



Emily L. Brinkman

(she/her)

Partner

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CAPABILITIES

Administrative Law

Litigation, Mediation,
Arbitration

Medical Staff Operations and
Disputes

Reproductive Health

COVID-19 / Public Health
Emergencies

Academic Medical Centers
and Teaching Hospitals

Hospitals and Health
Systems

Pharmacies

Physicians, Medical Groups,
Medical Foundations, and
Independent Practice
Associations (IPAs)

EDUCATION

Willamette University College
of Law, J.D., 2000

University of Nebraska, B.A.,
1995

BAR ADMISSIONS

California, 2002

Texas, 2024

"The through line of my work, whether it was for the State of California or my current medical staff clients, has always been ensuring patient safety. The highlight of my job is knowing I'm assisting my clients in that mission."

Emily L. Brinkman has over 20 years of experience as a litigator and 12 years specifically advising healthcare providers and helping them comply with regulatory issues in the state of California. She joined Hooper, Lundy & Bookman near the start of the COVID-19 pandemic in 2020. Since then, she has helped hospitals navigate the pandemic by conducting legal research and answering their concerns on various issues such as religious exemptions for vaccination mandates, how to deal with COVID positive providers, and physician behavioral issues.

Emily has extensive experience litigating medical staff cases on behalf of hospitals throughout California. She collaborates with medical staff directors and other executives to manage issues regarding physician credentialing and privileging. Emily has represented medical staff in complex, multi-day hearings involving issues ranging from inappropriate behavior towards patients, to quality of care issues that result in disciplinary actions, from suspension to termination of privileges/credentials. Emily has also advised medical staff clients on peer review matters, credentialing of ambulatory surgical centers and providers in hospital clinics, responding to Medical Board subpoenas and request for interviews of hospital staff. She advises licensed medical providers on the legal reporting requirements to the Medical Board and National Practitioner Data Bank, including representing providers following allegations of failing to report. She also advises her medical staff clients about the impact of peer review privilege under Evidence Code 1157 as it relates to civil lawsuits and the Medical Board, including the impact of protections to confidentiality of Physician Well Being Committees.

Emily's experience includes working as a Deputy Attorney General in the Health Quality Enforcement Section and the Correctional Law Section of the California Attorney General's Office. In her role as Deputy Attorney General in the Health Quality Enforcement section, she represented several health care licensing boards, such as the California Medical Board, Podiatric Medical

Board of California, and Board of Psychology, in disciplinary actions against licensed providers. She also advised the licensing boards about investigations before bringing disciplinary action and provided training to other attorneys within the Health Quality Enforcement section. She started her legal career as a deputy district attorney, and has litigation experience in criminal, civil, and administrative hearings in both state and federal courts.

Besides advising medical staffs, using her 8 years of experience in representing the health care licensing boards, Emily also represents individual licensed providers before their respective licensing boards, from advising and assisting with the investigation to the disciplinary hearing itself. She assists in the application process of individuals seeking licensure, including post graduate training licenses and petitions for reinstatement.

Professional Affiliations

- American Bar Association
- California Society for Healthcare Attorneys

News

- Hooper, Lundy & Bookman Elevates Alicia Macklin and Emily Brinkman
- Emily Brinkman, Rachel Zacharias, Aneliese Castro and Sheryl Xavier Published in Reuters and Westlaw Today
- Andrea Frey, Emily Brodtkin and Taryn Reid Published in Reuters, "Understanding standing with Alliance for Hippocratic Medicine v. FDA"
- Hooper, Lundy & Bookman Celebrates 35 Years!
- Hooper, Lundy & Bookman Strengthens Medical Staff Capabilities with Former Government Litigator
- Hooper, Lundy & Bookman Ranked in the 2020 Edition of US News/Best Lawyers in America Best Law Firms
- Hooper, Lundy & Bookman Named To American Bar Association's Health Law Top 10 List
- Hooper, Lundy & Bookman Launches Webinar Series with Focused Discussions on Post-Acute Care Partnerships
- Hooper Lundy & Bookman Recognized Among the Top Health Law Firms in the United States by Chambers USA

Insights

- Expansion of Evidence Code §1157 Effective January 1, 2025
- California Signs into Law Legislative Package Expanding Access and Protections for Reproductive and Gender-Affirming Health Care
- California Enacts Legislative Package Expanding Protections and Access to Abortion Services
- California's Legislative Response to Dobbs and Its Implications for Medical Staffs
- Missouri District Court Issues Preliminary Injunction Preventing CMS from Enforcing the Vaccine Mandate for Healthcare Facilities in Ten States
- The Evolving Legal Landscape of Late Career Practitioner Policies
- Highlights from the Medical Board of California Sunset Review Oversight Report for 2020
- New Nurse Practitioner Laws Change Scope of Practice, Reporting Obligations, and Financial Restrictions
- States Acting to Limit Legal Liability of Healthcare Providers, Physicians and Healthcare Professionals for Care Provided During COVID-19 Pandemic
- California Department of Public Health Requests 1135 Waiver During COVID-19 Emergency
- Increased Flexibility for Out-of-State Physicians to Assist with COVID-19 Response

Events

- HLB Medical Staff Lawyers Speak at CAMSS Desert Chapter Annual Legal Conference

- Emily Brinkman To Speak at CAMSS 54th Annual Education Forum
- Emily Brinkman is Speaking at Mid-Valley Chapter CAMSS
- Catherine Wicker and Emily Brinkman are speaking at CAMSS 53rd Annual Education Forum
- Jennifer Hansen, Emily Brinkman, and Maydha Vinson Present at CAMSS on “Legal Update: MSPs in the Know”
- Emily Brinkman and Andrea Frey Present to San Diego County Bar Association
- California Society for Healthcare Attorneys 2022 Annual Meeting and Spring Seminar
- Med Staff Webinar: Navigating Legal Obligations After Submitting A Report
- NAMSS Webinar: Practical Pointers for Addressing the Impact of COVID-19 on Medical Staffs
- Webinar: Practical Tips for Medical Staffs in the Face of COVID-19