



## Renée J. Montgomery

*Retired of Counsel*

reneemontgomery@parkerpoe.com

t 919.890.4162



Renée Montgomery focuses her practice in the area of health law and has extensive experience in regulatory and administrative law. Renée has represented health care providers and provider-related organizations for more than 25 years. She has successfully represented providers in matters before the North Carolina Office of Administrative Hearings and before state and federal courts in challenging or defending agency decisions.

Renée is recognized by *Chambers USA* as one of America's Leading Lawyers in Health Care (2014-2017). She also has been named by Woodward/White as a Best Lawyer in North Carolina in Health Law and Administrative Law (2007-2017) and a North Carolina Super Lawyer in Health Care (2006-2017).

Renée regularly advises health care providers on regulatory matters, provides advice regarding development matters and contractual relations, and assists clients in navigating through the complex regulatory system.

Renée has represented national, regional and local health care providers. Those providers have included hospitals, psychiatric facilities, home health and hospice agencies, home care agencies, community mental health providers, ambulatory surgery facilities, adult care homes, nursing homes, federally qualified health care centers, and physician practices. She also serves as legal counsel to a North Carolina provider association comprised of more than 700 members.

Renée has a long history of involvement in health law organizations, including serving as president of the North Carolina Society of Health Care Attorneys and serving on the councils of the administrative law and health law sections of the North Carolina Bar Association. She frequently lectures on health law and administrative law issues.


### REPRESENTATIVE EXPERIENCE

- Provided representation and counseling on a variety of matters that include:
  - Certificate of Need (CON) planning, application and appeals
  - Legislative and regulatory developments affecting the health care industry
  - Procurement proceedings and government contracts

  
**RALEIGH OFFICE**

  
**PRACTICE AREAS**  
Administrative Law  
Government & Public  
Policy  
Litigation

  
**EDUCATION**  
Duke University  
JD, with distinction, 1978  
Duke University  
BA, 1971

  
**ADMISSIONS**  
North Carolina, 1978



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- Medicare and Medicaid certification
- Professional licensing and related proceedings
- Confidentiality and privacy issues, including HIPAA compliance
- Self-referral, fraud and abuse issues
- Administrative appeals
- Rule-making proceedings
- Privacy issues
- Health care contracts
- Licensure and certification issues
- Reimbursement issues
- Risk management issues
- Employment practices and policies
- Employment contracts, covenants not to compete and confidentiality agreements
- Served as lead counsel in several successful CON contested cases, including cases in which the client's favorable decision was upheld and cases in which the client's unfavorable decision was reversed.
- Served as lead counsel in having the award of an \$180 million contract involving the development of a Medicare/Medicaid information system upheld.
- Served as lead counsel in representing a home care association that successfully challenged and had reversed home care policy changes that would have reduced services to thousands of disabled and elderly North Carolinians.
- In several cases, successfully challenged decisions of managed care organizations terminating behavioral health care providers and obtained a decision from a Superior Court judge that the Office of Administrative Hearings has jurisdiction over such challenges.
- Successfully challenged Medicare hospice regulation in federal court.



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- Represented a county hospital authority in finding a new leasee of a county hospital and guided the authority through the required statutory process.

### CLIENT ALERTS

- "State Council Release Draft 2016 Certificate of Need Plan," August 2015
- "Behavioral Managed Care Organizations Do Not Have Unbridled Discretion – Providers Have Rights," November 2014

### PUBLICATIONS

- "The Home Care Industry in North Carolina – Past, Present and Future," February 2005

### SPEAKING ENGAGEMENTS

- "Administrative Appeals to Superior Court," Administrative Appeals to Superior Court
- "Challenging the State's Largest Payer: OAH Looks Over DMA's Shoulder," Challenging the State's Largest Payer: OAH Looks Over DMA's Shoulder
- "Current Legal Developments Impacting All Our Settings," Current Legal Developments Impacting All Our Settings, April 2014
- "Dealing with the Administrative Procedures Act," Dealing with the Administrative Procedures Act
- "Expert Witness Testimony," Expert Witness Testimony
- "Health Care Reform: How Can Health Care Providers Thrive in the New Normal?," Health Care Reform: How Can Health Care Providers Thrive in the New Normal?, January 2011



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- "Information Technology in the Healthcare Industry – The Healthcare Provisions of the Economic Stimulus Package," Information Technology in the Healthcare Industry – The Healthcare Provisions of the Economic Stimulus Package
- "Introduction to CON and Facility Licensure," Introduction to CON and Facility Licensure
- "Legal Issues in Epilepsy," Legal Issues in Epilepsy
- "Medicaid & Medicare Audits: An Emerging Threat to Providers," Medicaid & Medicare Audits: An Emerging Threat to Providers, July 2012
- "Medicaid and Medicare Audits: How a 6K Audit Finding Becomes a 6M Recoupment! What Every Provider Should Know," Association for Home & Hospice Care of N.C. Annual Meeting, April 2012
- "Medicaid and Medicare Audits: What Auditors are Doing – How Providers Can Respond," Medicaid and Medicare Audits: What Auditors are Doing – How Providers Can Respond, October 2011
- "Medicaid Appeals Process – How To Defend Your Agency When Program Integrity Comes Calling," Medicaid Appeals Process – How To Defend Your Agency When Program Integrity Comes Calling
- "Medicaid Audits: What Auditors are Doing and How Providers can Respond," Medicaid Audits: What Auditors are Doing and How Providers can Respond, October 2011
- "The ABC's of Medicaid and Medicare Audits," The ABC's of Medicaid and Medicare Audits, December 2010
- "The Healthcare Provisions of the Economic Stimulus Package," The Healthcare Provisions of the Economic Stimulus Package, 2009

## HONORS

- *The Best Lawyers in America* in Administrative/Regulatory Law, Health Care Law, 2007-2020
- *Chambers USA: America's Leading Lawyers* in Health Care (Band 1), 2014-2018



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- *North Carolina Super Lawyers*, 2006-2019
- North Carolina Bar Association's Health Law Section Distinguished Service Award, 2017
- Dr. Ellen B. Winston Award, The Association of Home and Hospice Care for North Carolina, 2011
- Home Care and Hospice Hero Award, the Association for Home and Hospice Care of North Carolina, 2003
- Martindale-Hubbell AV® Preeminent™ in Administrative Law; Health Care; Government & Public Policy; Certificate of Need; Litigation

### MEMBERSHIPS

- American Health Lawyers Association
- Braxton Craven Inn of Court, President, 1993; Master, 1990-2005
- North Carolina Bar Association, Health Law Council, 2003-2006; Administrative Law Council, 2004-2007
- North Carolina Society of Health Care Attorneys, President 1988-1989