



JASON C. PRECIPHS

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#### 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, 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.

Prior to joining Roberts, Carroll, Feldstein & Peirce, Jason was the Director of Finance for a Rhode Island Non-Profit Organization dedicated to the distribution of anti-viral drugs in developing nations.

#### PRACTICES

Professional Malpractice Defense  
Commercial Litigation  
Intellectual Property

#### EDUCATION

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

#### BAR ADMISSIONS

Rhode Island, 2002  
Massachusetts, 2002

#### PROFESSIONAL & COMMUNITY INVOLVEMENT

United Methodist Elder Care, Trustee, Vice President  
International House of Rhode Island, Vice President & Director  
Tropical Fish Society of Rhode Island, Member

## 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 (1<sup>st</sup> 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

- *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