



## James W. Thomas

Counsel

### Charleston Office

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James W. Thomas is Counsel in the Health Care industry group, focusing primarily on health care regulatory compliance and transactional matters. He practices out of the Firm's office in Charleston, West Virginia.

Jim's practice revolves solely around the health care industry. He has represented a wide variety of health care providers at the regional, state, and local levels.

Whether he's meeting with clients, working with government regulators, or serving on nonprofit boards, Jim enjoys building personal relationships through his work.

Throughout his practice, Jim has been a significant contributor to the modernization, consolidation, and digital transformation of West Virginia's hospital industry. Jim has been consistently recognized for his work. He recently was named Best Lawyers' 2018 Charleston, WV Health Care "Lawyer of the Year."

Additionally, Jim has experience lobbying for the health care industry.

## Awards

- Named *Best Lawyers'* Charleston, WV Health Care "Lawyer of the Year" (2018)
- Achieved AV Preeminent Peer Review Rating from Martindale-Hubbell for more than 15 years
- Selected by his peers for inclusion in *The Best Lawyers in America*® for Health Care Law (2005-2019)
- Ranked in Chambers USA, America's Leading Lawyers for Business in the area of Corporate/Commercial: Healthcare Law in West Virginia (2010-2017)
- Named the *Best Lawyers'* West Virginia Health Care Law "Lawyer of the Year" (2014-2015)
- Named in West Virginia *Super Lawyers*® for Health Care Law (2013)
- Named in West Virginia *Super Lawyers*® (2012)
- Selected for inclusion in The Guide to the Leading U.S. Health Lawyers

## Notable Legal Experience

### Health Care Law

- Represented West Virginia hospitals, mental health centers, rural health clinics, physician group practices, and health care trade associations in a wide variety of matters, including state and federal regulatory compliance issues and investigations, business acquisitions, reorganizations, contracts, medical staff issues, and cases before the West Virginia Health Care Authority
- First attorney at Jackson Kelly to dedicate his full-time practice to health care law

- Founded the Firm's Health Care industry group, which functioned informally for many years before becoming an official Firm industry group
- Assisted the West Virginia Hospital Association and the State of West Virginia by spearheading the preemption analysis of West Virginia law under the HIPAA privacy standards for personal health information
- Provided services to the West Virginia Health Information Network in its development of a statewide, interoperable health information exchange
- Represented clients on matters of general administrative law, tax-exempt institutions, insurance regulation and legislative lobbying

## Work History

- Jackson Kelly PLLC (1980-Present)

## Practices

- Business Law
- Data Privacy and Security
- Health Care Regulatory
- Mergers & Acquisitions

## Industries

- Health Care

## Education

- The Ohio State University College of Law (J.D., 1980)
  - Graduated with Honors in Law
- Miami University (B.A., *magna cum laude*, 1977)
  - Phi Beta Kappa Honorary

## Admissions

- West Virginia (1980)
- U.S. Court of Appeals, Sixth Circuit (1985)
- U.S. Court of Appeals, Third Circuit (1981)
- U.S. Court of Appeals, Fourth Circuit (1981)
- West Virginia Supreme Court of Appeals (1980)
- U.S. District Court, Southern District of West Virginia (1980)

## Professional Organizations

- American Health Lawyers Association, Member
- West Virginia Hospital Association, Associate Member

## Speaking Engagements & Publications

### Speaking Engagements

- Speaks on a variety of issues including:
  - Electronic Medical Records
  - HITECH Act and Meaningful Use
  - Confidentiality of Medical Records
  - Current Issues in Health Care Fraud and Abuse
  - Stark/Physician Self-Referral Law Issues

- Understanding Your Obligations Under EMTALA
- Corporate Compliance Programs A Current Legal Perspective
- Ethical Obligations in Representing a Health Care Client
- Legal Issues Affecting CEO's
- The Modern Medical Staff
- Everything You Always Wanted to Know About Certificate of Need
- The HIPAA Privacy Standards
- HIPAA and Its Implications for Employers
- HIPAA and Civil Litigation
- Physician Recruitment
- Physician Contracting
- Lawyers as Business Associates under the HITECH Act
- PPACA's Impact on Rural Health Delivery

#### **Writings and Publications**

- "The 'Other' Health Care Reform Moves Ahead," *The State Journal*, Jan. 29, 2010 issue
- "Health Care West Virginia's Planned Economy," *West Virginia Executive*, Summer 2004
- "HIPAA Preemption: A Survey of West Virginia Law," West Virginia Hospital Association, Winter 2003
- "Physicians and Psychologists Beware: Have You Examined Your Patient Today?," *The Provider Insider*, Winter 1996, and *The WV Medical Journal*, May/June 1997

#### **Community**

- Center for Rural Health Development, Board of Directors, Past Chair
- The Education Alliance, Board of Directors, Past Chair
- WV Chamber of Commerce, Health Care Committee Member