Presentation for Doctors Council
March 30, 2021
Residential Real Estate Transactions

General Procedures

- Sales
- Purchases
Sales

- Broker Agreements (call attorney before engaging broker)
- Old Title, Surveys, Open Permits and Legalized Additions/Work (stock and lease for coop sales)
- Pre-approval letters
- Deal Sheet/Contract Drafting
- Major Closing Costs-Brokerage and Transfer Taxes (possible Flip Tax in condo coop)
- Remote Closings
Purchases

- Engineer Inspections/Homeowners Insurance
- Due diligence considerations for Condo and Coop Purchases (BIS/HPD)
- Contract Negotiations/Down Payment
- Lender Disclosure Documents/Estimated Closing Costs
- Major Closing Costs-Mansion Tax, Title Insurance, Mortgage Recording Tax, Lender fees (Escrows/First Payment/Lender Attorney Fee) and possibly flip taxes in condo or coop
- Financing and Funding Contingencies
- Walk Through Inspection
- Remote Closings
Estate Planning

- What is a will?
- Do I need a will?
- Alternatives to a will – various beneficiary designations
- Meeting to identify family members and assets
- Prepare draft of all documents
Other Documents

- Power of Attorney
- Healthcare Proxy
- Living Will
- HIPAA Authorization
Estate Administration

- Probate of will for letters testamentary or letters of administration, if no will
- Collection and inventory of assets
- Payment of debts and estate expenses
- Payment of bequests, if any
- Payment of estate taxes, if any
- Filing tax returns – Income tax and others
- Ultimate distribution of assets
Matrimonial Law

Main Issues Discussed in Divorce

- Child Custody
- Division of Assets
- Spousal Support and Child Support
Child Custody for Children Under 18

- Decision Making: Major Decisions, Dispute Resolution, etc.

Equitable Distribution

Division of Assets:

- Classify the Marital Property vs. Separate Property
- Divide the Marital Property “Equitably”
- Special Considerations for Retirement Assets
Support & Insurance

- Spousal Support: direct support and COBRA considerations
- Child Support: direct support to the payee plus “add ons” for education, medical, childcare, extra curriculars, and camp
- Life Insurance: Security for support obligations
Protect Your License

- Representation at the Office of Professional Medical Conduct (OPMC)
- Credentialing and the Medical Board
- HIPAA Compliance
- Other Investigations
Office of Professional Medical Conduct (OPMC)

What is OPMC?

- State agency that investigates and prosecutes professional misconduct by doctors and nurses
- Staffed by professional investigators, doctors and nurses
- Range of Sanctions: Reprimand >>> Retraining >>> Suspension >>> Revocation
- Determinations are subject to administrative and judicial review
What is Professional Misconduct?

- Statute contains a 50-item list
- Ranges from the obvious –
  - Gross incompetence
  - A single act of gross negligence
  - Multiple acts of ordinary negligence
- To the not so obvious –
  - Advertising that uses testimonials
  - Failing to wear an ID badge in a hospital
- To just about anything –
  - Conduct in the practice of medicine that evidences moral unfitness
What Should I Do if OPMC Contacts Me?

- Don’t speak to OPMC
- Don’t speak to anyone
- Contact Pryor Cashman immediately
- Preserve all records of your interactions with the patient
  - Keep HIPAA regulations in mind
  - Clear any disclosures with your hospital – even disclosures to counsel
- Don’t panic –
  - Most cases resolve without the stress and expense of a hearing
  - And most resolve without dire consequences
Beyond OPMC

- Department of Investigation – Inspector General
  - Independent watchdog agency for HHC
  - Investigates fraud
    - E.g., Allegations of doctors getting phony CPR certifications
  - Investigates institutional failure
    - E.g., Death of psychiatric patient at Kings County

- Justice Center for the Protection of People with Special Needs
  - Investigates allegations of serious neglect and abuse at institutions
  - Recently investigated a patient suicide

- District Attorney’s Office/NYPD