

Ted Kurt, Attorney (Retired)
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Professional Experience

2000 to 2003 **Of Counsel, Robison, Curphey & O'Connell**, Health Law Practice Group

1987 to 2000 **General Counsel and Vice President, Legal Services and Director of Risk Management. St. Charles Mercy Hospital (Oregon, Ohio) and its affiliate, the former Mercy Hospital of Toledo.** Chief responsibilities and accomplishments included:

- Initially hired to develop an in-house legal department at two affiliated (300+ beds) acute-care hospitals. In doing so I achieved significant reductions in outside counsel fees (within first three years I reduced fees from more than a quarter million dollars per year to approximately \$80,000 per year)
- Advised the Hospital Boards, Presidents/CEOs, Administrative Teams, Medical Staff Leadership, and Department Directors concerning various legal issues affecting hospital operations, including risk management, facility accreditation, patients' rights, advance directives, postgraduate medical education issues, physician contracting and practice acquisitions, managed care contracting, issues pertinent to tax-exempt status of hospitals and related entities
- Billing and Medicare compliance planning.
- Responsible for legal issues involving real estate transactions.
- Conducted legal audits and due diligence examinations of both hospitals (and affiliated entities) in connection with Mercy's acquisition of St. Vincent Medical Center
- As Risk Management Director I was responsible for directing outside counsel engaged to defend malpractice claims asserted against the hospitals. I developed litigation guidelines and negotiated a fixed-fee arrangement with a local defense firm. I was also responsible for evaluating new claims, recommending reserve amounts to our self insured trust, and evaluating/recommending approval of offers of settlement.
- Advised Medical Staff Executive Committee on various matters, including impact of Health Care Quality Improvement Act & National Practitioner Data Bank when physician disciplinary and misconduct issues arose, informed consent, medical records, physician credentialing, and medical staff bylaws. I completed revisions of the medical staff bylaws and regulations at both hospitals
- Also served as administrator and legal counsel at Mercy's family practice residency program, which consisted of about a dozen full time PG1, PG2, and PG3 residents. I was appointed Adjunct Professor of Family Medicine, Medical College of Ohio, in

connection with my responsibility for designing and implementing the physician practice management curriculum.

1982 to 1987 In-house counsel (with some accounting and tax duties), Hosman Catchpole & Company, Certified Public Accountants, Toledo.

1979 to 1982 Domestic Relations Magistrate, Lucas County Common Pleas Court. Duties included presiding over hearings of pending- and post-divorce motions (including custody of minor children, child support & alimony, show cause/contempt, and domestic violence relief).

Bar Admissions

Ohio Supreme Court, United States District Court, United States Supreme Court, Michigan State Bar.

Education and Postgraduate Training

University of Toledo, College of Law (Juris Doctor, 1979)

Harvard Law School Program on Negotiation (Postgraduate training, 1991)

University of Toledo, College of Business Administration (BBA, 1976)

Professional and Community Memberships and Service

Ohio State Bar Association, Michigan State Bar. Toledo Bar Association, Lucas County Bar Association, American Health Lawyers Association, Society of Ohio Hospital Attorneys (former board trustee), Ohio Hospital Association, Society of Teachers of Family Medicine; Former member, Institutional Review Board, Medical College of Ohio; Former Court Appointed Special Advocate for Lucas County Juvenile Court. Member and officer-Knights of Columbus Blessed John Council 14502 and Monsignor Yates Assembly 2800, past member, Pastoral Council, Blessed John XXIII Catholic Community; Scout leader, Fort Meigs School, Perrysburg; Coach/advisor, Perrysburg High School and Perrysburg Junior High School Mock Trial (Ohio Center for Law Related Education). Member, Board Directors, Toledo Community Service Center (Family House homeless shelter). Member (2013-2022), Adult Institutional Review Board, Mercy St. Vincent Medical Center.

Presentations

- Advance Directives: Living wills, Durable Powers of Attorney for Healthcare, and Do Not Resuscitate Orders
- Avoiding Medical Malpractice Claims
- Compliance Plan Development for Hospitals and Healthcare Systems
- Compliance Plan Development for Solo Physician and Small Group Physician Practices
- Compliance Planning: Conducting an Annual Review of Your Office Billing Practices Within
- Corporate Responsibility: Core Values in Action (about forty presentations given to St. Charles constituent groups, including medical staff, employees, and board members)
- Custody Issues and Treatment Consent Issues Pertaining to Pediatric (CSB as Custodian vs. Natural Parents)
- De-Mystifying the HIPAA Privacy Rule
- Death Certificates: What Every Attending Physician Needs to Know, but Is Afraid to Ask
- Debunking the National Institute of Medicine Report, "To Err is Human"
- Depositions for Physicians
- DNR During the Perioperative Period
- Ethics on Call: A Day in the Life of a Hospital Lawyer
- FDA Drug and Device Approval Process and the Role of the Institutional Review Board
- Fifty Ways to Lose Your License (Doctors)
- Fifty Ways to Lose Your License (Lawyers)
- Fifty Ways to Lose Your License (Nurses)
- Fraud and Abuse, HIPAA, and Other Government Mandates Affecting the Practice of Medicine
- General Legal Issues Involving Behavioral Patients
- Guidelines Established in the Office of Inspector General's Annual Work Plan
- Health Care Quality Improvement Act: Immunity for Peer Review Bodies; Requirements of Due Process
- "Healthcare Power of Attorney: Just How ""Powerful"" is it?"
- HIPAA Compliance: Understanding and Implementing the Security and Privacy Regulations
- HIPAA for Probate Attorneys . HIPAA for Trial Attorneys and Paralegals
- Hospital Lawyer On Call: Legal & Medical Ethical Decision Making in the Real World Informed Consent for Administration of Blood and Blood Products
- Internet-based Computer Legal Research
- Jurisdiction of Probate Court to Obtain Treatment Orders; Obtaining Orders to Provide Nutrition Against Noncompliant Patient's Will
- Laughter: The Second Best Medicine
- Lawyer on Call: Medical-Legal-Ethical Issues Involving Patients, Staff, and Medical Staff
- Legal Issues Associated with Death and Dying .
- Legal Issues Associated with Organ Transplantation
- Legal Issues Associated with Patient Registration Documentation
- Legal Issues Associated With Video Cameras in the Delivery Room
- Legal Issues Facing Coders and Medical Records Management Specialists Legal Issues Facing Physicians
- Legal Issues Facing Radiology Technicians
- Life After HIPAA: Lessons Learned
- May I please touch your ___? Is It Is Or Is It Ain't Sexual Harassment
- Medical - Legal Ethics for Nursing Professionals
- Medicare Conditions of Participation: Patient Rights; Restraints & Seclusions
- Metadata and Electronic Discovery, Toledo Bar Association Continuing Legal Education
- National Practitioner Data Bank, Credentialing, Peer Review, HCQIA and the Fair Hearing Process
- Navigating the Information Super Highway: A Road Map for Lawyers
- Obtaining and Documenting Surgical Consent
- Ohio Guardianship Law
- Ohio Mental Health Law: Hospital-Based Psychiatric Services
- Ohio's Guardianship Law and the Role of the Lucas County Probate Court
- Ohio's New DNR Law
- Patient Self Determination Act
- Patient Self Determination vs. Family Interests: and the Winner is ... ?
- Physician - Hospital Relationships: Not Your Father's Medical Staff Anymore
- Post-HIPAA Challenges Facing Catholic Healthcare Ministries
- Release of Substance Abuse Records to Children's Services

- Restraints and Seclusions in Behavioral Care Settings
- Risk Management, Documentation and Other Legal Issues for Nurses
- Risky Elevator Talk: Just Tell 'Em What Floor You Want & Say No More
- Sexual Harassment and Other Forms of Workplace Harassment
- So You Want to be a Notary?
- Surgery Consent: How Long Valid? Surgical Consent Issues Raised by New DNR Law
- The HIPAA Privacy Compliance Date is Two Weeks Away. Now What?
- The Pre-operative Chest X-ray: Reconciling Medical Necessity with Limitations on Reimbursement
- Transferring Your Patient out of the ER? Document the Transfer, then Document the Documentation!
- Treatment Consent Requirements; Elements of Informed Consent
- U.S. Judicial Conference Committee on Rules of Practice and Procedure: Testified concerning proposed amendments (electronic discovery) to Federal Rules of Civil Procedure
- Vaginal Birth After Cesareans: Legal Issues Associated with Implementing the New ACOG Practice Guidelines
- Violence in the Workplace
- Workshop for New Medical Staff Leaders
- Y2K Compliance in Healthcare Settings
- You Want Headlines, Doc? Not So Fast!

Publications

- *Attorneys: Get Ready for HIPAA*. Toledo Bar Newsletter, Feb. 2003
- *CaringBridge Keeps Loved Ones Posted*, Healthy Living News, Feb. 2004 *I've Been Fired - By My Doctor!* Healthy Living News, Jan. 2004
- *Cruising the Internet With Skipper Ted Kurt*, Michigan Bar Journal, Feb. 2004
- *Cruising the Internet*, Toledo Bar Association Newsletter Monthly
- *Here Comes HIPAA*, Healthy Living News, Dec. 2002
- *HIPAA's Here (What's HIPAA?)* Healthy Living News, Jan. 2003
- *Informed Consent in Ohio*, Healthy Living News, Feb. 2003
- *Managed Care Under the Code of Hammurabi*, St. Charles Hospital Medical Staff Bulletin, July 1992.
- *Collection Tactics That Can Get You Sued*, Medical Economics Magazine March 19, 1990.
- *Medical Malpractice Claims: Pain and Suffering Damages*, Mercy Hospital Medical Staff Bulletin May 1989.
- *Now that HIPAA's Here, What Good is It?* Healthy Living News, June 2003
- *Unfair Collection Practices and the Fair Debt Collection Practices Act*, Mercy Hospital Medical Staff Bulletin, Sep./Oct. 1989

Products Developed for Commercial Distribution

- ❖ *HIPAA Compliance Plan for Physician Practices* (comprehensive plan includes policies and procedures, and standard forms and templates to implement Privacy Rule requirements)
- ❖ *HIPAA Front Office Deskbook: Quick Reference Guide for Practice Support Staff* (scenario-based go-to guide designed as a companion to the Compliance Plan)
- ❖ *Forms and Practice Aids* - Marketed to health professionals through Medical Arts Press