



JASON C. PRECIPHS

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PRACTICES

Healthcare
Insurance Law
Intellectual Property
Litigation
Professional Liability Defense

EDUCATION

University of Michigan Law School, J.D. (2002)
Brown University, A.B. (1998)

BAR ADMISSIONS

Rhode Island, 2002
Massachusetts, 2002

PROFESSIONAL & COMMUNITY INVOLVEMENT

Rhode Island Judicial Nominating Commission, Commission Member
Aldersbridge Communities (f/k/a United Methodist Elder Care), President (2019 – present); Trustee (2015-2019)
Roger Williams University School of Law, Adjunct Professor, Insurance Law (2020 – present)
Foster Center Volunteer Fire Company, Associate Member (2021- present)
International House of Rhode Island, Director-Vice Chair (2014 – 2021)
Family Service of Rhode Island, Member of Board of Directors (2008 – 2013)
AIDS Project Rhode Island, Member of Board of Directors (2004 – 2008)

PRACTICE SUMMARY

Jason serves as general and special counsel to hospitals, long-term care facilities, home health and hospice organizations, physician practices, individual practitioners, and mental health counselors. He advises healthcare clients on regulatory, compliance, patient care, credentialing, corporate, licensure, government investigations, employment and other issues. In his outside counsel role, he advises on patient care and risk management issues such as the drafting, design and implementation of patient safety plans, peer review procedures, patient care policies, facility operation and compliance policies, and medical staff bylaws. He routinely reviews guardianship matters, powers of attorney, HIPAA and/or state privacy law issues, and credentialing matters.

Jason is also an experienced trial attorney who focuses his trial practice on medical malpractice defense, insurance coverage disputes, complex tort and other civil litigation. He has obtained a significant number of

favorable verdicts as trial counsel in state and federal courts in Rhode Island and Massachusetts. Jason also appears before administrative licensing boards. In addition, Jason advises the firm's clients regarding intellectual property issues, privacy law challenges and electronic commerce. His work as appellate counsel includes successful argument before the Rhode Island Supreme Court in a case that established the state's first Police Civilian Review Board and a leading case regarding expert evidentiary issues in the Federal Court of Appeals for the First Circuit.

REPRESENTATIVE MATTERS

- Appeared as defense trial counsel in jury trials representing a number of medical practitioners and health care institutions in the Rhode Island Superior Court and the United States District Court.
- Drafted numerous policies and procedures for Health System's operations, including, Caregiver Advise, Record, Enable (CARE) Act Policy, Peer Review Policy, Advance Directive Policy, Life Sustaining Treatment Policy, Hospital EMTALA Policy, Translation Services Policy and Patient Advisement, and General and Informed Consent Policies.
- Advised multiple hospital systems comprising majority of hospitals in Rhode Island regarding implementation of the federal Patient Safety and Quality Improvement Act of 2005 and the Rhode Island Patient Safety Act. Advised hospitals regarding their obligations under the Emergency Medical Treatment and Active Labor Act (EMTALA).
- Obtained a defense verdict for his client in toxic mold litigation while prevailing on the client's counterclaim, obtaining jury verdict for breach of contract.
- Draft, review and negotiate a broad range of agreements, including software license, maintenance, cloud computing, PaaS, SaaS, professional/technology services, and procurement contracts.
- Engaged in appellate briefing and oral arguments yielding representative published decisions from the First Circuit Court of Appeals and the Rhode Island Supreme Court. Some of his representative appellate decisions include:
 - *Crowe vs. Marchand*, 506 F.3d 13 (1st Cir. 2007)
 - *Rhode Island Managed Eye Care, Inc. vs. Blue Cross Blue Shield*, 996 A.2d 684 (R.I. 2010)
 - *Providence Lodge No. 3 vs. PERA*, 951 A.2d 497 (R.I. 2008)
 - *Gaumond vs. Trinity Repertory Co.*, 909 A.2d 512 (R.I. 2006).
- Successfully litigated a property tax dispute on behalf of historical preservation society against local town.
- Negotiated and closed client's purchase of the assets of software company including due diligence, preparation of the letter of intent, drafting of the asset purchase agreement and all agreements transferring the seller's intellectual property to the firm's client.
- Negotiated and executed \$7M sale of client's two entities including facilitation of buyer's due diligence, negotiation and drafting of Asset Purchase, Assignment and Assumption, Indemnification, Trademark and Web Domain Transfer Agreements.
- Served as outside counsel for social networking company. Guided the company through maze of intellectual property protections and drafted its product licensing agreements, provider service agreements,

independent contractor and employee agreements. Secured trademark, copyright and other intellectual property protections and drafted site terms of service and privacy policies.

SPEAKING ENGAGEMENTS OR PUBLICATIONS

- *Documenting the Consent Process*, Care New England, August 31, 2021
- *Consenting Gone Wrong*, Care New England, August 18, 2020
- *Psychiatric Considerations for Legal Consent*, The Providence Center, December 12, 2018
- *Informed Consent: Medical, Legal, and Practical Considerations*, Kent Hospital, October 13, 2016
- *Informed Consent*, Memorial Hospital, September 29, 2016
- *Reporting Protected Health Information to Law Enforcement*, L+M Westerly Hospital, April 30, 2014
- *Medical Battery and the Law of Informed Consent*, Kent Hospital, June 23, 2013
- *Inside the World of Medicine: Medical Malpractice*, Brown University Medical School, March 13, 2013
- *Applying the Rules of Evidence: What Every Attorney Needs to Know*, National Business Institute, February 21, 2013
- *Informed Consent for Medical Practice Administrators*, Women & Infants Hospital Practice Managers Conference, November 1, 2011; Kent Hospital Practice Managers Conference, June 14, 2011
- *Medical Battery*, Kent Hospital Risk Management Educational Session, April 14, 2011
- *Your Practice and RI Mental Health Law: Navigating the Waters*, Rhode Island Psychological Association, April 8, 2011
- *Appearing Before the Rhode Island Board of Medical Licensure and Discipline*, Kent Hospital Risk Management Educational Session, March 10, 2011
- *Anywhere But Here: How to Save Yourself from a Disastrous Deposition*, Rhode Island Hospital, Lifespan Department of Risk Management, November 17, 2010
- *Electronic Medical Records*, 6th Annual Risk Management Pediatric Conference: Women & Infants Hospital, November 7, 2009
- *E-Discovery: Now What?:* National Business Institute, October 21, 2008