



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.
- Parenting Time: Schedule for Sharing Regular Time, Holidays, Make Up Time, 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