

Jill M. Covington, Esq.
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Jill Covington is a Partner with litigation experience in medical negligence, healthcare law, managed care litigation, and employment law. Ms. Covington's medical negligence and health law practice is devoted to defending hospitals, clinics, nursing homes, physicians, nurses, and other healthcare professionals in complex claims of medical negligence, wrongful death, and vulnerable adult abuse in both state and federal courts. She has defended healthcare professionals in a variety of medical negligence claims including obstetrics and gynecology, critical care, neurosurgery, emergency medicine, cardiology, pediatrics, surgery, radiology, orthopedics, anesthesiology, internal medicine, behavioral health, pharmacology, surgery, and nursing. She has defended healthcare facilities in claims involving negligent credentialing and supervision, peer review, actual agency and ostensible agency theories, and punitive damages.

Ms. Covington represents physicians before the Arizona Medical Board and Arizona Osteopathic Board, and other healthcare professionals before their respective state boards during investigational interviews, board and administrative hearings, and appeals. She assists healthcare providers in responding to inquiries from various federal and state regulatory agencies including the FDA, State Board of Pharmacy, and the Arizona Radiation Regulatory Agency.

In addition, Ms. Covington counsels healthcare entities on a variety of health law compliance issues including HIPAA, HITECH Act, False Claims Act, legal holds, preservation and production of electronic records, e-discovery, liens and Medicare issues.

Ms. Covington represents health insurers and managed care entities in administrative benefit appeals hearings, Arizona Superior Court proceedings, and in complex bad faith litigation, including TRO and permanent injunction hearings.

Ms. Covington focuses her employment practice on defending employers (both private and public entities) in discrimination and wrongful discharge claims. She represents employers before the Equal Employment Opportunity Commission and other administrative agencies, and has litigated employment discrimination claims in both federal and state court. Apart from litigation, Ms. Covington counsels employers on claims prevention and risk management issues and has drafted employee handbooks, employment contracts, restrictive covenants, and personnel policies for employer clients.

Ms. Covington has been an invited speaker at seminars and training programs on a variety of issues including medical malpractice litigation and prevention, evidence based medicine, HIPAA and HITECH Act compliance, medical records issues, False Claims Act, e-discovery, HIPAA compliance, Medicare law, professionalism and ethics, and employment issues.

Representative Matters

- ***Cancino v. Southwest Catholic Health Network dba Mercy Health Care Group, No. 1 CA-CV 13-0130 (January 23, 2014)***
Successfully defended Southwest Catholic Health Network in Arizona Superior Court against allegations of breach of an insurance contract and alleged violations of federal and statutes regarding health plans and drug formularies, and obtained favorable memorandum decision from the Arizona Court of Appeals
- ***Estate of Ethridge v. Recovery Management Systems, Inc, et al., 235 Ariz. 30, 326 P.3d 297 (App. 2014)***
Favorable decision from the Arizona Court of Appeals holding that a Medicare Advantage plan could recover medical expenses it paid on behalf of the enrollee from settlement proceeds of a personal injury claim asserted by enrollee. As part of the decision, the Court determined that federal law preempted Arizona's anti-subrogation doctrine.
- Successfully defended Hospital including medical residents and nurses at trial against claims of medical negligence for failure to provide treatment for preterm labor and for failure to provide corticosteroids to mature fetal lungs.
- Successfully defended physician at trial against claims of failure to diagnose and treat patient's cardiac condition which resulted in patient's death.
- Successfully defended hospital at trial against claims of orthopedic rotator cuff injury which permanently impaired patient's ability to practice medicine and perform surgery.
- Successfully defended physician at trial against claims of failure to timely diagnose and perform surgery on a patient with a cecal volvulus resulting in patient's death.
- Successfully defended physician at trial against claims of failure to timely perform a c-section.
- Successfully defended Hospital against allegations of failure to diagnose and treat the patient's medication withdrawal following surgical revision of a pain implant device which resulted in the patient's death. Case voluntarily dismissed after Motion for Summary Judgment filed.
- Successfully defended Hospital against allegations of failure to diagnose and treat the plaintiff's bowel perforation following surgery. Case voluntarily dismissed by plaintiff after Motion for Summary Judgment filed.
- Successfully defended surgery center against claims of negligent hernia surgery resulting in necrotic testicle. Case dismissed after Motion for Summary Judgment filed.
- Successfully defended Hospital against claims of negligent credentialing of a physician who performed cervical spine surgery resulting in ongoing pain syndrome. Case dismissed after Motion to Dismiss filed.
- Successfully defended Hospital against claims of negligent delivery of the plaintiff's child resulting in shoulder dystocia, which caused a brachial plexus injury and subsequent Erb's Palsy.
- Successfully defended school district at trial in U.S. District Court against claims of Title VII race discrimination, civil rights violations under sections 1981 and 1983, and breach of contract. Defense motion for a directed verdict granted at the close of plaintiff's case.

Articles and Presentations

- HIPAA and Medical Records Law in Arizona, Lorman Education Services, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.
- False Claims Act Compliance and Prevention, November 2014.
- HIPAA and HITECH Act Compliance, October 2014.
- Mock Jury Exercises, April 2014.
- Evidence Based Medicine: Setting the Standard of Care, November 2013.
- Evidence Based Medicine and the Medical Malpractice Claim, November 2012.
- Nuts and Bolts of the Medical Malpractice Claim, April 2011.
- Expert Testimony in Defending Medical Negligence Claims, September 2010.
- The Borrowed Servant Doctrine, August 2010.
- Ethics and Professionalism Course, State Bar of Arizona, November 2008
- Navigating Your Way to Success: Safeguarding the Interests of Your Charter School and Your Students, June 2008
- Electronic Discovery: Amendments to the Arizona Rules of Civil Procedure, April 2008
- Collection Law for the Health Care Industry in Arizona: Medicare Collections and New CMS Regulations on Payment for 'Never Events', Lorman Education Services, January 2008
- Management of Medical Records in Arizona: Protected Health Information and the Management of Medical Records Under HIPAA and Arizona Law, Lorman Education Services, August 2006
- Tactical Issues for Arizona Paralegals Administering Advanced Medical Malpractice Cases, Institute for Paralegal Education, June 2004
- Legal Implications of Nursing Practice in Arizona: Common Issues that Make or Break the Nursing Malpractice Case, Lorman Education Services; March 2003
- Current Legal Issues Affecting Arizona Business: Avoiding a Lawsuit When You Terminate an Employee, November 2002
- 50 Ways Your Employee Can Sue You, 2000.
- New Strategies in Sexual Harassment Litigation: Hot Buttons in Handling Sexual Harassment Claims, University of Missouri--Kansas City School of Law CLE Series, April 1996
- Basics of Employment Discrimination Claims, Kansas City Civil Rights Town Hall, October 1995
- Age Discrimination--Happy Birthday, You're Fired, Personnel Law Update 1995, Council on Education in Management, April 1995
- The Anatomy of a Sexual Harassment Case: Initial Client Interview and Development of a Factual Basis for Sexual Harassment Claim, University of Missouri--Kansas City School of Law CLE Series, October 1994
- Focus on Age Discrimination: Reducing High Risk Stakes, Personnel Law Update 1993, Council on Education in Management, March 1993

Prior Professional Work Experience

- Director, Fennemore Craig, P.C.
- Partner, Campbell, Yost, Clare & Norell, P.C.
- Partner, Sanders & Parks, P.C.

Professional and Community Activities

- Member, State Bar of Arizona
- Member, The Missouri State Bar
- Member, Maricopa County Bar Association
- Member, American Bar Association
- Member, Arizona Association of Defense Counsel
- Member, Arizona Women Lawyer's Association
- Member, State Bar of Arizona Fee Arbitration Committee
- Member, Soroptimist International of Phoenix

Admissions

- Arizona, 1996
- Missouri, 1992
- U.S. District Court, District of Arizona, 1996
- U.S. District Court, Western District of Missouri, 1992

Education and Honors

- J.D., with honors, Brigham Young University, J. Reuben Clark Law School, 1992
- B.A., cum laude, Brigham Young University, 1989
- Named, Top Arizona Top Lawyer in Healthcare, Arizona Business Magazine, 2014