

KIMBERLY SHORT KIRK

Senior Counsel, Health Care

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For nearly 20 years, Kimberly Kirk has provided practical, informed, and responsive counsel to health care providers throughout the region and nationally. Her goal in providing counsel and advice is to develop solutions that protect clients' interests and advance their business goals while meeting regulatory requirements.

Kimberly works on significant regulatory and transactional matters involving health care-related companies. Her practice includes advising clients on:

- Transactional matters, such as acquisitions, joint ventures, and contracts, for hospitals and hospital systems, assisted living facilities, physician practices and individual physicians
- Electronics health records issues, including negotiation of EHR vendor agreements, compliance with meaningful use criteria and Stimulus Act incentives requirements
- Regulatory compliance, including Federal fraud and abuse, the Stark law and EMTALA
- Medicare, Medicaid and third-party payer coverage and reimbursement
- Development of HIPAA policies and procedures and related operational issues, such as permitted uses and disclosures of protected health information
- Tax-exempt status issues and tax-exempt bond financing
- Clinical research issues, including negotiation and drafting of clinical trial agreements for hospitals and physician groups, Medicare reimbursement, informed consent and the use and disclosure of information for research purposes
- Patient-care and risk-management matters
- Financing transactions involving health care-related companies, including issues related to security interests in Medicare receivables

Capabilities

Health Care

Privacy & Data Security

Education

J.D., Vanderbilt University, 1994; Order of the Coif; Vanderbilt Journal of Transnational Law

A.B., Davidson College, 1991, magna cum laude; Honors in History

Admissions

North Carolina, 1994

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- Medical-staff bylaws and related documents, policies and procedures, and controversies

Kimberly is an active participant in state and national health law organizations, and regularly attends and speaks at health care-related conferences.

Notable

- *Best Lawyers in America*, Health Care Law, 2012-2022
- *Best Lawyers in America*, Charlotte Health Care Law "Lawyer of the Year," 2013

Affiliations

- American Health Lawyers Association, Health Information Technology Committee
- American Bar Association: Health Law Section
- North Carolina Bar Association: Health Law Section Council