



**MONTGOMERY
& ANDREWS**
LAW FIRM

Santa Fe Office
325 Paseo de Peralta
Santa Fe, NM 87501

(505) 982-3873

David H. Johnson
Albuquerque Office
100 Sun Avenue, NE, Suite 410
Of Counsel, Albuquerque, NM

(505) 884-4200
Albuquerque, NM
505-855-6727

Practice Areas

- Administrative Regulatory
- Healthcare and Hospital Law
- Mediation and Arbitration
- Professional Liability

Overview

Before joining our firm, David was Vice-President and Shareholder at Bannerman & Johnson, P.A., where he represented healthcare providers throughout New Mexico. Prior to that, he was a director and chair of the healthcare business and regulatory group at Rodey, Dickason, Sloan, Akin & Robb. He also previously served as Assistant Vice-President and Regional Compliance Officer and as Counsel for Lovelace Health Systems, an integrated delivery system located in Albuquerque.

Active in a variety of professional groups, David is a Past Chair of the American Bar Association Health Law Section and is a fellow of the American Bar Foundation. He is a past Chair of the State Bar Health Law Section and is a member of the American Health Lawyers Association. For the past decade he has been a member of the Board of the New Mexico Monitored Treatment Program, a non-profit organization offering services to impaired healthcare providers. David is listed in Best Lawyers in America, Top Rated Lawyers in New Mexico, Southwest Super Lawyers under Health Law, and is AV rated by Martindale-Hubbell. For 2015 he was selected as Lawyer of the Year for Health Law.

David began his career as a health lawyer in litigation practice, focusing on medical malpractice defense and complex litigation involving ERISA and health care class action lawsuits. He has been a faculty member of the UNM School of Medicine and adjunct faculty at the UNM School of Law, UNM College of Nursing and the Stanford University Primary Care Associate Program.

Prior to attending law school, David practiced for eleven years as a Family Nurse Practitioner for health maintenance organizations, a county health department and two academic medical centers in New Mexico. He has published many articles and a book chapter on a variety of health law topics and speaks frequently to attorneys and industry groups on legal and bioethics issues.

David limits his practice to the representation of healthcare providers in regulatory, operational, transactional, fraud & abuse, and litigation matters. His clients include hospitals, medical groups, ASCs and imaging centers, home care and long term care organizations, as well as individual healthcare professionals.

Background

University of New Mexico School of Law

Juris Doctor, 1994

- Dean's List and Honor Roll
- Health Law Scholar Award
- Don McCormick Endowed Writing Prize
- National Health Law Moot Court Team

Yale University School of Nursing

M.S.N. in Community Health Nursing, Family Nurse Practitioner Specialization, 1980

San Francisco State University

M.S. in Rehabilitation Counseling, 1975

Yale University

Bachelor of Arts Degree in African Studies, Minor in Economics, 1970

Honors on departmental comprehensive examination

Experience

Publications

- *The Institute of Medicine Report on Reducing Medical Error and Its Implications for Healthcare Providers and Attorneys*, The Health Lawyer (American Bar Association Health Law Section), v. 12, n. 5, p. 1, June 2000 (co-author with David Shapiro, M.D., J.D.).
- *Financial Incentives to Physicians*, in *Managed Care: Financial, Legal and Ethical Issues*, (David Bennahum, M.D., Editor), 2000.
- *Illinois Appeals Court Says HMO Physician Had Fiduciary Duty to Disclose to Patient Financial Incentives That Might Lead to Withholding of Care*. AHLA Health Law Digest, v. 27, n. 6, p. 28, June 1999.
- *ERISA Fiduciary Duty Claims and Managed Care Liability: Implications of Herdrich v. Pegram*, The Health Lawyer (American Bar Association Health Law Section), v. 11, n. 4, p. 1, May 1999.
- *Managed Care and Breach of Fiduciary Duty Claims: Taking a Close Look at Herdrich v. Pegram*, NM Defense Lawyers Association Defense News, v. 8, n. 1, p. 1, Spring 1999.
- *Homecare and Violence Prevention: The New OSHA Guidelines*, NM Association for Home Care News, Supplement, March/April 1996.
- *Neither Panacea nor Pandora's Box: Medical Practice Guidelines and Their Effect on Malpractice Litigation*, NM Bar Bulletin, Vol. 33, No. 31, p. 1, August 4, 1994,
- *Coda: Thoughts on Multiculturalism, Medicine and the Practice of Female Circumcision*, Cambridge Quarterly of Healthcare Ethics, v. 3, p. 439 (1994).
- Letter to the editor on the legal and ethical issues involved in terminating treatment in patients with acute quadriplegia (with David Bennahum, M.D.), New England Journal of Medicine, v. 329, p. 663 (1993).
- *Making Sense of Managed Competition: America's Health Care System at the Crossroads*, NM Bar Bulletin, Vol. 32, No. 24, p. 10, June 17, 1993.
- *Helga Wanglie Revisited: Medical Futility and the Limits of Autonomy*, 2 Cambridge Quarterly of Healthcare Ethics, v. 2, p. 161 (1993). Reprinted in *Clinical Medical Ethics: Cases and Readings* (David C. Thomasma and Patricia A. Marshall eds., 1994).
- Case Summary, The MedLaw Update, Defense Research Institute, p. 10, Summer 1999.

Related Legal, Healthcare and Bioethics Experience

- Taught course on healthcare fraud and abuse, UNM School of Law (Spring 1013).
- Presentation, Physician Integration, NM HFMA Chapter (October 2012).
- Presentation, Basics of Healthcare Fraud & Abuse, ABA National Institute on Healthcare Fraud, Las Vegas, NV (April 2012).
- Presentations, Physician-Hospital Business Arrangements, Legal Education Institute, Colorado Bar Association (January 2012 and 2013).
- Presentation, Healthcare Fraud Update, State Bar of New Mexico (October 2011).

- Presentations, “Healthcare Liability Update”, Legal Education Institute, Colorado Bar Association (2006-2010).
- Presentation on the Medicare Recovery Audit Contractor program, State Bar of New Mexico, Health Law Section (April 2009).
- Program Moderator, Advances in Telemedicine, American Bar Association Health Law Section Annual Meeting (February 2009).
- Teleconference Moderator, “Health Care Facility Ethics Committees: New Issues in an Age of Transparency”, American Bar Association, Health Law Section (January 2008).

Representative Client

University of New Mexico Health Sciences Center

Professional Memberships and Activities

American Bar Association Health Law Section, Past Chair
New Mexico Monitored Treatment Program, Past Board President
New Mexico Bar Health Law Section, Past Chair
American Bar Foundation, Fellow
American Health Lawyers Association, Member

Bar Admissions

New Mexico

Honors

Martindale-Hubbell AV® Preeminent Peer Review Rating

Best Lawyers in America, Healthcare

Southwest Super Lawyers, Healthcare

Top Rated Lawyers in Healthcare (Martindale-Hubbell)