



# Fran Ciardullo

She | Her | Hers

*Special Counsel*

Syracuse

P: 315.425.2866

[fciardullo@barclaydamon.com](mailto:fciardullo@barclaydamon.com)

## Education

- Syracuse University College of Law, *Syracuse Law Review*, Survey Editor, JD
- Cornell University, BA

## Practices & Industries

- Health & Human Services Providers
- Health Care

## Admitted to Practice

- New York

## Court Admissions

- US District Court for the Northern District of New York
- US District Court for the Western District of New York
- US Supreme Court

## Biography

Fran primarily concentrates her practice on health care and risk-management issues. She routinely counsels physicians, physician groups, dentists, hospitals and health systems, nursing homes and assisted living facilities, and other providers on matters involving professional misconduct, professional liability, medical-staff issues, scope of practice, mandated reporting, peer review, and regulatory compliance. Fran also handles consent for treatment and surrogate decision making, patient care, EMTALA, and health-information privacy issues.

A former Town of Schroepfel town justice, Fran is also trained in alternative dispute resolution and has mediated and arbitrated a variety of civil actions and disputes. She routinely publishes industry articles and presents educational programs on legal matters to hospitals, medical and dental practices, and trade associations.

## Bar Associations

- American Bar Association, Health Law Section
- New York State Bar Association, Health Law Section
- Onondaga County Bar Association, Former Director, Health Law Section Member
- Central New York Women's Bar Association, Former President

## Selected Memberships & Affiliations

- Barclay Damon's Women's Forum
- Central New York Healthcare Business Alliance, Member

## Representative Experience

- Served as counsel to the largest writer of professional-liability insurance in New York State, providing legal risk-management services for insured physicians, dentists, hospitals, nursing homes, and other facilities.
- Served as defense counsel in *Balaklaw v. Lovell*, a federal Second Circuit case involving the grant of an exclusive contract by a hospital to an anesthesia group. The case is now widely cited in health care antitrust litigation as an example of the principle of antitrust injuries.
- Represented CNY hospitals in disputes involving medical staff membership and corrective action under the medical staff bylaws.
- Provided risk-management services to MLMIC-insured hospitals, clinics, nursing homes, surgery centers, physicians, and dentists. Also provided legal guidance to facilities and professionals on a wide range of organizational and patient care issues, including HIPAA and the disclosure of medical information under NY law, EMTALA, peer review, consent for treatment, professional liability, patient discharge/abandonment questions, and the scope of practice.

## Prior Experience

- Fager Amsler Keller & Schoppmann, LLP, Counsel
- Costello, Cooney & Fearon, LLP, Partner
- Town Justice, Town of Schroepfel

## Selected Community Activities

- Menorah Park of CNY, Inc., Board of Directors, President
- NYS Office of Court Administration, Former Senior Faculty Instructor for Town and Village Justice Training Programs
- The New School for Social Research, Graduate School of Management and Urban Policy, Former Health Care Administration Faculty Member
- SUNY Health Science Center Medical Humanities Program, Former Lecturer
- Syracuse University College of Law, Board of Visitors Member and Former Health Law Adjunct

## Selected Honors

- Jewish Federation of Central New York, Esther and Joseph Roth Award in Recognition of Outstanding Jewish Community Leadership, 2023
- *The Best Lawyers in America*®: Health Care Law, 2022–2023
- NYS Commission on Judicial Conduct, Appointed by Former Chief Justice Judith Kaye as Vice Chair, 2001–2004

## Selected Speaking Engagements

- LeadingAge New York Annual Conference & Exposition, "Getting Paid: Best Practices to Avoid Nonpayment"
- New York Medical Group Management Association Annual Conference, "2022 Legal Update"
- Buffalo Niagara Dental Meeting, "Legal Pitfalls in the Modern Dental Practice"
- Empire State Association of Assisted Living 39th Annual Conference and Trade Show, "Accommodation of Disabilities and Language Interpreters"
- New York Medical Group Management Association, "The New Information Blocking Rule: What Providers Need to Know" Webinar

## Selected Media

- Yahoo! News, "NYC Wiping Out Billions in Medical Debt for 500K Residents"
- MGMA New York *New York Beat*, "Know Your Business Partners: New Requirements for Temporary Health Care Staffing Agencies"
- Bloomberg Law, "Coronavirus Liability Shields for Nursing Homes Only Go So Far"
- Law360, "NY Immunity Law Shields Nursing Homes as Virus Toll Soars"
- New York State Bar Association *Health Law Journal*, "Understanding Subpoenas: Guidance for Medical Providers"

## Selected Alerts & Blog Posts

- NYS Governor Hochul Signs Legislation Prohibiting Hospitals, Health Care Professionals, and Ambulance Companies from Reporting Medical Debt to Credit Agencies
- Temporary Health Care Staffing Agencies Can No Longer Charge for Hiring Their Personnel
- NYS DOH Issues New Notice Requirement for Facility Fees

- Board Members Included in COVID-19 Vaccination Mandate
- Recent DOJ and OCR Settlement Highlights Provider Responsibilities to Deaf and Hearing Impaired Patients