



# Gayland O. Hethcoat II

COUNSEL

Gayland advises hospitals, physician practices, and other health care providers on transactional, regulatory compliance, and corporate matters.



## Industries

[Health Care](#)

## Practices

[Privacy, Data Protection & Data Security](#)

## Education

Loyola University, LLM, Health Law

University of Miami, JD, magna cum laude;

Executive Editor, Miami Law Review

Virginia Commonwealth University, BS, summa cum laude with university honors

## Offices

[Los Angeles](#)

## Phone

[213.443.7502](#)

## Email

[gayland.hethcoat@afslaw.com](mailto:gayland.hethcoat@afslaw.com)

Gayland is a strategic legal advisor to providers and stakeholders across the health care delivery spectrum. With years of experience as in-house legal counsel for some of the nation's leading hospitals and health systems, Gayland offers a practical, business-minded approach to supporting his clients.

As regulatory counsel, Gayland develops solutions for complying with the complex web of federal and state laws governing the health care sector, including in the emerging fields of telemedicine and digital health. Gayland possesses particular expertise regarding health data privacy and security laws (including HIPAA, the California Confidentiality of Medical Information Act (CMIA), 42 C.F.R. Part 2 substance abuse confidentiality regulations, and the FTC Health Breach Notification Rule) and health care fraud and abuse laws (including the Stark Law, Anti-Kickback Statute, and Civil Monetary Penalties Law). In addition, he routinely advises on health care licensure and scope-of-practice requirements, Medicare and Medicaid program rules, and controlled substance regulations.

In his transactional practice, Gayland drafts and negotiates various types of contracts and legal instruments, with an emphasis on financial arrangements between hospitals and physicians. He also assists with matters involving for-profit and nonprofit corporate board governance, conflicts of interest, and discharge of fiduciary duties.

## Client Work

Gayland has represented hospitals and health systems, physician practices, retail pharmacies and clinics, clinical laboratories, home health agencies, telehealth platforms and health tech start-ups, and management service organizations. His professional experience includes:

- Advising on issues involving COVID-19 testing and vaccination requirements for health care workforce members, supply chain disruptions, and regulatory waivers and flexibilities during the COVID-19 pandemic
- Supporting senior compliance officers in administering health care compliance programs, including internal investigations, audits, and risk assessments
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- Providing representation in enforcement actions and investigations conducted by the US Department of Justice, Office for Civil Rights in the US Department of Health and Human Services, the California Department of Public Health, and other federal and state agencies
- Drafting, negotiating, and advising on joint venture arrangements, asset purchase agreements, shareholder and LLC agreements, affiliation agreements, professional service agreements, clinical trial agreements, employment agreements, settlement agreements, and other health care transactions
  - Engaging valuers, appraisers, and other third-party firms under attorney-client privilege to provide fair market value and reasonableness assessments in support of hospital-physician arrangements
  - Evaluating telehealth and digital health business plans for compliance with corporate practice of medicine restrictions, licensure requirements, controlled substance prescribing rules, and other health care regulations
  - Participating on hospital and health system committees with oversight of virtual care, data privacy and security, revenue cycle operations, and human subjects research

## Previous Work

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Prior to joining ArentFox Schiff, Gayland served as Senior Legal Counsel and Director of Compliance at Children’s Hospital Los Angeles, an internationally renowned pediatric academic medical center affiliated with the University of Southern California Keck School of Medicine. Before that, he was Corporate Counsel at Dignity Health and CommonSpirit Health, one of the largest nonprofit health systems in the United States. Gayland began his legal career in Chicago, where he practiced in the health care practice group of a large national law firm.

## Professional Activities

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Gayland is an active member of the American Health Law Association, California Society for Healthcare Attorneys, and Health Care Compliance Association. He previously participated on the California Privacy Rights Act (CPRA) Rulemaking Working Group while a member of the Privacy Law Section of the California Lawyers Association.

## Publications, Presentations & Recognitions

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Gayland regularly speaks and writes on various health law topics. His presentations and publications include:

- *Physicians & Social Media: Navigating the Legal Risks*, California Association Medical Staff Services, Greater Long Beach Chapter 2023 Virtual Legal Education Conference (October 27, 2023)
- *Common Pitfalls with Physician Recruitments*, California Society for Healthcare Attorneys 2023 Annual Meeting and Spring Seminar, Indian Wells, California (May 5, 2023)
- *Don’t Forget the Medical Staff: The Unpredictable Dynamics of a Hospital Merger or Affiliation*, Medical Staff Leaders and the Law 2023 Conference, Costa Mesa, California (March 31, 2023)
- *When a HIPAA Violation Becomes a Crime: Recent Trends in Enforcement of HIPAA’s Criminal Provisions*, Virtual 40th National HIPAA Summit (March 7, 2023)
- *The Stark Reality of the Medical Staff and Hospital Relationship*, California Association Medical Staff Services, Greater Long Beach Chapter 2022 Virtual Legal Education Conference (October 26, 2022)
- *Physician Wellbeing, Burnout, and Belonging*, Medical Staff Leaders and the Law 2022 Conference, Costa Mesa, California (April 29, 2022)
- *Employee Health Information: When Is It PHI Protected Under HIPAA?*, at the Health Care Compliance Association’s 26th Annual Compliance Institute in Phoenix, Arizona (March 28, 2022)
- *HIPAA Privacy Basics for Legal Professionals*, at the 43rd Annual Los Angeles Paralegal Association in Glendale, California (October 12, 2019)
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*The Social Determinants of Health: The Next HIPAA Frontier*, at the 27th National HIPAA Summit in Arlington, Virginia (March 28, 2018)

- *The Non-Physician Practitioner Assistance Exception to the Stark Law: A New Tool for Healthcare Workforce Recruitment*, 2016-09 Health Care Law Monthly 1 (2016)
- *A Legal Primer on Clinical Privileging of Nurse Practitioners, Physician Assistants, and Other Advanced Practice Professionals*, at the National Association of Medical Staff Services' 39th Educational Conference and Exhibition in Seattle, Washington (October 5, 2015)
- *Terminating the Hospital-Physician Employment Relationship: Navigating Conflicts Arising from the Physician's Dual Roles as Employee and Medical Staff Member*, 23 University of Miami Business Law Review 425 (2015)
- *Understanding the Challenges of Implementing the Affordable Care Act*, before the Illinois State Bar Association in Chicago, Illinois (September 12, 2014)

## Life Beyond the Law

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Gayland enjoys spending time with his family, discovering the latest health care wearable technologies, and cultivating exotic plants.

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## Bar Admissions

[California](#)

[Illinois](#)