

SHEEHAN PHINNEY

Jason D. Gregoire

Shareholder | Portsmouth, NH

Jason serves as chair of the firm's Healthcare Practice Group. He advises practitioners and facilities of all types on transactional, compliance, privacy, corporate, contracting, licensing, risk management, fraud and abuse, and patient care issues.

Jason assists physicians, dentists, optometrists, veterinarians, chiropractors, and other health care practitioners in employment and professional practice transitions including negotiating employment contracts, shareholder buy-ins, and practice sales and acquisitions. He has represented physician practices in sales to hospital systems and dental practices in sales to Dental Service Organizations (DSOs). Jason also routinely represents non-profit health care facilities in change of ownership and control matters before the Charitable Trusts Unit of the NH Attorney General's Office.

Jason frequently speaks to industry groups such as the NH Health Care Association, Home Care, Hospice & Palliative Care Alliance of NH, Medical Group Management Association, Healthcare Financial Management Association, NH Providers Association, Bi-State Primary Care Association, and Maine Primary Care Association.

Key Cases

- Represented New Hampshire hospital in affiliation transaction with large, Boston-based health system.
- Represented New Hampshire home health agency in affiliation transaction with hospital system.
- Represented physiatry practice in asset sale to hospital system.
- Represents dental and oral surgery practices in sales to, and management services relationships with, Dental Service Organizations (DSOs).
- Represents sellers and buyers of dental, physician, and optometry practices in merger and acquisition transactions.
- Served as local counsel to national optometry services provider in establishing management services relationships with New Hampshire practices.
- Prevailed at the New Hampshire Supreme Court on behalf of a hospital challenging an ambiguity contained in its umbrella insurance policy. *Exeter Hospital, Inc. v. Steadfast Insurance Company*, 170 N.H. 170 (2017).
- Represents professionals before the Board of Medicine, Board of Nursing, Allied Health Board, Naturopathic Board of Examiners, and Board of Nursing Home Administrators.
- Represented two large New Hampshire hospitals in constitutional litigation challenging the New Hampshire Medicaid Enhancement Tax resulting in a ruling that the enabling statute was unconstitutional and leading to a landmark settlement with the State of New Hampshire.
- Obtained summary judgment, affirmed on appeal by the New Hampshire Supreme Court, for a physician practice who was sued by a former shareholder seeking to recoup an insurance refund received under the Tuttle v. NHMMJUA settlement.



Contact Information

Phone: 603.627.8154

Fax: 603.641.2366

Email: jgregoire@sheehan.com

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- Obtains guardianships over incapacitated adults for hospitals and long-term care facilities.
- Advises clients on developing, implementing and maintaining HIPAA and Part 2 policies and procedures.

Practice Areas

- Business Litigation
- Healthcare
- Corporate
- Mergers & Acquisitions

Admissions

- State of New Hampshire
- Commonwealth of Massachusetts
- State of Maine

Education

- J.D., Vermont Law School, *magna cum laude*
- Hansard Scholars Programme, London School of Economics
- B.S., Northeastern University, *summa cum laude*

Civic Involvement

- Board Member, Cross Roads House
- President, Board of Directors, NH Providers Association
- Board Member, NH Long-Term Care Foundation
- Member, Compliance Committee, Easterseals NH, VT & ME
- Member, Education Committee, New Hampshire Health Care Association
- Leadership New Hampshire Graduate (2020)
- Hoffman-Hass Fellow (2017)
- Leadership Seacoast Graduate (2014)
- Past Chair, Town of Exeter Conservation Commission

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- Past Chair, New Hampshire Bar Association Health Law Section
- Past Member/Officer, New Horizons for New Hampshire

Awards

- NH Union Leader's 40 Under Forty Award
- Best Lawyers in America® 2023 'Lawyer of the Year', Healthcare
- Best Lawyers in America®, Health Care
- Chambers USA, Healthcare
- New England Super Lawyer®, Health Care
- Rising Star by New England Super Lawyers®, Healthcare (2013-2022)
- NH Health Care Association Star Award - 2016
- Head Notes Editor, Vermont Law Review
- Member, Vermont Law School Moot Court Advisory Board

Publications

- The FTC Non-Compete Ban: What is it and how to prepare?
- The duties of board members serving NH Charities
- Drilling down: Tips for buying a dental practice
- Extracting yourself from dentistry: Tips for selling your dental practice
- Federally Qualified Health Centers: The Heart of Community Health Care
- CARES Act Overhauls Federal Law Governing Privacy of Substance Use Disorder Treatment Information
- Recent Changes to Federal Telehealth Laws in Response to the COVID-19 Outbreak
- COVID-19: HIPAA Covered Entity and Business Associate Disclosure Rules
- NH Legal Perspective: Proposed Federal Changes Would Remove Obstacles for Substance Abuse Care
- Tech Companies and Healthcare: Is Privacy at Stake?
- SAMHSA Finalizes Changes to Part 2 Regulations Governing Confidentiality of Substance Use Disorder Treatment Records
- Governor Sununu Signs Two Bills to Address Delays in New Hampshire Nurse Licensure Process
- SAMHSA Overhauls Federal Rule Governing Privacy of Patients Seeking Treatment for Substance Use Disorders
- NH Legal Perspective: Disclosing bad-performance information about ex-employees
- NH Legislature Creates Special Medicaid Representative Designation

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- New Hampshire Board of Medicine Adopts Final Opioid Prescription Rules
- Health Law: One Year In: NH Healthcare Surrogacy Decision-Making Law
- Essential Documents for Retirement
- Governor Hassan Signs Law Allowing Hospital Patients to Designate Aftercare Giver
- New Hampshire Creates Board of Registered Medical Technicians: Compliance Obligations
- Licensing to begin of New Hampshire med techs
- Health Care Drug-Free Workplace Law Scheduled to Take Effect in New Hampshire on August 25, 2014
- NH Legal Perspective: Beware of forum selection clauses embedded in commercial contracts
- Long-Term Care Facilities Rejoice, Resident Fiduciaries Beware