

PRACTICE FOCUS

Maggie DiCostanzo is a principal attorney in Offit Kurman’s Healthcare practice group. For over 20 years she has focused her legal practice by representing physicians, hospitals, post-acute care facilities, and other healthcare professionals, delivering health law advice and counseling as well as representation in regulatory, general liability, and professional liability matters. She is also a registered patent attorney with the U.S. Patent & Trademark Office, and drafts licensing agreements and other intellectual-property-related documents. Ms. DiCostanzo also works with lawyers in Offit Kurman’s Business Law and Transactions practice group in the sale and purchase of medical entities. She stays up to date on emerging healthcare topics such as telehealth in order to best serve her clients, and regularly posts about healthcare legal issues in her HELP blog.

Ms. DiCostanzo has written extensively and spoken to physicians, nurses, and other healthcare professionals about reducing medical professional liability risk while enhancing patient interactions, satisfaction, and outcomes. Her research and knowledge in the area of post-adverse event communication gave her an opportunity to assist the Pennsylvania Health Care Association in the drafting of Pennsylvania’s Benevolent Gesture Liability Act, which permits healthcare professionals to express a “benevolent gesture” to patients and/or their families, without the benevolent gesture being used against them in the courtroom to prove negligence.

She has served as an adjunct professor at Pennsylvania State University’s York, Pennsylvania campus, providing education sessions for continuing education students in the areas of assisted living and personal care home facilities.

REPRESENTATIVE MATTERS

- In 2022, representation of purchaser of 6 senior living facilities in Pennsylvania.
- Representation of healthcare professionals before the state board of medicine.
- Provided pre-suit claims management, including pre-suit settlements, to hundreds of physicians that were part of multiple state or national medical professional liability insurance captives.
- Coordinated expert reviews for medical staff and peer review processes.
- Negotiated joint venture agreement documents for a Pennsylvania practice involving multiple dialysis centers.
- Support physician and practice responses to health insurer reimbursement investigations.
- Representation of post-acute care facilities in Department of Health, CMS, and other investigations.
- Served as project lead on a hospital-based department risk mitigation review and report writing for hospitals on a national basis, as well as international.
- Drafted standard template vendor contract agreements for a hospital system, including a Master Vendor Purchase Agreement, consignment agreements, evaluation agreements, affiliation agreements, MOUs, clinical affiliation agreements, non-disclosure agreements, and independent contractor agreements.
- Research in medical specialty-specific areas and used it to create specialty-specific risk management platforms and tools in collaboration with specialty-specific content experts that were incorporated into medical professional liability insurance programs.
- Provided legal support to hospital and medical professional liability insurers’ risk management committees, claims committees, ethics committee, and QA committees.

PUBLICATIONS

- Fatigue and Safety. P. Weiss & P. Gluck (Authors) & T. Ivester (Ed.), Quality and Safety in Women's Health (pp. 144-148). Cambridge: Cambridge University Press, 2018. Co-author.
- “Redefining the ‘Legal Medical Record’ and How to Be Prepared to Respond to Legal Requests for a Patient’s Legal Medical Record.” J. of Medical Practice Management. Summer 2017.
- “Operation Five-Star: Service Excellence in the Medical Practice – cultural competency, post-adverse events, and patient engagement.” Book- Greenbranch Publishing, 2014. Co-author.
- “Sorry Works! 2.0 Disclosure, Apology and Relationships Prevent Medical Malpractice Claims.” (2d edition) Book - Author House, 2010. Co-author.



**MAGGIE
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Principal, Harrisburg

PRACTICE AREAS

- Healthcare Law
- Intellectual Property

- “Key Disclosure Facts for Nurses and Staff: Your Role in the Disclosure Continuum,” Booklet. 2009. Co-author.
- “Five Facts Every Doctor Needs to Know About Disclosure and Apology,” Booklet. 2009. Co-author.
- “Reduce Liability Risk by Improving Your Patient Satisfaction.” Press Ganey, July 2008. Co-authored with Press Ganey staff: Stefoni A. Bavin, and Sarah Stawiski.
- “Engaging Patients as Safety Partners: a guide for reducing errors and improving satisfaction” (Spath P. ed.) Book chapter - Chicago: Health Forum, 2008. Co-author.
- “The Satisfied Patient: A Guide to Preventing Malpractice Claims By Providing Excellent Customer Service.” Book - 2d edition, 2008. Co-author. (HCPPro, Inc.).
- “Sorry Works! Disclosure apology and relationships prevent medical malpractice claims.” (1st ed.) - Book, Author House, 2007. Co-author.
- “Avoiding Medicolegal Complications,” Minimizing Endoscopic Complications: Gastrointestinal Endoscopy Clinics of North America, 2007 Jan; 17(1):197-207. Book chapter co-authored with Peter Cotton, MD and J. Saxton.
- “Five-Star Customer Service: A Step-by-Step Guide for Physician Practices.” Book - HCPPro, Inc., 2005. Co-author.
- “15 Policies and Procedures to Reduce Liability for Physician Practices.” HCPPro, Inc., 2005. Co-author.
- “Opportunities for Loss Control in an Alternative Risk Financing Structure.” Book Chapter, Loss Control Implications, American Health Lawyers Association, (LEXIS publisher), 2005. Co-author.
- “Bariatric Surgery: A Comprehensive Bariatric Program Can Act to Reduce Liability Risks and to Promote Patient Safety,” Bariatric Surgery White Paper, 2005, Co-author.
- “A Guidebook for Professionals: Partnering with Patients to Reduce Medical Errors.” (P. Spath ed.) Book chapter, AHA Press, 2004. Co-author of book chapter titled: “Enabling Patient Involvement without Increasing Liability Risk.”

SPEAKING ENGAGEMENTS

- “Working Group on Overcoming the Challenge Associated with Electronic Medical Records, Patient Portals and Audit Trails in Obstetrics Practice” ACI’s 17th Annual Advanced Forum on Obstetric Malpractice Claims, co-presenter, June 26, 2018, Philadelphia, PA.
- “Issues in Corporate Compliance” Symposium Presbyterian Sr. Care. April 19, 2017.
- “Penn Highlands Healthcare” 1st Semi-Annual Physician Education Seminar, January 27, 2016, Dubois, PA.
- “Proactively Mitigate HIPAA Data Breach Costs in the Healthcare Setting” Healthcare Financial Management Association Educational Seminar, Central Pa. Chapter, Nov. 5, 2015, Enola, PA.
- “Catastrophic Verdicts, Reinsurance and The Patient Safety Movement” ACI’s 14th Annual Advanced Forum on Obstetric Malpractice Claims, co-presenter with Richard Henderson Vice President of Transatlantic Reinsurance Co., June 24, 2015, Philadelphia, PA.
- “Documentation and Event Management” Educational presentation for Willow Valley Retirement Communities Staff, June 10, 2015, Willow Valley Retirement Community.
- “The Basics of Pennsylvania’s Advance Directives for Post-Acute Facilities and Staff” Pennsylvania Health Care Association, Webinar, May 19, 2015.
- “Professionalism in a Changing Workplace: Strategies for Avoiding and Managing Conduct Reviews.” Am. Coll. of Obstetricians & Gynecologists Webinar, March 10, 2015.
- “Reducing your Professional Liability Risk and Enhancing your Practice” American College of Surgeons Surgery Resident Program, Oct. 27, 2014, San Francisco, California.

EDUCATION

- Widener University School of Law, J.D.
- Pennsylvania State University, B.S. Biology

ADMISSIONS

- Pennsylvania
- U.S. Supreme Court
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. Patent & Trademark Office