



**Emily A. Johnson**

**Member**

**Chicago**

**P: 312.642.1798**

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**Practice Focus**

- Healthcare
- Laboratories
- Data privacy and cybersecurity
- Proactive measures and breach prevention
- Regulatory investigations and government response

Emily focuses her practice on matters primarily for clients in the healthcare industry. She provides regulatory and compliance assistance on both a federal and state level. She has assisted clinical laboratories, hospitals, long-term acute care hospitals, community hospitals, physician specialty groups, telehealth providers, surgery centers, healthcare associations, pharmacies, and other healthcare providers on regulatory, licensing, compliance, reimbursement, contractual, and corporate matters. She has provided support to entities during licensure and accreditation surveys and assisted in navigating state professional licensure laws, CLIA standards and state and federal laboratory laws and regulations, government and private payor reimbursement, state and federal fraud and abuse rules, state telehealth laws, and state and federal pharmacy regulation. She also has advised clients on direct to consumer testing issues and applicable state requirements.

She also has experience with provider-based compliance issues and the 340B Federal Drug Pricing Program, including implementation, program compliance, audit preparation, and preparing for audits conducted by the Office of Pharmacy Affairs.

In addition, she has significant experience with HIPAA compliance, including drafting HIPAA policies and procedures, breach response and notification, drafting responses to investigations conducted by the Office for Civil Rights, and advising clients on proactive HIPAA compliance and breach prevention.

Prior to joining McDonald Hopkins, Emily served as healthcare attorney/senior consultant at a national legal-based healthcare management consulting firm and outside counsel to the National Association of Boards of Pharmacy.

Emily earned a J.D. from The John Marshall Law School in 2010. She received a B.A., Dean's List, from Illinois Wesleyan University in 2005.

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**Admissions - State**

- Illinois

## Education

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- University of Illinois – Chicago School of Law
- Illinois Wesleyan University

## Honors and Awards

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- Selected for Inclusion in Illinois *Rising Stars* (2020-2022)

## Professional Membership

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- Illinois State Bar Association
- Chicago Bar Association

## Alerts

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- HRSA uninsured program to stop accepting claims for testing and vaccination
- Providers have at least a year to prepare for affiliation disclosures to CMS – Use this time wisely!
- Potential imminent cyber threat to hospitals and healthcare providers
- CMS is issuing enrollment revocations with 10-year enrollment bars under 2019 Final Rule
- CMS audits to resume August 3
- OIG Work Plan updated to include trend analysis to determine fraud and abuse in COVID-19 add on testing and review of expanded telehealth services
- Joint alert issued on exploitation of COVID-19 by malicious cyber actors
- CMS issues CLIA guidance during COVID-19 public health emergency
- CARES Act: Provisions designed to aid healthcare providers in response to COVID-19
- OIG issues policy statement and fact sheet on COVID-19 telehealth cost sharing waivers
- EKRA enforcement after a year of uncertainty
- March 1 deadline approaching to submit data breach reports
- 2018 maximum charges for copies of medical records in Illinois
- OCR's HIPAA breach "wall of shame" breaks 2,000
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- FDA approves first digital pathology system for primary diagnosis
- OCR issues guidance on cyber threat reporting and monitoring
- 2017 update on maximum charges for copies of medical records in Illinois
- College of American Pathologists to develop Pathologist Quality Registry
- FDA no longer releasing final guidance on laboratory developed tests
- Phase 2 HIPAA audits are coming
- OCR strikes again with 3 recent HIPAA settlements
- Budget deal will impact hospital acquisitions of physician practices

## Blog Posts

- Private Equity Executive Webinar Series Session 1: Top five key takeaways
- Florida announces law requiring licenses for genetic counselors
- Healthcare providers impacted by waiver rollback after Florida emergency order expires
- 6 trending healthcare compliance issues
- FDA discontinues Emergency Use Authorization reviews for laboratory developed tests
- HHS notice on provider relief fund reporting requirements
- HHS extends deadline to accept or reject CARES Act Provider Relief Funds
- CMS increases Medicare payment for COVID-19 lab tests using high-production equipment
- UPDATE: CMS reevaluates Accelerated Payment Program, suspends Advance Payment Program for Part B suppliers and points providers to relief fund
- FDA authorizes first at-home COVID-19 test
- OCR announces enforcement discretion to allow uses and disclosures of PHI by business associates for public health and health oversight activities during COVID-19 pandemic
- CMS expands accelerated and advanced payments to offer additional financial relief for providers during the COVID-19 emergency period
- OCR issues HIPAA guidance on COVID-19 disclosures to law enforcement, first responders and public health authorities
- CMS issues guidance on payments for state medicaid telehealth services provided during COVID-19 pandemic
- OCR announces penalty waivers for telehealth COVID-19 emergency and other treatment
- CMS updates regarding coronavirus lab tests
- Cybersecurity and data privacy trends to expect in 2020
- \$2.175M HIPAA settlement highlights breach reporting
- OCR reminds business associates of HIPAA exposure
- Guidance Recommends Health Care Cybersecurity Best Practices
- EKRA expands federal Anti-Kickback Statute with new criminal penalties in health care industry
- Act promptly to address HIPAA violations
- Reminder: March 1 deadline to submit breach reports
- UMass HIPAA settlement highlights importance of proper designation when electing hybrid status
- Another HIPAA settlement (\$750K) for lack of business associate agreement
- HHS issues proposed omnibus 340b guidance

### News

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- McDonald Hopkins Chicago attorneys raise money to fight rare cancers during Cycle for Survival
- McDonald Hopkins attorneys recognized as 2021 Illinois Super Lawyers and Rising Stars
- McDonald Hopkins attorneys recognized as 2020 Illinois Super Lawyers and Rising Stars
- "Cybersecurity trends 2020"
- Healthcare Attorney Emily A. Johnson Joins McDonald Hopkins

### External Publications

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- "HIPAA: The Time for Compliance is Now," Northern Ohio Physician, Volume 101, No. 4, July/August 2016

### Events

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- Healthcare Compliance Symposium – What to know about Operating Clinical Laboratories: Nuts and Bolts | Thursday, April 28, 2022
- Executive War College | Wednesday, April 27, 2022
- Acquiring and Protecting Critical Information Assets in M&A Deals | Tuesday, March 22, 2022
- Healthcare Outlook in 2022: Health Law Challenges We Continue to Face | Thursday, January 27, 2022
- Ransomware Protection & Response for Clinical Labs, Hospitals, and Pathology Groups: Effective Steps for Protecting Your LIS, EHR, and Other IT from an Encryption Attack | Thursday, August 19, 2021
- Law Talk: How The Cures Act Will Impact The Aesthetic Industry | Thursday, April 15, 2021
- COVID: Evolving Lessons in Health Law, Session 1 | Thursday, January 21, 2021
- Federal Healthcare Fraud and Abuse Framework | Wednesday, September 9, 2020
- COVID-19: Testing, Reimbursement, and Provider Relief Funds | Tuesday, July 14, 2020
- Telehealth opportunities and challenges for physician practices during the COVID-19 emergency and beyond | Tuesday, June 2, 2020
- Eliminating Kickbacks in Recovery Act Webinar | Tuesday, August 20, 2019
- Eliminating Kickbacks in Recovery Act (EKRA) and the impact on the healthcare industry | Thursday, April 11, 2019
- How to Reduce Your Risk of HIPAA Rule Violations and Avoid Thousands in Fines and Penalties or Other Damaging Action by the OCR | Thursday, February 9, 2017
- Boot Camp: Building and Realizing Value in Your Dermatology Practice | Friday, November 4, 2016

### Speaking Engagements

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- "Prognosis for Distressed Health Care Companies," The M&A Advisor's Industry Spotlight Virtual Sessions, October 29, 2020
- "Legal Landmines in Professional and Executive Employment: A Practical Discussion of Essential Contract Terms," ASCP annual meeting, September 12, 2019
- "HIPAA Update for the Pathology Practice," APF Annual Meeting, April 15, 2019