

Jeanne M. Born

SENIOR COUNSEL

t. 803.540.2038

jborn@nexsenpruet.com



Suite 700
1230 Main Street
Columbia, South Carolina 29201

Practices

Nonprofit and Exempt Organizations
Privacy & Data Security
Health Law
Corporate Law
Securities

Industries

Health Care

Education

- University of South Carolina, J.D., 1994
- Lincoln Land Community College, A.D.N., 1975
- University of Illinois at Springfield, B.A.N., 1981

Admissions

- South Carolina

Jeanne Born is a Registered Nurse and health law attorney, and advises hospitals, long term care facilities, assisted living facilities and physicians, hospices, home health agencies and other providers on various healthcare, governance and strategic issues on a daily basis. She practices in the health care group with an emphasis on hospital and long term care law, risk management, governance, health information and technology including HIPAA/HITECH, credentialing, medical staff issues including revising medical staff bylaws, peer review matters, legal compliance, administrative and regulatory issues and reimbursement. She also handles nonprofit corporate issues for health-related and other nonprofits.

Her nursing background is in general medical/surgical nursing, medical/surgical neurology, and nursing management.

Jeanne is a frequent speaker on various corporate and healthcare issues including healthcare reimbursement, telehealth, governance, general legal and health information compliance, and long term care issues. She received her J.D. degree cum laude from the University of South Carolina School of Law, where she was Research Editor of the *ABA Real Property Probate and Trust Journal*.

Experience

Reported decision:

Served as Amicus curiae for the South Carolina Hospital Association in *Wieters v. Bon-Secours - St. Francis Xavier Hospital*, in which the South Carolina Court of Appeals held that due to the importance of protecting confidences revealed during peer reviews, questions concerning whether information protected by the Peer Review Statute should be subject to discovery will be reviewed by appellate courts even though the issue is interlocutory in nature. View the decision [here](#).

Representative Privacy and Data Security Experience

- Advise a broad range of health care providers and business associates about a wide variety of privacy and data security issues;
- Develop comprehensive HIPAA/HITECH compliant privacy, security and data breach policies and procedures for a broad range of health care providers and business associates and assist with the implementation of those policies and procedures;
- Advise a range of health care providers on day to day HIPAA/HITECH related questions and compliance;
- Assist clients with data breaches:
 - Advise clients from the identification of the breach, defining the scope of the breach, remediating the breach to minimize further damage from the breach;
 - Draft breach notification letters, advised, in conjunction with NP Strategy on crisis intervention/avoidance following the breach and, in conjunction with Nexsen Pruet's certified security professionals, advise about achieving compliance/managing and mitigating further security risks.
- Assist clients with responding to HIPAA complaints to the Office for Civil rights:
 - Review and advise the basis for the complaint and advise about the response;
 - Assist with communication with representatives of the Office for Civil Rights.
- Advise clients about security risk assessments and work with Nexsen Pruet's certified security professionals in completing HIPAA/HITECH compliant risk assessments for clients;
- Advise clients on mobile device/application legal compliance issues;
- Advise hospital and physician clients on technology issues with Meaningful Use compliance;
- Advise a broad variety of health care clients on technology and compliance issues with telemedicine.

Representative Reimbursement Experience

- Advise about addressing claims issues including denials.
- Advise about filing appeals of denied claims.
- Provide support for healthcare reimbursement appeals including cost report and disproportionate share disputes.

- Advise about private insurance disputes.
- Advise about reimbursement policy/procedure development.
- Advise about and assist with filing reopening requests.

Representative Nonprofit and Exempt Organization Experience

- Advise about formation of and form nonprofit corporations with and without members
- Draft tailored Articles of Incorporation and Bylaws;
- Draft form of minutes to complete the incorporation process;
- Assist with obtaining registration under the Solicitation of Charitable Funds Act;
Assist with obtaining 501(c)(3) tax exempt status;
- Advise clients about maintaining tax exempt status;
Advise about conflicts of interest;
- Advise nonprofit board members about governance issues;
- Advise about nonprofit liability issues and ways to protect the corporation;
- Advise about indemnification of directors and officers;
- Advise about risk management issues;
- Complete corporate "clean up";
Revise Bylaws for Nonprofit Corporation Act compliance;
- Dissolve nonprofit corporations;
- Merge nonprofit corporations with other nonprofit corporations;
- Merge nonprofit corporations with for profit corporations;
- Advise about Freedom of Information Act compliance.

Recognitions

- Martindale-Hubbell "AV" Preeminent Peer Review Rated
- *"Legal Elite of the Midlands"* - Health Care Law
- Listed in Best Lawyers in America For "Lawyer of the Year" for Health Care Law in Columbia, S.C. for 2021
- Listed in *Best Lawyers in America* for Health Care Law, Since 2013
- YWCA - TWIN (Tribute to Women and Industry) Award
- Registered Nurse: Illinois, 1975; South Carolina, 1990
- South Carolina Bar - Health Law Section, Past-Chair

Community & Professional

- American Bar Association
- American Health Lawyers Association
- Health Care Compliance Association
- President of the South Carolina Chapters of the American Society of Healthcare Risk Managers and the Association for Healthcare Quality
- Richland County Bar Association
- South Carolina Bar
- South Carolina Bar Health Law Section (past chair)
- South Carolina Women Lawyers' Association
- Sigma Theta Tau

Writing

Co-author, South Carolina Nonprofit Corporate Practice Manual, South Carolina Bar, 2015.

Presentations

Advance Practice Registered Nurse Telehealth Update, Palmetto Care Connections 6th Annual Telehealth Summit of South Carolina, April 11, 2018.

South Carolina Telehealth Alliance, South Carolina Primary Health Care Association 2018 State Policy & Issues Forum, January 16, 2018.

Navigating Vulnerable Adults in Today's Healthcare System, Annual Joint Conference of the SC Chapter of the American Society of Healthcare Risk Managers, the SC Organization of Nurse Leaders and the SC Association for Healthcare Quality, December 1, 2017.

SC Board of Medical Examiners 10/4/2017 Advisory Opinion: The Supervision of Unlicensed Personnel and the Corporate Practice of Medicine, Annual Joint Conference of the SC Chapter of the American Society of Healthcare Risk Managers, the SC Organization of Nurse Leaders and the SC Association for Healthcare Quality, December 1, 2017.

Navigating the EHR: A Legal Perspective, Initiant Health Collaborative Education Summit, July 31, 2017.

Nonprofit Corporate Governance, Nexsen Pruet Nonprofit/Exempt Organizations Symposium, February 24, 2017.

Telemedicine Reimbursement Issues for FQHCs, South Carolina Primary Health Care Association 2017 State Policy and Issues Forum, February 14, 2017.

Understanding the difference between Ransomware attacks and Cyber Breach; SCHA CFO Forum, October 3, 2016.

State of Telehealth in South Carolina, Fraud & Abuse Issues in Telehealth, Palmetto Care Connections, April 27, 2016.

"HIPAA for Law Firms" What Every Law Firm Needs to Know About HIPAA, South Carolina Association of Legal Administrators, April 14, 2016.

Privacy and Security Issues: What's the Latest?, 19th Annual South Carolina Rural Health Conference, November 19, 2015.

Risk Management Considerations in Telehealth, 4th Annual Telehealth Summit of SC, October 16th, 2015.

Nonprofit Corporate Governance in the Healthcare World, SC Bar Nonprofit Corporate Update, February 5, 2015.

Boundaries of Scope of Practice and Nursing Peer Review, SCONL/ASHRM Members Meeting, January 2015.

Potential Liability: Patient Health Information Portals, SCONL/ASHRM, January 2015.

Overcoming Legal & Regulatory Barriers, Palmetto Care Connections 3rd Annual Telehealth Summit, September 2014.

Institutional Perspective: Medical Staff Relationships, SCMA, May 2014.

"HIPAA for Hearing Officers", SCDHHS Appeals and Hearings, 1st Annual Retreat, May 2014.

What Every Paralegal Needs to Know About HIPAA, Palmetto Paralegal Association, March 2014.

Legal Requirements re CMS Survey on Quality of Care Complaints: How to Best Protect Your Healthcare & Hospital Systems, SC ASHRM & SCAHQ, November 8, 2013.

"HIPAA Revisions: How Will They Affect Your Compliance Efforts?", 17th Annual South Carolina Office of Rural Health Conference, Columbia, SC, October 16, 2013.

2012 Amendments to the South Carolina Peer Review Statute, SCAMSS 2013 Spring Conference, May 2013.

HIPAA/HITECH Compliance Update: Get Ready for 9/23/2013, North Carolina Health Care Financial Management Association, April 2013.

False Claims/Whistleblowers: Dealing with Whistleblower Issues and Managing Risks, Carolinas Center for Hospice and End of Life Care, November 2012.

Fraud and Abuse Issues in Hospice & An Overview of Hospice Related Audits: MACs, ZPICs, RACs, and MICs, Carolina Center for Hospice and End of Life Care, November 2012.

To Disclose or Not to Disclose: The ins and outs of disclosing health information, SCORH, 16th Annual Rural Health Conference, October 2012.

Working Relationships Between Nursing homes and Hospices, SCHCA, November 2011.

“Legal Issues in Hospital Emergency Departments”, South Carolina Hospital Association (“SCHA”) for the South Carolina Chapter of the American Society for Healthcare Risk Management (“SC ASHRM”) and the South Carolina Association for Healthcare Quality (“SCAHQ”), June 2011.

Legal Implications of HIT: Practical Tips for Compliance and Vendor Contracting, SCHA, STEEP Summit, January 2011.

Medication Malpractice: Identifying Issues /Trends, How to Reduce Risks, Network Healthcare, January 2011.

HIPAA HITECH Update for the South Carolina Health Information Management Association, July 2010.

Making the Most of Protecting your Quality and Safety Information: The effect of the Patient Safety and Quality Improvement Act for SCASHRM at the South Carolina Hospital Association, May 2009.

HIPAA HITECH at AmcoSystem's legal update, May 2009.

Legal Compliance Update at the South Carolina Medical Association's 2009 Legal Symposium.

Legal Compliance Update at the South Carolina Healthcare Association's 2009 Spring Meeting.

Hospice / Nursing Home Relationships, a presentation for the December 2007 South Carolina Health Care Association meeting.

Hot Topics in Long-Term Care, a presentation at the South Carolina Health Care Association's 2008 annual meeting.

Quality Initiatives / Enforcement, a presentation for Direct Supply's 2008 annual meeting.

Issues in 2007 Survey Certification and Enforcement, a presentation for the South Carolina Healthcare Association's Annual meeting.

Legal issues in Nonprofit Corporations - October 1, 2007 for the Lutheran Financial Managers Association.

Nonprofit Bylaws - December 5, 2007 for the South Carolina Association of Nonprofit Organizations.

2006 Legislative Update, a presentation for the South Carolina Hospital Association.

Insights

06.11.2018

Important and Time-Sensitive Changes in the APRN Statute Effective July 1