



Sarah G. Benator

COUNSEL

Sarah advises health facilities and medical staffs on operational issues with an emphasis on quality and regulatory matters.



Industries

Health Care

Education

University of California, Berkeley, School of Law JD
, Order of the Coif; Recipient of the Grace C. Barbee
Fellowship in Law and Medicine (1998), 1999

Emory University BA, magna cum laude, Phi Beta
Kappa, 1996

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Sarah advises a broad range of health care clients, including medical staffs, hospitals, health systems, long-term care facilities, medical groups, and laboratories in regulatory, operational, and medico-legal matters. Her exclusive focus on the health care industry has given her the depth to understand the needs of her health care clients.

Client Work

Sarah's expertise includes medical staff bylaws, peer review matters, practitioner credentialing, disciplinary hearings, state licensing, Medicare certification, Joint Commission accreditation, EMTALA (the federal law prohibiting "patient-dumping"), bioethics, allied health practitioner scopes of practice, and consent and confidentiality.

She regularly assists clients in finding solutions to peer review and enforcement issues, and has successfully prosecuted medical staff peer review actions before judicial review committees, hospital boards, superior courts, and courts of appeal.

She also has co-authored and advised on several briefs before the Supreme Court of California addressing significant peer review matters. Sarah's expertise has been sought by stakeholders in matters involving proposed regulatory changes.

Sarah was the lead in drafting the updated model medical staff bylaws published by a major California industry association and has co-authored an EMTALA-compliance chapter in a compliance handbook. She serves as editor of the Health Care group's blog, Health Care Counsel, which features the latest news, trends, and legal developments in the health care space.

Professional Activities

Sarah previously served on the board of directors for the California Society for Healthcare Attorneys,

and has served as the society's president, chief financial officer, publications committee chair, and editor-in-chief of its journal, the *California Health Law News*.

She has written and lectured on a variety of health law topics, including EMTALA, The Joint Commission Standards, credentialing and peer review, the medical staff fair hearing process, and impaired practitioners.

Sarah is a member of the American Bar Association, the American Health Lawyers Association, the California Society for Healthcare Attorneys, and the California Association Medical Staff Services. In 2003, Sarah received Public Counsel's Homelessness Prevention Law Project "Volunteer of the Year" Award.

Publications, Presentations & Recognitions

Sarah has been repeatedly recognized in *Best Lawyers in America* for her achievements in health care law.

Sarah is a frequent speaker at various seminars, and has authored articles in numerous publications; an overview of both her speaking engagements and publications is listed below.

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"California Temporarily Waives Additional Requirements for Pre-Licensure Nursing Programs and Students," *Health Care Counsel Blog*, May 5, 2020, co-authored with Candace Sandoval

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"California Attorney General Clarifies State Reporting Deadlines for Medical Staff Discipline," *Health Care Counsel Blog*, April 23, 2020, co-authored with Lowell Brown and Diane Roldán

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"California Temporarily Waives Certain Supervision Requirements for PAs, NPs, and CNMs," *Health Care Counsel Blog*, April 17, 2020, co-authored with Candace Sandoval

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"California Department of Consumer Affairs and California Department of Public Health Issue Limited Licensing Waivers," *Health Care Counsel Blog*, April 10, 2020, co-authored with Candace Sandoval

—

"Temporary and Disaster Medical Staff Privileges in Response to COVID-19," *Health Care Counsel Blog*, March 27, 2020, co-authored with Diane Roldán

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"Due to State of Emergency, California Limits Enforcement of Regulatory Requirements for Hospitals and Other Facilities," *Health Care Counsel Blog*, March 25, 2020

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"California Department of Public Health Issues All Facilities Letter Waiving Compliance with Hospital Regulatory Requirements Until June 30, 2020," *Health Care Counsel Blog*, March 25, 2020

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"Some Major Healthcare Accrediting Organizations Suspend Surveys Due to COVID-19," *Health Care Counsel Blog*, March 20, 2020, co-authored with Diane Roldán

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"The View From Sacramento: The Impact of New Laws on Medical Staffs," *Medical Staff*

Leaders and the Law Seminar, February 28, 2020 (Costa Mesa, CA) and March 6, 2020 (San Francisco, CA)

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"Federal Agency Sues Hospital Over Late Career Practitioner Policy," *Health Care Counsel Blog*, February 14, 2020, co-authored with Lowell Brown and Diane Roldán

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"Accreditation Excellence: Medical Staff Leaders' Role in Accreditation," Chief of Staff Boot Camp, February 8, 2020 (Marina Del Rey, CA)

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"Credentialing, Privileging, and Peer Review," Chief of Staff Boot Camp, February 8, 2020 (Marina Del Rey, CA)

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New Year, New Reporting Requirements: California Entities Must Report Certain Patient Complaints of Sexual Abuse and Misconduct by Healing Arts Licensees, *Health Care Counsel Blog*, February 3, 2020

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"Changes to the Physician Assistant Supervision Laws," California Association of Medical Staff Services," Long Beach Chapter, January 29, 2020 (Torrance, CA)

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"Happy New Year, PAs and Supervising Physicians! Amendments to the California Physician Assistant Practice Act Simplify Supervision Requirements," *Health Care Counsel Blog*, January 6, 2020, co-authored with Candace Sandoval

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"Sharing is Caring: Best Practices for Sharing Peer Review Information," California Association of Medical Staff Services, Long Beach Chapter, October 18, 2019 (Long Beach, CA)

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"Debunking Peer Review Myths and Legends," California Association of Medical Staff Services, Long Beach Chapter, October 18, 2019 (Long Beach, CA)

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"USC Gynecologist Accused of Sexual Abuse Surrenders Medical License," *Health Care Counsel Blog*, September 10, 2019, co-authored with Lowell Brown and Diane Roldán

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"What to Do About the 'On-The-Bubble' Applicant," California Association of Medical Staff Services 48th Annual Educational Forum, May 28, 2019 (Los Angeles, CA)

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"Dealing with New Technology: Telehealth and Credentialing," Medical Staff Leaders and the Law Seminar, February 1, 2019 (Costa Mesa, CA) and March 1, 2019 (San Francisco, CA)

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"Accreditation Excellence: Medical Staff Leaders' Role in Accreditation," Chief of Staff Boot Camp, January 19, 2019 (Marina Del Rey, CA)

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"Credentialing, Privileging, and Peer Review," Chief of Staff Boot Camp, January 19, 2019 (Marina Del Rey, CA)

- California Association of Medical Staff Services Long Beach Chapter 20th Annual Education Conference, October 26, 2018 (Torrance, CA)
- "Do Your Medical Staff Bylaws Hurt or Help?" California Association of Medical Staff Services San Fernando Valley/Ventura County Chapter, August 25, 2018 (Calabasas, CA)
 - "Investigations: The Why's, How's, and What-Did-I-Get-Into's," California Association of Medical Staff Services San Fernando Valley/Ventura County Chapter, April 21, 2018 (Mission Hills, CA)
 - "Investigations: The Why's, How's, and What-Did-I-Get-Into's," Medical Staff Leaders and the Law Seminar, February 2, 2018 (Costa Mesa, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, January 2018 (Santa Monica, CA)
 - California Association of Medical Staff Services Long Beach Chapter 19th Annual Education Conference, October 20, 2017 (Torrance, CA)
 - "Allied Health Practitioners and the Medical Level of Care," California Society for Healthcare Attorneys (CSHA) Annual Meeting and Spring Seminar, April 21, 2017 (Huntington Beach, CA)
 - "Thorny Issues: Late Career, Impaired and Disruptive Practitioners, and What About Retaliation Claims?" Medical Staff Leaders and the Law Seminar, February 3, 2017 (Costa Mesa, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, January 2017 (Santa Monica, CA)
 - California Association of Medical Staff Services Long Beach Chapter 18th Annual Education Conference, October 14, 2016 (Torrance, CA)
 - "Examining Integrated Peer Review Within Integrated Systems," Medical Staff Leaders and the Law Seminar, February 5, 2016 (Costa Mesa, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, January 2016 (Santa Monica, CA)
 - California Association of Medical Staff Services Long Beach Chapter 17th Annual Education Conference, October 16, 2015 (Torrance, CA)
 - "Making Peer Review Sharing Work," Medical Staff Leaders and the Law Seminar, February 6, 2015 (Newport Beach, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, January 2015 (Santa Monica, CA)
 - California Association of Medical Staff Services Long Beach Chapter 16th Annual Education Conference, October 17, 2014 (Torrance, CA)
 - "Allied Health Practitioners: As the Scope of Practice Expands, What Are the Hospital's and Medical Staff's Responsibilities?," Medical Staff Leaders and the Law Seminar, February 7, 2014 (Newport Beach, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, January 2014 (Santa Monica, CA)
 - California Association of Medical Staff Services Long Beach Chapter 15th Annual Education Conference, October 18, 2013 (Torrance, CA)
 - "Proposed California Regulations for Health Care Facilities: A Punitive Approach to Improving Hospital Quality?," Bloomberg BNA *Health Law Resource Center*, February 14, 2013
 - "805 Reporting: Balancing Patient Safety and the Physician's Career," and "Bylaws Flash Points," Medical Staff Leaders and the Law Seminar, February 8, 2013 (Newport Beach, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, December 8, 2012 (Las Vegas, Nevada) and February 2, 2013 (Orlando, Florida)
 - California Association of Medical Staff Services Long Beach Chapter 14th Annual Education Conference, October 12, 2012 (Torrance, CA)
 - "Credentialing, Privileging, and Peer Review: Protecting Patients While Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, December 10, 2011 (Las Vegas, Nevada) and February 25, 2012 (Marina Del Rey, California)
 - California Association of Medical Staff Services Long Beach Chapter 13th Annual Education

Conference, October 14, 2011 (Torrance, CA)

- "The Old, the New, and the Maybe: Protections for Peer Reviewers, New Reporting Laws, and Potential Game Changers," California Association of Medical Staff Services, San Fernando Valley/Ventura County Chapters, September 8, 2011
- "Credentialing, Privileging, and Peer Review: Protecting Patients while Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, December 10, 2010 (Marina Del Rey, California) and February 6, 2011 (Orlando, Florida)
- California Association of Medical Staff Services Long Beach Chapter 12th Annual Education Conference, Torrance, CA; October 15, 2010
- "Legal Update," California Association of Medical Staff Services, San Diego/Orange County Chapters, Mission Viejo, CA; March 12, 2010
- "Fundamentals of Peer Review (Teleconference)," ABA Health Law Section, January 14, 2010
- "Credentialing, Privileging, and Peer Review: Protecting Patients while Reducing Legal Fees," Chief of Staff Boot Camp, The Institute for Medical Leadership, December 5, 2009 (Las Vegas, Nevada) and February 6, 2010 (Orlando, Florida)
- California Association of Medical Staff Services Long Beach Chapter 11th Annual Education Conference, Torrance, CA; October 16, 2009
- "California Enforcement Actions Against Physicians Due To Increased Scrutiny of Physician Assistant Supervision," *Arent Fox LLP Client Alert*; July 24, 2008, co-author
- "California Assembly Bill 1922: Will Medical Staffs Now Have to Give Peer Review Hearings to Marriage and Family Therapists & Clinical Social Workers?," *Arent Fox LLP Client Alert*; June 27, 2008, co-author
- "Do the New Revisions to the EMTALA Interpretive Guidelines Allow California Physicians to Send Non-Physician Representatives to the ED for Consults?," *Arent Fox LLP Client Alert*; June 16, 2008, co-author
- "Legal Update," 2008 California Association of Medical Staff Services Annual Education Seminar, May 15, 2008
- "Kadlec: Federal Appeals Court Clarifies Hospital Duties in Disclosing Peer Review Information," *Arent Fox LLP Client Alert*; May 14, 2008, co-author
- "Everything a Volunteer Wants to Know About the HIPAA Privacy Standards ... and Probably a Whole Lot More," California Association of Hospital and Health Systems, February 22, 2008
- "EMTALA Beyond the Basics: Keys For Compliance in 2008," National Constitution Center, December 12, 2007
- "The 'Now What's' of Adverse Event Reporting and Citations," Hospital Association of Southern California, December 6, 2007
- "New California Statute AB 632 Could Weaken California's Well Established Medical Staff Peer Review Process," *Arent Fox LLP Client Alert*; November 7, 2007, co-author
- "Legal Update," California Association of Medical Staff Services, Long Beach Chapter, October 12, 2007
- "New California Law Mandates Hospital Adverse Event Reporting," *California Health Law News*; Spring 2007 (Volume XXV, Issue 3), co-written with Jonathon Cohn
- "Topical Reports," *California Health Law News*; Spring 2007 (Volume XXV, Issue 3), co-authored with Patricia M. Kosich, Nathaniel M. Lactman and Jeffrey R. Bates
- "New Law Imposes Unprecedented Reporting Obligations on California Hospitals," *Law Watch: A Legal Newsletter from Foley & Lardner LLP*; November 9 2006 (Vol. 06-16), (Article featured in *Advisen Front Page News and Health Law 360*), co-written with Jonathon E. Cohn and Lowell C. Brown
- "Topical Reports," *California Health Law News*; Summer/Fall 2006 (Volume XXV, Issue 1), co-written with Patricia M. Kosich
- "Topical Reports," *California Health Law News*; Winter 2005 (Volume XXIV, Issue 1), co-written with Patricia M. Kosich and Jeff Bates
- "New Medicare Condition Requires Hospital In-Depth Quality Assessment/Performance Improvement Programs," *Law Watch: A Legal Newsletter from Foley & Lardner LLP*; April 3, 2003 (Vol. 03-6)

Life Beyond the Law

Sarah spends much of her time with her two children and her husband. Together, they like to hike and explore Los Angeles.

Bar Admissions

California