



PARTNER

# Noël M. Caughman

She/Her

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☎ (925) 977-3334    📍 Walnut Creek



Noël Caughman's practice concentrates on health care and employment law. The Best Best & Krieger LLP partner represents hospitals and various business entities working predominantly on transactional and regulatory compliance matters. Noël has specific knowledge in the many facets and unique challenges applicable to hospitals operated by health care districts that influence and dictate daily hospital functions, with extensive experience in public agency and non-profit governance issues as well as counseling on compliance with the Brown Act.

A former partner at Archer Norris with more than three decades of experience, Noël has delivered exceptional results for her hospital and provider clients, handling everyday operational issues, physician contracts and arrangements as well as providing guidance to management on sensitive patient consent and ethics matters across the health care spectrum.

Noël has acted as general counsel to several district hospitals, including Doctors Medical Center (closed), Palm Drive Hospital (closed), Sonoma Valley Hospital, Marin General Hospital, John C. Fremont, Jerold Phelps, Northern Inyo Hospital and Seneca Hospital, along with several districts that provide services that are not hospital based, including the Peninsula Healthcare District and Soledad Community Healthcare District.

## **Advisor for Health Care Leadership**

For the last 20 years, Noël's practice has centered on

## **CORE PRACTICES**

Business

Business Transactions

Health Care

Labor & Employment

Wage & Hour Law

Special Districts

day-to-day hospital operations, including: contracting, clinical and regulatory issues, ethics and reporting obligations, policies, licensing and Title 22 matters.

She has extensive experience in hospital operations and in the development of compliant policies under the:

- Emergency Medical Treatment & Labor Act
- Health Insurance Portability and Accountability Act
- Physician Self-Referral Law
- Anti-Kickback Statute

Noël frequently works with patient care managers, physicians and social workers in critical matters involving consent and ethics issues, disruptive patients and family members, end-of-life decisions and police matters. She provides 24/7 availability to hospital CEOs, CNOs and administrators on call for emergency patient care issues. Noël also counsels various hospital ethics committees and serves as a member of the ethics committees for her acute care hospital clients.

With an eye for compliance issues under Stark as well as fraud and abuse regulations, Noël drafts physician arrangements (including: call coverage, medical directorship, physician recruitment and staffing arrangements) and provides guidance on best practices for compliance with HIPAA and California patient confidentiality laws. She also investigates and notifies patients and regulatory agencies in breach cases.

Noël is proficient in handling other operational matters related to the leasing of hospital space, relocation of hospital-based services/departments and ensuring compliance with provider-based requirements.

**Counsel to California Employers**

Noël handles routine employment issues for operations and HR managers, including: hiring, firing, discipline, investigations, pregnancy disability leave, Americans with Disabilities Act and Family Medical Leave Act issues, as well as complex wage-and-hour disputes.

While she seeks to proactively resolve day-to-day issues and avoid workplace disturbances by establishing legally compliant policies and providing training, Noël is also prepared to represent clients in administrative matters, with comprehensive experience defending harassment, discrimination and wage-and-hour claims in administrative settings.

**EDUCATION & ADMISSIONS**

**Education**

UC College of the Law, San Francisco (formerly Hastings), J.D.

University of California, Berkeley, B.A., with distinction

**Bar Admissions**

California

**LANGUAGES**

English

German

Noël has decades of experience in public sector employment relations. She is well-versed in the unique issues confronted by public sector employers, specifically in health care districts. She also provides employment compliance advice and counseling to hospital human resource personnel, regularly working with a hospital's employment practices liability insurance carrier to carefully manage litigation costs.

Born and raised in the Bay Area, she and her husband raised a family steps away from the Napa Valley and are now empty nesters enjoying golf, travel and their fuzzy new addition to the family, Tommy the Shih Tzu.

### **Notable Experience**

- Represented Children's Hospital Oakland in the case of Jani McMath. The case, which gained national attention, involved the tragic brain death of a 13-year-old girl and her family's efforts to maintain her treatment.
- Obtained Probate Code 3200 court consent orders within 48 hours of physician and staff identification of a consent problem.

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### **Professional & Community Involvement**

- American Bar Association, Health Law Section
- California Society of Healthcare Attorneys
- American Health Lawyers Association
- Society for Human Resources Management
- Board of Directors Early Childhood Mental Health Program