



Lori A. Weaver  
Interim Commissioner

0 JUL 03 '23 PM 2:50 RCU

ARC  
6

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**OFFICE OF THE COMMISSIONER**

129 PLEASANT STREET, CONCORD, NH 03301-3857  
603-271-9200 1-800-852-3345 Ext. 9200  
Fax: 603-271-4912 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

June 30, 2023

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to RSA 94:6, the Department of Health and Human Services respectfully requests to place Attorney David Chorney at Step 6 for the position of Deputy Medicaid Director, Position #9U404, unclassified salary grade HH, earning \$126,384.00 effective August 7, 2023, upon Governor and Council approval. 50% General Funds and 50% Federal Funds.

**EXPLANATION**

The Deputy Medicaid Director position plays a major role in the development and administration of the strategy, goals, and objectives of the Division of Medicaid Services (DMS) in close coordination with the Medicaid Director. The Deputy Medicaid Director authorizes and directs senior-level policy development, evaluation, and administration; program operations; and the implementation of DMS policies and procedures. In addition, the position translates Medicaid program strategy to Department goals within DMS operations, as well as leverages expertise on national trends and best practices in Medicaid policy strategy and execution to enhance what DMS services to beneficiaries in a financially responsible fashion. Finally, in the absence of the Medicaid Director, serves in that capacity.

A primary function of the Division of Medicaid Services is contracting and operating a health insurance program for some of NH's most vulnerable and disadvantaged citizens. The underlying contracts with the Medicaid Managed Care Organizations are among the largest the state enters into and with major implications for the citizens served. Attorney Chorney has served as Associate General Counsel for Dartmouth Health, and previously as a Senior Associate in the health care practices at Mintz Levin, Barrett & Singal, and Donoghue Barrett & Singal. He played an advisory role in a Medicaid MCO procurement and in an acquisition transaction of a large Medicaid MCO. Further, he has had an extensive lens on many aspects of the health care system from an operational, regulatory and legal perspective. Moreover, Attorney Chorney's experience covers a diverse range of complex health care situations, including compliance, contracting, purchasing, strategic initiatives, employment, system development, fraud and abuse, false claims, corporate and transaction structures, and health care licensing requirements.

Based on his educational background, experience and demonstrated skills Attorney Chorney is exceptionally well qualified to direct and implement strategies for the operations and development of the Deputy Medicaid Director role, its integration with the entirety of DHHS programs and services, and Medicaid liaison with other state agencies that intersect with Medicaid.

His Excellency, Governor Christopher T. Sununu  
June 30, 2023  
Page 2 of 2

Attorney Chorney holds degrees from Suffolk University Law School (Boston, MA), Juris Doctor and Muhlenberg College (Allentown, PA), BA International Relations & Russian Studies. His professional development includes having served as the Boston Bar Association Health Law Reporter for Modernizing Medicaid Managed Care and as a Rappaport Fellow for the Rappaport Center for Law and Public Policy.

Attorney Chorney's legal education and extensive experience in health care and provider operations, combined with the hiring landscape for this type of specialized knowledge supports this request for appointment at Step 6. I respectfully request that he be placed in the Deputy Medicaid Director position, unclassified salary grade HH, at step 6 with an effective start date of August 7, 2023.

Sincerely,



Lori A. Weaver  
Interim Commissioner

---

**EDUCATION**

**Suffolk University Law School** (Boston, MA), Juris Doctor

*May 2015*

- GPA 3.741; Dean's list 2011-12; 2012-13; 2013-14 school years
- Co-Lead Articles Editor of the Journal of Health & Biomedical Law

*June 2013 - May 2015*

**Muhlenberg College** (Allentown, PA), BA International Relations & Russian Studies *May 2009*

- Activities: Captain of Muhlenberg Track and XC Teams; Visiting student, Charles University, Czech Republic

**Bar Admissions:** Massachusetts and New Hampshire

*November 2015 - Present*

---

**LEGAL EXPERIENCE**

**Dartmouth Health** (Lebanon, NH)

*August 2021 – Present*

*Associate General Counsel*

- Provide legal services to Dartmouth Health organizations and staff in a diverse range of complex situations, including compliance, regulatory, contracting, purchasing, strategic initiatives, employment, and system development.
- Collaborate with Dartmouth Health government relations team to draft legislation, comment on pending state and federal legislation and regulations, and respond to legislative and regulatory changes.
- Collaborate with Dartmouth Health government relations and operational teams throughout the organization to address operational changes related to the end of the federally issued Public Health Emergency.
- Provide legal advice on health care laws such as HIPAA, Medicare, Stark, Anti-Kickback, DEA rules, and licensing and professional practice laws.
- Collaborate with operational leadership to structure system priorities within existing legal frameworks such as developing a multistate telehealth practice to serve Dartmouth Health patients during the COVID-19 pandemic.
- Participate in education and research activities throughout the Dartmouth Health system.
- Serve on, and work with, various Dartmouth Health committees and task forces to provide legal support to various initiatives.
- Shepherd confidential legal issues in multi-stakeholder environments.

**Mintz Levin** (Boston, MA)

*September 2018 – July 2021*

*Senior Associate –Health Care Practice Group*

- Counsel hospital and health system clients on health care regulatory requirements, fraud and abuse, operations, corporate and transaction structures, and licensing requirements, including New Hampshire and Massachusetts specific matters
- Advise clients on strategic growth initiatives including the establishment of ambulatory surgery centers, physician offices, joint ventures, and other health care facilities, and associated corporate, compliance, licensure and other matters
- Act as lead associate advising clients on health care transactions, including equity and asset acquisitions, mergers, joint ventures and investments in the health care industry, including over a billion dollars in deal work in 2019
- Advise clients on navigating Stark and Anti-kickback compliance
- Advise clients on, and negotiate, GPO arrangements and wholesale pharmaceutical distribution agreements
- Advise non-profit clients on formation, corporate governance, state filing requirements, tax-exempt registration and best practices, dissolution, and transfer of assets
- Communicate with state and federal regulatory bodies regarding establishment of new legal entities and service/business lines, licensing, fraud and abuse matters, Medicaid and Medicare enrollment, plans of closure, and plans of corporate reorganization
- Draft compliance plans and policies for health systems, hospitals, and other health care clients, including telehealth and biotechnology startups
- Advise clients on HIPAA and other state and federal privacy and security compliance matters
- Advise clients on negotiating and drafting management services agreements, distribution agreements, prime vendor agreements, operating agreements, and other health care related contracting matters

- Advise private equity groups and independent purchasers on corporate structure, fraud and abuse, false claims, and health care regulatory and licensure matters
- Advise clients on PPE procurement and supply chain management and COVID related matters

**Barrett & Singal, P.C. (Boston, MA)**

*September 2015 – August 2018*

*Associate – Health Care Department*

- Advised academic medical centers, acute care hospitals, physician practice groups, managed care organizations, nursing homes, assisted living facilities and other health care related entities on regulatory, licensing, compliance, and outside general counsel matters
- Advised hospitals and health systems in merger and affiliation transactions, including the creation of a new health care system
- Advised managed care organization in the creation of an insurance holding company system, regulatory filings, responding to Medicaid RFPs, and compliance under the Affordable Care Act
- Advised clients on corporate reorganization, lead associate on due diligence for potential transactions, corporate structure, and regulatory and licensing issues
- Advised health care clients in responding to medical records subpoenas and search warrants for compliance with state and federal law
- Advised health care clients on tax-exempt and non-profit matters

**Office of the Governor – Office of Legal Counsel (Boston, MA)**

*May 2014 – August 2014*

*Legal Fellow*

- Analyzed and advised the Governor and senior staff on enacted legislation; collaborated with executive agency counsel on the drafting of regulations; reviewed pardons and clemency petitions; and researched constitutional law for the drafting of legislation and legislative testimony.
- Drafted memoranda on issues relating to parole and criminal justice; Medical Marijuana; opioid addiction policy; Native American hunting and fishing rights; health care regulations; issues regarding the authority of executive agencies; the Massachusetts Health Connector; public records requests; and drafted the public records retention schedule for the Governor's Office.

**Donoghue Barrett & Singal (Boston, MA)**

*May 2010 – Sept. 2015*

*Law Clerk and Legal Research*

- Conducted legal research pertaining to corporate health law, analysis and memorandums on Stark and Antikickback laws; false claims and fraud and abuse; health insurance; and employment and labor law issues
- Lead law clerk on the acquisition of a large Medicaid Managed Care Organization; tax exempt bond financings; mergers and acquisitions

**Rappaport Fellow – Rappaport Center for Law and Public Policy (Boston, MA) Summer 2014**

- Collaborated with other fellows and public policy experts on leading Massachusetts public policy issues.

### **PRESENTATIONS, PUBLICATIONS & awards**

---

- Massachusetts Super Lawyers: Rising Star (2019-2020)
- Co-host and moderated, The U.S. Supreme Court's Escobar Ruling on the False Claims Act – Trends and Developments Since 2016 (June 2018)
- Modernizing Medicaid Managed Care, Boston Bar Association Health Law Reporter (2016)

### **LEADERSHIP EXPERIENCE**

---

- New Hampshire Bar Association – Health care section member *Sept. 2018 - Present*
- Federal Bar Association – Health Law Co-Chair *Sept. 2017 - 2019*
- Public Interest Leadership Program, Boston Bar Association *Sept. 2017 - 2018*
- Greater Boston Legal Services, Associates Drive Captain *May 2017 – 2019*
- Lawyers Have Heart Executive Leadership Team *Sept. 2016 – 2020*