

Doctors, Divorce and Health Law- Danger Zone

Family Law Track | Special Interest Track (Central Meeting Room 2/3)

The panel will address concerns for family lawyers when representing doctors and other health professionals. Some topics will include HIPAA and access to records of children and spouses in divorce and child custody matters; valuation/goodwill issues; corporate practice restrictions (e.g., restrictions on ownership by non-licensed spouse); active practice restrictions in facility ownership documents; confidentiality/reputation issues; reporting obligations to professional boards.

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Doctors, Divorce and Health Law



May 14, 2025

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INTRODUCTION

Moderator/Speaker:

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Speakers:

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Intro to Health Law- *The Jetsons*



Agenda

- ☐ Access to records of children and spouses in divorce and child custody matters
- ☐ Discoverability of Medical Records
- ☐ Expert Testimony, Opinions and Authorizations from Physicians
- ☐ Retirement and Semi Retirement Issues with a licensed professional spouse
- ☐ Professional practice structures and contractual restrictions
- ☐ Review of compensation structures and valuation/goodwill of professional practice
- ☐ Reporting obligations- violent or impaired physician spouse
- ☐ Questions

HIPAA Myths



IT'S HIPAA! NOT “HIPPA“!



HIPAA – Started with “Administrative Simplification”

- **H** **e** **a** **l** **t** **h** **I** **n** **s** **u** **r** **a** **n** **c** **e** **P** **o** **r** **t** **a** **b** **i** **l** **i** **t** **y** **a** **n** **d** **A** **c** **c** **o** **u** **n** **t** **a** **b** **i** **l** **i** **t** **y** **A** **c** **t** **o** **f** **1** **9** **9** **6**
- Administrative Simplification - facilitate the efficiencies and cost savings for the health care industry through increasing use of electronic technology.
- Congress directed HHS to:
 - Establish standards to facilitate the electronic exchange of information with respect to financial and administrative transactions carried out by **health plans, health care clearinghouses, and healthcare providers who transmit electronically in connection with such transactions**
 - Set standards to protect the security, including the confidentiality and integrity, of such information

Who is Responsible for Compliance?

- “Covered Entities” (CEs):
 - **Health care providers** who transmit health care info in electronic form in connection with certain “transactions”
 - **Health plans**
 - **Health care clearinghouses**
- “Business associates” (BAs) = outside companies and consultants that perform services “on behalf of” CE.

What is Covered?

- Protected Health Information (PHI) is:
 - Individually identifiable information
 - Transmitted or maintained in any form/medium (electronic, written & oral)
 - That relates to:
 - The individual's past, present or future physical or mental condition;
 - The provision of health care to the individual; or
 - The past, present or future payment for the provision of health care to the individual.
- Certain exceptions, e.g., education records
- "De-identified" information NOT covered



PHI?

1. Elizabeth White
2. Daryl Dobbs
3. Frank Falcon
4. Forrest Gump
5. Elise McKenna
6. Toby Sanchez
7. Tory Feldman

PHI?

Doogie Howser M.D. Patient List

1. Elizabeth White
2. Daryl Dobbs
3. Frank Falcon
4. Forrest Gump
5. Elise McKenna
6. Toby Sanchez
7. Tory Feldman



Permissive Uses & Disclosures

- To the individual (or personal representative)
- As authorized by the individual pursuant to written **authorization**
- For treatment, payment, & **health care operations** (TPO)
- Incident to a use or disclosure otherwise permitted or required
- For public or special purposes, as outlined in regulations
- **Default = patient authorization required, *unless* exception applies.**

HIPAA Authorization Exceptions – Required by Law

- “A covered entity may use or disclose protected health information to the extent that such use or disclosure is *required by law* and the use or disclosure complies with and is limited to the relevant requirements of such law.”
- “Required by law” means a mandate contained in law that compels an entity to make a use or disclosure of protected health information and that is enforceable in a court of law.

Exception to Authorization Requirement – Judicial and Administrative Proceedings

Applies when CE is **not a party to litigation/proceeding**; disclosure of PHI permitted:

- In response to an order of a court or administrative tribunal, provided the CE discloses only the PHI expressly authorized by such order
 - Order needs to be **signed by judge**
- In response to subpoena, discovery request, or other lawful process that is not accompanied by order of court/admin tribunal if:
 - CE receives **satisfactory assurance** from party seeking info (i) that individual has received notice; or (ii) reasonable efforts made to secure **qualified protective order** that meets certain requirements.

HIPAA Authorization Exceptions - Disclosures to Family, Friends, and Other Involved Individuals

- May disclose PHI:
 - to patient's family members, relatives, friends, or other persons identified by the patient as involved in the patient's care; or
 - as necessary to identify, locate, and notify family members, guardians, or anyone else responsible for the patient's care, of the patient's location, general condition, or death
- **IF:**
 - Get verbal permission from patient or otherwise able to reasonably infer patient does not object; or
 - If patient incapacitated or not available, may disclose if, **in provider's professional judgment, disclosure is in patient's best interest**
 - If deemed "**personal representative**" of individual (e.g., healthcare power of attorney), can step in shoes of individual

Important Point About Permissive Disclosures

- OCR:
 - *“Covered entities will not be sanctioned under this rule for **responding in good faith** to ... legal process and reporting requirements. However, nothing in this rule affects, either by expanding or contracting, a covered entity's right to challenge such process or reporting requirements under other laws. **The only disclosures of protected health information compelled by this rule are disclosures to an individual (or the personal representative of an individual) or to the Secretary for the purposes of enforcing this rule.**”*

Frequent Issue with Representation of Healthcare Providers – Treatment of Minors

- Fact Pattern:
- Behavioral healthcare provider has been treating minor for several years. Mom signs intake forms on behalf of child. Mom and Dad are divorced. Dad calls healthcare provider, says he has “joint custody.” Dad says he wants access to child’s records. He also says he doesn’t want provider to treat child anymore.
- What does provider do?

Frequent Issue with Representation of Healthcare Providers – Treatment of Minors

- Parent is “personal representative” of minor
- Exceptions to this rule
- “Due diligence” obligations of provider under HIPAA
- [these are rough bullets; above to be expanded]

ACCESS TO RECORDS OF CHILDREN AND SPOUSES IN DIVORCE AND CHILD CUSTODY MATTERS

A. Information from the Doctor and the Office.

i. Who is entitled to receive medical information?

- **N.J.S.A. 9:2-4:** This statute governs custody and parenting time. Unless otherwise ordered by the court, both parents are typically entitled to access information about their child, including medical records, regardless of custody status (legal or physical).

ii. How is the information to be provided?

- **N.J.S.A. 9:2-4.2:** This statute mandates that custodial parents must provide the non-custodial parent with access to information such as medical, dental, and school records unless the court orders otherwise.
- Court orders may specify methods (email, patient portals, etc.).

ACCESS TO RECORDS OF CHILDREN AND SPOUSES IN DIVORCE AND CHILD CUSTODY MATTERS

N.J. Stat. § 9:2-4.2

Archived code versions

*** Current through New Jersey 221st Second Annual Session, L. 2025, c. 20 and J.R. 1 ***

§ 9:2-4.2. Parental access to children's records

- a. Every parent, except as prohibited by federal and State law, shall have access to records and information pertaining to his or her unemancipated child, including, but not limited to, medical, dental, insurance, child care and educational records, whether or not the child resides with the parent, unless that access is found by the court to be not in the best interest of the child or the access is found by the court to be sought for the purpose of causing detriment to the other parent.
- b. The place of residence of either parent shall not appear on any records or information released pursuant to the provisions of this section.
- c. A child's parent, guardian or legal custodian may petition the court to have a parent's access to the records limited. If the court, after a hearing, finds that the parent's access to the record is not in the best interest of the child or that the access sought is for the purpose of causing detriment to the other parent, the court may order that access to the records be limited.

History

L. 1997, c. 406, § 1.

End of Document

ACCESS TO RECORDS OF CHILDREN AND SPOUSES IN DIVORCE AND CHILD CUSTODY MATTERS

iii. Scheduling and Attendance at Appointments

a. Can both parents attend?

- Generally yes, **unless restricted by a court order** (e.g., restraining order).
- See **N.J.S.A. 2C:29-9** for contempt of a domestic violence order.

b. Third parties (grandparents, significant others)?

- There's **no statutory right** for third parties to attend unless **authorized by the parent with legal custody or with consent from both parents**.
- The child's best interests are paramount (see **Baures v. Lewis**, 167 N.J. 91 (2001), although partially abrogated, still reflects best interest framework).

c. When restraining orders (TRO/FRO) are in place

- **N.J.S.A. 2C:25-29**: Final Restraining Orders may prohibit contact between parties, which could preclude both attending the same appointment.
- Pediatric offices should be notified to prevent simultaneous scheduling, or virtual attendance options can be explored.

iv. Decision-making – which parent controls?

- **N.J.S.A. 9:2-4** governs this.
- Joint legal custody: Both parents share decision-making.
- Sole legal custody: The custodial parent has final say over medical decisions.

ACCESS TO RECORDS OF CHILDREN AND SPOUSES IN DIVORCE AND CHILD CUSTODY MATTERS

B. Billing and Payment

i. Insurance

- Governed by **child support orders** and **insurance laws**.
- **N.J.S.A. 2A:34-23**: Court may order either or both parents to maintain health insurance for the child.

ii. Co-pays

- Allocation typically addressed in **child support orders** or **Marital Settlement Agreements (MSA)**.
- Absent an agreement, courts usually split unreimbursed medical expenses proportionally to income.

C. Consults with Specialists

- Same principles apply as with the pediatrician:
 - **Access to records**: Same as above.
 - **Decision-making**: Falls under joint or sole legal custody.
 - **Attendance**: Governed by parenting orders or restrictions like restraining orders.

Use of this in parenting plans.

DISCOVERABILITY OF MEDICAL RECORDS

A. What is Discoverable from Treating Physicians and Health Care Professionals?

1. Relevance to the Case

- **R. 4:10-2(a)** (NJ Court Rules): Discovery is permitted on any matter **relevant** to the subject matter of the action, including physical or mental condition of a party if that condition is in controversy.
- In custody or parenting matters, **mental and physical health** of a parent can become discoverable if one parent places it at issue (e.g., seeking sole custody due to alleged instability of the other).

2. Waiver of Privilege

- If a party **puts their physical or mental health at issue**, they may **waive the physician-patient or psychologist-patient privilege** to some extent.
- See **Kinsella v. Kinsella**, 150 N.J. 276 (1997) — leading case on balancing **privacy rights and best interests of the child** in family court.

DISCOVERABILITY OF MEDICAL RECORDS

B. How to Obtain Discovery

1. Subpoena Duces Tecum or Deposition Subpoenas

- Under **R. 1:9-1** and **R. 4:14-7**, a party can subpoena a treating provider to produce records or give testimony.
- Must comply with **HIPAA** and provide **proper authorization** or court order (see below).

2. Medical Examinations

- Under **R. 4:19**, a party may move for an **Independent Medical Examination (IME)** if physical or mental condition is in controversy.
- Common in custody disputes involving fitness, addiction, or mental illness.

3. Interrogatories or Requests for Admissions

- If a party is relying on a doctor's opinion, you may use **R. 4:17** (interrogatories) or **R. 4:22** (requests for admissions) to probe those positions.

Expert Testimony, Opinions and Authorizations from Physicians

D. Requesting Opinions and Certifications from Doctors

i. Proper Forms of Releases and Authorizations

- Use a **HIPAA-compliant authorization form**, which must:
 - Identify the specific information to be disclosed.
 - Name the parties to whom disclosure will be made.
 - Be signed and dated.
 - Allow revocation in writing.
 - Contain an expiration date or event.

ii. What Opinions Can Be Given and the Limits

Expert Testimony, Opinions and Authorizations from Physicians

a. Can a GP opine on competency to be a custodial parent?

- **Limited ability.** A GP (general practitioner) can speak to:
 - Physical/mental health history,
 - Treatment compliance,
 - Observed behavior or statements.
- **Cannot usually provide a custody-specific psychological evaluation** unless qualified as an expert in mental health or child development.
- May be cross-examined on scope and qualifications (**Daubert/Frye standards** apply under **N.J.R.E. 702**).

b. Prognosis of Physical or Mental Ability or Capacity

- Yes, if within the doctor's **scope of practice and training**.
- A psychiatrist or psychologist may give a more comprehensive opinion on mental fitness.
- Must be disclosed as an expert under **R. 4:10-2(d)** and **R. 4:17-4(e)** if the opinion will be used in court.

TAKEAWAYS



Takeaway and Practice Notes:

- Always evaluate **whether the parent has placed their condition at issue**.
- Consider **narrowly tailoring subpoenas** to avoid unnecessary privacy violations.
- Consider using **Rule 5:3-3** (appointment of a custody expert or mental health professional by the court) instead of relying on treating doctors for complex issues.

Retirement and Semi Retirement Issues with a licensed professional spouse

A. Typical Retirement Ages by Specialty

Retirement age varies depending on **physical demands, burnout rates, and financial planning**. According to AMA and Medscape data, the **average retirement age for physicians nationally is 65–68**, but in practice:

Specialty	Typical Retirement Age (NJ/US Estimate)	Notes
Family Medicine	65–70	Longer careers, lower burnout
Internal Medicine	65–68	Some shift to concierge/part-time
General Surgery	60–65	Physical demands lead to earlier exits
Orthopedic Surgery	58–62	High physical wear, earlier retirement
Psychiatry	68–75	Often continue part-time or consulting
Dermatology	68–72	Low physical strain, many practice longer

Retirement and Semi Retirement Issues with a licensed professional spouse

Radiology	63–68	Some transition to teleradiology
Emergency Medicine	55–62	Burnout is high; earlier retirement common
OB/GYN	60–65	Stress, malpractice concerns drive earlier exits

Retirement and Semi Retirement Issues with a licensed professional spouse

B. Post-Retirement Consulting, Expert Work, and Income Opportunities

Many physicians **semi-retire** or generate **continued income** post-retirement through non-clinical work:

1. Consulting Roles

- Medical device/pharma companies
- Hospital administration or compliance consulting
- Practice management advising

2. Expert Witness/Testimony

- High demand in med-mal, injury, and family law cases
- Typically \$300–\$1,000/hr depending on specialty
- May involve **record review, depositions, trial testimony**

3. Teaching/Adjunct Roles

- Medical schools, residency programs, CME training

Flexible, often part-time or guest lecturing

Retirement and Semi Retirement Issues with a licensed professional spouse

4. Chart Review/Utilization Review

- For insurance companies, hospitals, or legal firms
- Work-from-home flexibility, lower stress

5. Telemedicine (Limited Practice)

- Can allow continued clinical work with lower physical demand
- Must maintain license and malpractice insurance

These roles are important in **lifestyle analysis**, **earning capacity assessments**, or arguments against early retirement claims in **supportor equitable distribution cases**.

Retirement and Semi Retirement Issues with a licensed professional spouse

☐☐ Retirement & Post-Retirement Summary Chart

Category	Details	Legal/Practical Relevance
Avg. Retirement Age	65–68 overall	Varies by specialty (see table above)
Early Retirement Factors	Physical strain, burnout, malpractice cost	Consider in alimony arguments
Post-Retirement Roles	Consulting, Expert Witness, Teaching	Shows continued earning capacity
Compensation Range	\$200–\$1,000/hr depending on work	Used in post-retirement income analysis
Legal Use in Family Law	Alimony duration, imputation of income, valuation	Must be supported by expert opinion or financial reports

FACT PATTERN

Retirement Scenario for Doctors

Scenario

- Husband and wife met while in medical school. Long term marriage.
- Spouse W-2 wage earner, earns \$82k.
- Husband orthopedic surgeon
- Husband wants to retire at age 61 with bad eyesight.
- Was earning \$900k.
- Parties divided significant assets in divorce which took place four years before this retirement application.

PROFESSIONAL PRACTICE STRUCTURES AND RESTRICTIONS

- Typical Physician Financial Arrangements: Also applies to other licensed health care professionals
- Professional Practice Owner
 - Professional Corporation- P.A. or P.C.
 - Limited Liability Company
 - Partnership
 - Solo
- Employee of Group Practice
- Hospital Employee
- Compensation Models
 - Flat Fee
 - Productivity based on Collections, wRVUs
 - Combination flat fee and productivity

PROFESSIONAL PRACTICE STRUCTURES AND RESTRICTIONS

Current Trends

- Shift from Small to Large Group Practices or “Super Group”
- Affiliations with Health Systems
- Private Equity/Venture Capital Affiliations

Potential Ancillary Sources of Revenue

- Rollover Equity
- Interest in Surgery Center
- Medical Director Fees

Danger Zones:

- Corporate Practice of Medicine Restrictions
- Stark law, Codey Law and Anti Kickback Laws
- Clawbacks from Payors

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Learning Objectives and Topics:

- + Valuation Methodology in Valuing Medical Practices for Divorce Purposes in New Jersey
- + Business Valuation Considerations
- + Compensation Structure for Physicians
- + Reasonable Compensation for Valuation Purposes
- + Considerations in quantifying cash flow for support purposes

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Valuation Methodology

+ Valuation Approaches:

1. Income Approach – Based on the present value of future economic benefits generated from a subject service/asset.
2. Asset/Cost Approach – Replaces the historical cost of certain assets with the fair market value.
3. Market Approach – Based on the value of a comparable asset of a similar capacity.

+ New Jersey Case Law is guided by “fair value” standard of value as discussed in Brown v. Brown.

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Business Valuation Factors in Healthcare

- + There are certain nuances to the valuation of a medical practice in addition to the analysis of financial metrics.
- + In addition to practice type, these include:
 - Practice size-generally practices with fewer doctors have lesser multiples
 - Location-Physical location, accessibility, etc. can impact value
 - Profitability-many things can affect profitability such as improper billing, insurance reimbursement mix, poor collection efforts and cost control
 - Cash flow considerations such as debt payments

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Reasonable Compensation

- + Reasonable compensation can significantly impact the derivation of normalized income
- + Reasonable compensation can be affected by several factors such as,
 - Area of specialty
 - Geographic location
 - Individual productivity/collections
 - Education
 - Age
 - Responsibilities

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Ranges of Compensation

Specialty	Approximate Interquartile Range*			Specialty	Approximate Interquartile Range*		
Allergy/Immunology	\$275,000	-	\$535,000	Neurology	\$300,000	-	\$440,000
Anesthesiology	\$420,000	-	\$600,000	Obstetrics/Gynecology	\$340,000	-	\$475,000
General Cardiology	\$510,000	-	\$715,000	Ophthalmology	\$335,000	-	\$560,000
Dermatology	\$435,000	-	\$700,000	Orthopedic Surgery	\$555,000	-	\$900,000
Diagnostic Radiology	\$475,000	-	\$710,000	Otorhinolaryngology	\$415,000	-	\$630,000
Emergency Medicine	\$310,000	-	\$450,000	Pediatrics	\$235,000	-	\$315,000
Endocrinology	\$260,000	-	\$345,000	Podiatry	\$220,000	-	\$355,000
Family Practice	\$250,000	-	\$360,000	Psychiatry	\$260,000	-	\$395,000
Gastroenterology	\$490,000	-	\$775,000	Pulmonary	\$390,000	-	\$560,000
Hematology/Oncology	\$430,000	-	\$705,000	Radiation Oncology	\$570,000	-	\$710,000
Hospice/Palliative Care	\$260,000	-	\$300,000	Sleep Medicine	\$270,000	-	\$455,000
Hospitalist	\$295,000	-	\$380,000	General Surgery	\$405,000	-	\$630,000
Internal Medicine	\$245,000	-	\$375,000	Urology	\$460,000	-	\$690,000

*Represents the 25th to 75th percentiles, and primarily relies on data from Medical Group Management Association (MGMA), American Medical Group Association (AMGA), and Sullivan Cotter and Associates (SC) surveys. Reasonable compensation conclusions could fall outside the above range depending on the facts and circumstances.

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Other Considerations

+ Retirement ages vary:

- Average retirement age for men is typically 65 and for women is 62
 - *Source: Center for Retirement Research at Boston College*
- Surgeons, anesthesiologists, cardiologists and some others may retire earlier due to concerns about cognitive decline and physical ability to continue the practice of medicine.
- Overall productivity may decline as the physician gets older.
- Older surgeons may opt to have an assistant surgeon work with them

Reasonable Compensation Resources

- Surveys: Typically MGMA, Sullivan Cotter, and AMGA
- Provider compensation experts
 - Because quality surveys can be costly, inquiring with an expert that already has those resources is typically more efficient
 - Beyond understanding the broad compensation range in a given specialty, an expert is required as nuances and exceptions are the norm and understanding the data itself is complex

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Considerations in Quantifying Cash Flow for Support Purposes

+ Sources of compensation:

- Wages
- Distributions
- Guaranteed Payments
- Equity Compensation
- Deferred Compensation
- Rollover Equity
- Medical Director Fees
- Non-compensation benefits

REVIEW OF COMPENSATION STRUCTURES AND VALUATION/GOODWILL OF PROFESSIONAL PRACTICE

Documents to Request

- Tax Returns
 - Schedule K-1's
- Financial Statements
- Organization Chart
- Shareholder Agreements
- Partnership Agreements
- Operating Agreements
- Subscription Agreements
- Rollover Equity Agreements
- Medical Director Agreements
- Collection Reports
- Productivity Reports (i.e. RVU reports)
- Interview of Physician

REPORTING OBLIGATIONS- VIOLENT OR IMPAIRED PHYSICIAN SPOUSE

Physician's Duty to Report to Medical Board

45:9-19.16. Notice to board required; out-of-state actions against medical license; criminal investigations; liability for disciplinary and civil penalties

a. A physician licensed by the State Board of Medical Examiners, or a physician who is an applicant for a license from the State Board of Medical Examiners, shall notify the board within 10 days of:

(1) any action taken against the physician's medical license by any other state licensing board or any action affecting the physician's privileges to practice medicine by any out-of-State hospital, health care facility, health maintenance organization or other employer;

(2) any pending or final action by any criminal authority for violations of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense pursuant to the laws of the United States, this State or another state, including, but not limited to:

(a) criminal homicide pursuant to N.J.S.2C:11-2;

(b) aggravated assault pursuant to N.J.S.2C:12-1;

(c) sexual assault, criminal sexual contact or lewdness pursuant to N.J.S. 2C:14-2 through 2C:14-4; or

(d) an offense involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes .

b. A physician who is in violation of this section is subject to disciplinary action and civil penalties pursuant to sections 8, 9 and 12 of P.L.1978, c. 73 (C.45:1-21 to 22 and 45:1-25).

c. The State Board of Medical Examiners shall notify all physicians licensed by the board of the requirements of this section within 30 days of the date of enactment of this act .

d. Upon receipt of notification from a physician pursuant to this section, the State Board of Medical Examiners shall, within 60 days, investigate the information received and obtain any additional information that may be necessary in order to make a determination whether to initiate disciplinary action against the physician. Nothing in this subsection shall be construed to limit or otherwise impair the authority of the board to take any action against a licensee or applicant for a license.

IMPAIRED PHYSICIAN SPOUSE

Professional Assistance Program of New Jersey, Inc.

PAPNJ

Phone: (609) 919-1660

<http://papnj.org/>

The program participants benefit in many cases by avoiding the loss of their licenses and thus avoid being reported to national data banks.

The program participants also enjoy the benefit of expert treatment planning and advocacy to assist their return to practice in an expeditious manner.

Clients enrolled in the ARP are permitted to answer "No" on license renewal applications to questions regarding impairment.

QUESTIONS



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Practices

Health Law

Corporate

Areas of Focus

Telemedicine

General Counsel

Healthcare Practice Structure

Health Law: M&A/Transactional

Health Law Regulatory

Super Groups and Clinically

Integrated Networks (CIN)

Construction of Healthcare

Facilities

Grace D. Mack is co-chair of the Health Law group and a member of the Corporate group at Wilentz, Goldman & Spitzer, P.A. On the healthcare side, Ms. Mack serves as a trusted legal advisor to hospitals, physicians, professional practices, ambulatory surgery centers, and laboratories, as well as other health care providers and businesses. She focuses on the business aspects of health care law in connection with a wide range of transactional, corporate, regulatory, and governance matters. She also assists clients with the development and structure of hospital affiliations, joint ventures, formation of medi-spas, and with issues related to Medicare and commercial reimbursement and audits.

In the business law area, Ms. Mack focuses on general corporate law and corporate counseling. She has significant experience in stock and asset acquisitions and sales. In addition, she has experience in drafting, negotiating, and providing legal consultation and document review to business entities of all sizes.

Education

LL.M., New York University School of Law, 1987, Taxation

J.D., Rutgers Law School - Newark, 1984

B.A., Rutgers University Newark, College of Arts and Sciences, 1981, *with High Honors*, Phi Beta Kappa

Admissions

New Jersey, 1984

New York, 1985

Memberships

American Health Lawyers

As editor of the Health Law Check Up newsletter, Ms. Mack leads a team of healthcare and corporate lawyers who provide guidance to physicians and healthcare businesses on recent legal developments in federal and state laws and regulations affecting the medical community in New Jersey. The newsletter also highlights industry trends and developments and provides helpful tools and resources for medical professionals.

Articles authored by Ms. Mack include:

- Proposed BME Telemedicine and Telehealth Regulations
- One Year Deadline for One Room Surgical Practices in New Jersey
- New Jersey Health Care Providers Beware: How the NJ Attorney General's New Rules May Affect You
- NJ Human Trafficking Prevention, Protection and Treatment Act
- Understanding the New Jersey Telemedicine Law
- WARNING: New York Percentage Billing Arrangements Under Attack
- New Jersey Out-Of-Network Update
- Spotlight on New Jersey Telemedicine Law Update

Association

New Jersey State Bar Association,
Health Law Section, Board of
Directors

American Telemedicine Association

New Jersey Supreme Court District
XII Attorney Ethics Committee,
Chair (2003-2004), Vice-Chair
(2002-2003)

- CMS Finally Publishes the Final Rule on Returning Medicare Overpayments
- NJ Project Medicine Drop
- SURPRISE!!! The NJ Out-Of-Network Consumer Protection, Transparency, Cost Containment and Accountability Act Goes Forward and Stalls
- Introducing Stark Phase V
- OIG Issues Alert on Physician Compensation and Medical Director Arrangements

Deeply involved in the legal education of healthcare practitioners, Ms. Mack has lectured extensively on the legal challenges impacting physicians, ambulatory surgery centers and accountable care organizations at the New Jersey Institute of Continuing Legal Education and other industry organizations, including the New Jersey Medical Group Association, the Healthcare Financial Management Association, and the New Jersey Association of Mental Health & Addiction Agencies. Ms. Mack also contributes to prominent publications of the American Health Lawyers Association, including the 2019 Health Law Watch, Representing Physicians Handbook, and The ACO Handbook.

Ms. Mack has been ranked by *Chambers USA* since 2017 and has been distinguished with a Band 1 ranking since 2021. In addition, she has been consistently recognized in the New Jersey *Super Lawyers* list for Health Law since 2011, including among the "Top 100" lawyers in 2019-2020 and the "Top 50 Women" between 2018- 2021. Ms. Mack has been selected for inclusion in the *Best Lawyers in America* list since 2022, for the area of Health Care Law and selected to the 2023 "Lawyer of the Year" list for Health Care Law. Ms. Mack was named as an honoree of NJBIZ's 2023 Leaders in Law list.

Chambers USA® (<https://chambers.com/about-us/methodology>) is published by Chambers and Partners.

Super Lawyers®

(http://www.superlawyers.com/about/selection_process_detail.html) is published by Thomson Reuters.

Best Lawyers in America® (<https://www.bestlawyers.com/methodology>) is published by Best Lawyers.

NJBIZ Leaders in Law list (<https://njbiz.com/njbiz-announces-2022-leaders-in-law-honorees/>) is published by BridgeTower Media. Chosen by a panel of independent judges experienced in the justice system, honorees were selected based on their "outstanding dedication to their occupation and to their communities."

A description of the selection processes may be accessed via the above links. The aforementioned organizations are private peer review organizations, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Publications

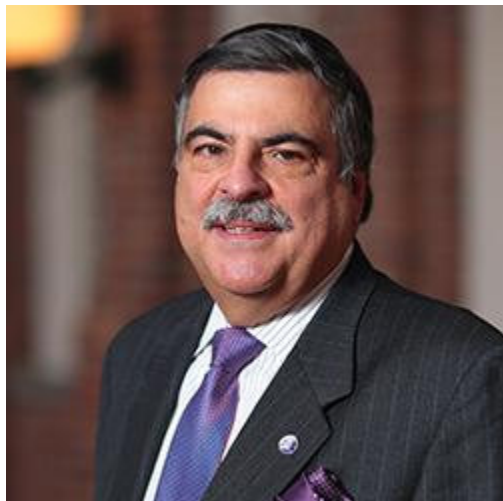
- A Guide to Private Equity Investment in Health Care, August 16, 2021
- Private Equity Investment in Health Care, *American Health Lawyers Association*, June 13, 2019
- The Big Production About ASC Nonproduction, *ASC Physician Focus*, July 30, 2017
- Telemedicine, *American Health Lawyers Association*, February 1, 2016
- How State Law Issues May Affect ACOs, *American Health Lawyers Association*, February 2, 2015
- 10 Steps to Take Before Terminating a Physician-Patient Relationship, *New Jersey Law Journal*, September 21, 2014
- New Jersey DCA Extends Deadline for Prescription Blanks, *Wilentz, Goldman & Spitzer, P.A.*, August 18, 2014
- Here Comes the Sunshine Act, *Wilentz, Goldman & Spitzer, P.A.*, August 18, 2014

Speaking Engagements

- "Health Disparities: Why it's Important to Employers", Commerce and Industry Association of New Jersey (CIANJ), June 21, 2023
- "Representing Physician in Healthcare Transactions: 2023 Update", NJICLE, March 23, 2023
- "", , October 12, 2022
- "Telehealth", Society of Psychiatric Advanced Practice Nurses' 2022 Conference, June 4, 2022
- "Telehealth", NJSBA Health Law Section, September 30, 2021
- "Challenges and Opportunities: So You May Want to Sell or Merge Your Practice- What You Need to Know!", Withum, June 30, 2021
- "The Impact of COVID-19 on Healthcare Private Equity Transactions", Sax LLP's Healthcare Practice, October 7, 2020
- "Relief Opportunities Available for Healthcare Providers Impacted by COVID-19", Sax LLP, April 24, 2020
- "Telehealth Services by Healthcare Providers During the COVID-19 Crisis", New Jersey Association of Mental Health and Addiction Agencies, Inc., April 9, 2020
- "Telemedicine: Practical Pros and Cons", NJICLE, November 21, 2019
- "A Day of Compliance for Ambulatory Surgery Centers (ASCs)", Surgery Center Coalition, September 24, 2019
- "New Jersey Telemedicine Update: NJ BME Proposed Regulations", New Jersey Association of Mental Health & Addiction Agencies, June 14, 2019
- "Is your ASC IN or OUT of Compliance?", Surgery Center Coalition Quarterly Meeting, June 11, 2019
- "Effectively Representing Physicians: Everything you need to know to confidently & successfully represent New Jersey physicians in 2019", NJICLE, April 17, 2019
- "Fun with Telemedicine", Healthcare Financial Management Association, New Jersey Chapter, March 26, 2019
- "Update of New Jersey Telehealth Legislation", Society of Psychiatric Advanced Practice Nurses' Annual Conference, November 3, 2018

- "Telemedicine Billing, Coding, and Reimbursement", American Health Law Association 2018 Telemedicine Webinar Series, October 24, 2018
- "A Day of Compliance for Ambulatory Surgery Centers (ASCs)", Surgery Center Coalition 6th Annual Conference, October 4, 2018
- "NJ Out of Network Law", Healthcare Financial Management Association, New Jersey Chapter, September 13, 2018
- "Practicing Telemedicine in NJ: Trends and Challenges", Healthcare Financial Management Association Physicians Practice Forum, July 12, 2018
- "Transform Through Technology", New Jersey Medical Group Management Association 2018 Practice Management Conference, June 7, 2018
- "Telemedicine: The Legal Implications of Seeing a Doctor Without Leaving Home", NJICLE, April 24, 2018
- "Telemedicine in NJ-Opportunity or Danger Zone?", Health Finance Management Association, July 13, 2017
- "Is Telemedicine Right for your Practice? Opportunity or Danger Zone?", New Jersey Medical Group Management Association Conference, June 15, 2017
- "10 Hot Topics in Health Law in 2017", NJICLE Representing Physicians and Their Practices Seminar, April 19, 2017
- "Telemedicine: How Bill (S291) Affects NJ Medical Practices", , February 14, 2017
- "Telemedicine", NJSBA Health and Hospital Law Section, January 11, 2017
- "Ethics and Professionalism in Corporate Transactions", Middlesex County Courthouse - Annual Professionalism Day, October 20, 2016
- "Answering Questions About Telemedicine", Physician's Computer Company's Pediatric Super-Group Conference, May 27, 2016
- "ACOs and Interaction with State Laws, Waivers, and Regulations", American Health Lawyers Association, April 6, 2016
- "Health Law Fundamentals for Every Lawyer: Legal Ethics and Health Law", NJICLE, April 6, 2016
- "Telemedicine in New Jersey", New Jersey Medical Group Management Association, October 6, 2015

John F. DeBartolo, Esq.



John F. DeBartolo was a Partner in and Co-Founder of Atkinson & DeBartolo, P.C. in Red Bank, New Jersey. Atkinson & DeBartolo, P.C. was founded in 1980, and the firm concentrated in family law, bankruptcy, and commercial litigation. When Mr. Atkinson and Mr. DeBartolo discontinued the firm's operation after nearly 40 years, John joined the Law Office of Timothy F. McGoughran, LLC, as of counsel in February 2020. Mr. DeBartolo is a past Chair of the Family Law Section of the New Jersey State Bar Association and Past President of the Monmouth Bar Association and has been a member of both Associations for more than 40 years.

Mr. DeBartolo served as Monmouth County Trustee to the NJSBA and was the NJSBA's first representative on the New Jersey Supreme Court Board on Mandatory Continuing Legal Education. Past Co-Chair of the Monmouth Bar Association's Family Law Committee and a former member of the District IX Ethics Committee, he has been an Early Settlement Panelist and Blue Ribbon Panelist for more than 30 years and served four terms on the New Jersey Supreme Court Family Division Practice Committee.

In 2011, Mr. DeBartolo was the recipient of the Saul Tischler Award bestowed by the New Jersey State Bar Association Family Law Section for his contributions to the practice of family law. He has lectured for ICLE, the New Jersey Association for Justice, the Hayden Proctor American Inn of Court and the Administrative Office of the Courts' Orientation Seminar for new and rotated judges. Mr. DeBartolo received his B.A. from Boston University College of Liberal Arts and his J.D. from Boston University School of Law. He clerked for the Honorable Neil G. Duffy, Sr., JSC, Chancery Division, Matrimonial, Essex County. Mr. DeBartolo has served as an Early Settlement Panelist in Monmouth County for 35 years. He is also a Trustee in Perpetuum for the Monmouth Bar Association.

The New Jersey Institute of Continuing Legal Education presented Mr. Debartolo with the esteemed Distinguished Service Award in 2020 in appreciation of his exceptional achievements to the legal field. His unwavering commitment to excellence, experience, and persistent dedication to furthering legal education have set a high standard in the legal community, garnering him this well-deserved recognition.

**NICOLE DIMARIA**

Member

Team Leader, Healthcare & Hospital

Practice Group Leader, Tech, Privacy and Data Innovations

Roseland, NJ

NJ Phone: (973) 530-2111

ndimaria@csglaw.com

OVERVIEW

Nicole DiMaria represents a wide range of health care entities such as health care professionals, physician groups, ambulatory care facilities, health care and hospital systems, long-term care facilities, medical device and pharmaceutical manufacturers and companies/vendors that provide services to the healthcare industry.

She assists clients in navigating complex health care corporate and regulatory issues, advising on matters such as:

- Federal Stark and Anti-Kickback Law compliance
- HIPAA/HITECH Covered Entity and Business Associate compliance
- Medicare/Medicaid reimbursement and enrollment
- CHAPA, certificate of need and state licensing
- State health care/professional regulatory compliance

Nicole is a frequent author and speaker for organizations such as the American Health Law Association (AHLA), the Health Care Compliance Association and the New Jersey Institute for Continuing Legal Education. She currently serves as Chair-Elect of the New Jersey State Bar Association's Health Law Section and is Co-Chair of the Section's Legislative Coordination Committee, which is responsible for assessing proposed healthcare legislation in New Jersey. In 2009, she was selected for the AHLA's inaugural Leadership Development Program and later served as Vice-Chair of the association's Hospitals and Health Systems Practice Group and as Co-Chair of its Health Law Curriculum Task Force.

Nicole obtained her J.D., with a concentration in health law, from Seton Hall University School of Law. She was the managing editor of the *Seton Hall Constitutional Law Journal* and served as its acting editor-in-chief. While at Seton Hall, Nicole served as research assistant to the founder of Seton Hall Law's health care program, Dean Kathleen Boozang, she received the 1999

Gibbons Health Law Fellowship, the 2001 *Seton Hall Constitutional Law Journal* Distinguished Service Award and was also the winner of the 2001 Brach Eichler Health Law Writing Competition.

HONORS

- Included in *Chambers USA*, New Jersey Healthcare (2021-2023)
- Included in *The Best Lawyers in America*®, Health Care Law (2024)
- Selected to the *New Jersey Super Lawyers – Rising Stars* list, Health Care, Business/Corporate (2010-2016)
- Included in *New Jersey Law Journal*, New Leaders of the Bar (2015)

INVOLVEMENT

- New Jersey State Bar Association, Health Law Section, Chair-Elect (2023); Secretary (2022)
- American Bar Association
- American Health Lawyers Association
- Health Care Compliance Association
- New Jersey State Bar Association

EDUCATION

- Seton Hall University School of Law (J.D., 2001)
- Rutgers, The State University of New Jersey (B.A., 1998)

ADMISSIONS

- New Jersey

NEWSROOM

- CSG Law Alert: TPDI Healthcare Focus: Updated Version of HIPAA Security Risk Assessment Tool (Winter 2024)
- CSG Law Alert: The Federal Trade Commission Cracks Down on Digital Marketing Platform for the Collection and Sale of Location Data (Winter 2024)
- CSG Law Alert: The Federal Trade Commission Prohibits Data Broker from Collecting and Selling Sensitive Location Data (Winter 2024)

- CSG Law Alert: New Jersey Governor Signs Comprehensive Data Privacy Bill Into Law (Winter 2024)
- NJSBA: Experiential Use of Generative AI in Healthcare (January 15, 2024)
- NJSBA: 2023 Health Law Symposium: Year in Review – Regulatory Update (November 16, 2023)
- CSG Law Alert: Out-of-State Corporations May Be Sued In States Where They Have Registered To Do Business (July 14, 2023)
- CIANJ: Health Disparities: Why it's Important to Employers (June 21, 2023)
- NJSBA: Health Law Section CLE Meeting (November 22, 2022)
- NJSBA: Health Law Section CLE: The No Surprises Act, New Jersey Surprise Billing Law Updates, and the Practical Implications for Healthcare Counsel (February 10, 2022)
- COVID-19 Has Not Slowed Down HIPAA Enforcement (November 2020)
- CSG Law Alert: CISA, FBI and HHS Warn of Imminent Ransomware Threat to Hospitals and Healthcare Providers (October 30, 2020)
- HHS to Distribute \$30 Billion in Immediate Relief as Part of the \$100 Billion Public Health and Social Services Emergency Fund (April 2020)
- CMS April 3rd Correction to Previous Telehealth Billing Guidance – Modifier 95 Required (April 2020)
- The CARES Act Earmarks \$100 Billion for Eligible Health Care Providers (April 2020)
- New Jersey Agencies Loosen Telemedicine/Telehealth Restrictions During COVID-19 Emergency (March 2020)
- Governor Murphy Issues Executive Order 109 Requiring the Suspension of Elective Surgeries and Invasive Procedures (March 2020)
- New Jersey Businesses Required to Report PPE Inventory Under Executive Order No. 109 (March 2020)
- CMS COVID-19 Telehealth Waiver and Associated Announcements Regarding Cost-Sharing Waivers and HIPAA Enforcement (March 2020)
- The COVID-19 Pandemic – Does HIPAA Apply to My Business? (March 2020)
- COMMERCE Magazine: Annual Hospital CEO Roundtable: Innovations in Healthcare Delivery (October 7, 2019)
- NJBIZ: Still surprising (June 10, 2019)
- Karma Network: Digital Pharmacies with CSG's Nicole DiMaria (April 30, 2019)
- New Jersey's Out-Of-Network Law: What It Means for You (July 2018)
- New Regulations Governing the Relationship Between New Jersey Health Care Providers and Pharmaceutical Manufacturers (April 6, 2018)

- Behavioral Healthcare Executive: HIPAA Requirements Extend to Outsourced Work (December 11, 2017)
- Healthcare Risk Management: HIPAA Can Be Challenging with Dementia Patients (July 1, 2016)
- Healthcare Data Under Attack (May 5, 2016)
- New Health Care Compliance Obligations for Reporting and Returning Overpayments, Effective March 14, 2016 (March 2016)
- Healthcare Risk Management: Denying Release of PHI Can Be a HIPAA Violation (March 2016)
- Immediate Action Required to Prepare for “Phase 2” HIPAA Compliance Audits of Both Covered Entities and Business Associates (November 2015)
- Recent Developments in NJ Law (July 30, 2015)
- Confidentiality of Self-Critical Evaluation Under the New Jersey Patient Safety Act (PSA) – Health Care Facilities Should Ensure PSA Compliance (July 2015)
- New Jersey Corporate Counsel Association: Health Information Privacy and Security: Are You a HIPAA Business Associate and If So Now What? (September 19, 2014)
- HIPAA Compliance Risks for Group Health Plans and Plan Sponsors: Employers’ Often Overlooked Compliance Obligations (December 11, 2013)
- Immediate Action Required under HIPAA/HITECH Final Rule (March 14, 2013)
- Chem Rx Long-Term Care Pharmacy Educational Seminar: Implications for Electronic Health Record Implementation (June 6, 2012)
- American Health Lawyers Association: Accountable Care Organization Member Briefing (May 2012)
- American Health Lawyers Association: Hospital/Physician Integration: Three Key Models (October 2011)
- HFMA Garden State FOCUS: Update on Implementation of the New Jersey Compassionate Use Medical Marijuana Act (September/October 2011)
- American Health Lawyers Association: Joint Operating and Management Agreements: The Nuts and Bolts (June 28, 2011)
- HFMA Garden State FOCUS: Update on the New Jersey Compassionate Use Medical Marijuana Act (January/February 2011)
- American Society of Law, Medicine, and Ethics Fourth Annual Student Health and Life Sciences Law Employment Conference (October 22, 2010)
- Medicare’s Recent Elimination of Consultation Codes — Intended and Unintended Consequences (June 1, 2010)



Judy Doyle

CPA, ABV, Advisory

Lead, Matrimonial Litigation

[\(609\) 514 5592](tel:6095145592) [Red Bank, NJ](#)

Get to Know Me

Judy Doyle is a Senior Manager in Withum's Forensic and Valuation Services team and has more than 15 years of experience in public accounting providing services to closely-held businesses, their owners and individuals. Over the last 10 years, Judy has had a concentration in forensic accounting, investigative accounting, business valuations of closely held businesses for estate/gift planning, business disputes and marital dissolution. She also provides support in the family law arena including business valuation, the performance of marital lifestyle analyses, determination of available cash flow and preparation of marital balance sheets to assist attorneys in calculating marital spending, alimony and child support, if applicable. She also has experience calculating earnings and cash flow relative to complex executive compensation structures that contain equity-based incentives including RSUs, PSUs and stock options.

Judy has been recognized as an expert witness and testified in the Superior Courts of New Jersey (Monmouth and Somerset Counties) and is a member of the Women's Divorce Alliance.

Practice Focus

[Matrimonial Litigation Services](#) [Valuation Services](#) [Forensic and Valuation Services](#) [Business Disputes and Economic Damages](#)

Professional Affiliations

- Member, American Institute of Certified Public Accountants (AICPA)
- Member, New Jersey Society of Certified Public Accountants (NJCPA)

Education

- BS, Accounting and Information Systems, Virginia Tech

TIMOTHY F. McGOUGHRAN is the founding partner of the Law Office of Timothy F. McGoughran, LLC, where he works with his paralegal wife Allison, associate attorneys Yessenia Gonzalez and Cameron McIver, of Counsel John DeBartolo, David Mack and Retired Superior Court Judge Eugene A. Iadanza.

He is a Past Chair of the NJSBA Family Law Executive Committee (2016-2017). With the Monmouth Bar Association he has served as Co-chair of the Monmouth Bar Association Family Law Committee (2009-2011, 2020-2021) and President of the Monmouth Bar Association (2007-2008). In addition to the New Jersey State Bar Association Family Law Executive Committee he is also a member of the New Jersey State Bar Association Military and Veteran's Affairs Section Executive Committee and Legal Education Committee.

He has served as the Trustee for Monmouth County on the New Jersey State Bar Association's Board of Trustees from 2013-2019 and presently is the immediate past President of the NJSBA. He has been recognized by the New Jersey State Bar Association with the Distinguished Legislative Service Award in 2010 and 2013 as well as the Family Lawyer of the Year Award in 2012 by the Monmouth Bar Association Family Law Committee. He has participated successfully in many reported decisions and argued the NJSBA Amicus position before the New Jersey Supreme Court in Bisbing v Bisbing.

He has served as Municipal Prosecutor for the Township of Ocean from 2000 until 2011 and served as Municipal Court Judge in Ocean Township from January 2012 to December 2022.

Mr. McGoughran is a regular Speaker and presenter at numerous symposiums regarding various facets of law and ethics. He graduated from the University of Pittsburgh with a B.A. in Political Science in 1982. He graduated from the Seton Hall University School of Law with a *Juris Doctorate* in 1986.



Thomas J. Reck

CPA/ABV, CFF, Partner

[\(201\) 265 2800 Saddle Brook, NJ](#)

Get to Know Me

Tom is a partner in our Saddle Brook, NJ, office and has over 20 years of experience in public accounting. He is a certified public accountant in the state of New Jersey and is accredited in business valuation by the American Institute of Certified Public Accountants (AICPA). Tom is also certified in financial forensics and specializes in forensic accounting, business valuations, cash flow and life style analysis as well as white collar criminal matters. He is a member of the firm's Litigation, Valuation and Insolvency Group.

Tom's experience covers a vast range of industries including retail, legal services, medical and dental services, publishing, real estate management, condominium associations, trucking, wasteflow and not-for-profit organizations. He is also experienced in matrimonial, stockholder dispute and estate and gifting matters. Tom has testified and been recognized as a financial expert in the Superior Court of New Jersey. Previously, he served as partner of the forensic accounting firm of Morrison & Company (joined with Withum in December of 2010).

In the community, Tom is active in several organizations. He serves on St. Leo's Church Finance Committee and St. Leo's School Sports program. Additionally, he is a member of the Knights of Columbus, Elmwood Park/Paterson Elks and assists with Elmwood Park girls' softball league. Tom resides in Bergen County, NJ.

Practice Focus

[Forensic and Valuation Services](#) [Matrimonial Litigation Services](#)

Industry Expertise

[Law Firms](#) [Logistics and Transportation](#) [Media and Publications](#) [Physician and Dental Practices](#) [Retail](#) [Not-For-Profit and Education](#) [Real Estate](#) [Cannabis](#) [Healthcare](#)

Professional Affiliations

- Member, American Institute of Certified Public Accountants (AICPA)
- Member, New Jersey Society of Certified Public Accountants (NJCPA)
- Member, National Association of Certified Valuation Analysts (NACVA)

Education

- BS, Accounting, Rutgers University in Newark

Elizabeth Rozin-Golinder is a Certified Matrimonial Attorney and the founder and managing attorney of Rozin | Golinder Law, LLC, with offices in Middlesex County and Monmouth County. Elizabeth has focused her practice on divorce and family law matters and is admitted to practice in both New Jersey and New York. She is the current Secretary and incoming Treasurer of the Middlesex County Bar Association, a member of the executive committee of the Middlesex County Family Law Section, and a member of the Family Law Executive Committees for both NJAJ and the NJSBA. She was awarded the Martin S. Goldin Family Law award by the Middlesex County Bar Association in 2019, the Middlesex County Young Lawyer Award in 2018 and the Monmouth County Legal Aid Society O'Hern Pro Bono Award in 2025.