21-22, 2004)
- Faculty Member - Program, "Legal Issues for Medical Leadership: How To Stay Out of Trouble and Out of Court," The Greeley Company, a Division of HCPro, Chicago, IL (October 9-10, 2003)
- Lecture, "When, *If Ever*, Does Economic Credentialing Constitute Fraud & Abuse?" Program: Ninth Annual Health Law Institute, Pennsylvania Bar Institute, Pennsylvania Convention Center, Philadelphia, PA (March 12-13, 2003)
- Lecture, "Economic Credentialing Under Fire: An Essential Tool for Hospital Planning and Oversight Generates Heat from Physicians and Scrutiny from the OIG," Program: "Legal Issues for Medical Staff Leaders: Common Sense Approaches to Today's Legal Challenges and Pitfalls," The Greeley Company, A Division of HcPro, Miami, FL (February 28, 2003)
- Lecture, "Beating the Managed Care Organization (MCO) Payors at the Delays and Denials Game," Program: Eighth Annual Health Law Institute, Pennsylvania Convention Center, Philadelphia, PA (March 12-13, 2002)

Affiliations

- Chair of Litigation Resources for the Alliance for Quality Improvement and Patient Safety (AQIPS)
- Chair of the American Health Lawyers Association's (AHLA) Medical Staff, Credentialing and Peer Review Practice Group
- Past Vice Chair for AHLA's Medical Staff Credentialing and Peer Review Practice Group
- Faculty/Featured Legal Expert, iProtean Internet-based Trustee Education for Non-Profit Hospitals and Health Systems
- Senior Fellow in the Jefferson School of Population Health (2010-2012)