

Adam J. Fulginiti

Shareholder

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Adam concentrates his practice in medical malpractice and defends a variety of health care providers, including physicians and nurses, nursing homes and hospitals. He also serves as chair of the Telehealth and Telemedicine Practice Group, helping clients navigate the intersection of health care, technology and the law. Additionally, Adam has an extensive practice in the arena of social services, where he represents foster care and adoption agencies, residential treatment facilities and community social service agencies.

Adam was selected to serve as the 2020 Board Observer for the Legal Clinic for the Disabled (LCD) as part of the Philadelphia Bar Foundation's Board Observer program. In this role, Adam attended board meetings and fundraisers and observed other events and activities of the organization. The LCD provides free, quality legal services to low income people with physical disabilities and to the deaf and hard-of-hearing in Philadelphia, Bucks, Chester Delaware and Montgomery Counties.

In May 2010, Adam received his *juris doctor* from the Rutgers University School of Law at Camden. While in law school, Adam worked as an associate editor for the *Rutgers Journal of Law and Religion*, where he published work addressing Constitutional implications for bioethical, philosophical and religious principles.

Prior to beginning his legal career, Adam received his Bachelor's Degree in Biological Sciences from the University of Delaware, and performed clinical genetic research at the Children's Hospital of Philadelphia. During his time at CHOP, his work was published in the *American Journal of Medical Genetics*.

Education

- Rutgers Law School (J.D., 2010)
- University of Delaware (B.A., 2007)

Practices

- Medical Malpractice
- Long-Term Care Liability

Admissions

- New Jersey, 2010
- Pennsylvania, 2010

Honors & Awards

- The Best Lawyers: Ones to Watch®, Health Care Law (2024-2025)
- Pennsylvania Super Lawyers Rising Star (2016-2020)

Associations & Memberships

- American Bar Association
- Pennsylvania Bar Association

Representative Cases & Matters

- Part of the defense team that successfully obtained a defense verdict during arbitration in a medical malpractice case. Our client performed major reconstructive surgery for a patient with a highly complex and longstanding history of severe right foot problems. The plaintiffs alleged that our client failed to properly evaluate the patient and perform the surgery at issue, causing complications that required three additional surgeries to correct. We argued that the plaintiff's postoperative course, including the clinical manifestations that developed and the subsequent surgeries he received, constituted a series of known complications/outcomes regarding the complex surgery he underwent. An arbitration verdict was made in favor of our client.
- Successfully defended a long-term care facility in a nursing home malpractice matter, which involved claims of vicarious as well as corporate liability. After leveraging the case into binding arbitration, Adam obtained a complete defense verdict of "no negligence" on behalf of the facility and its corporate affiliates.
- Obtained a dismissal in a nursing home malpractice case. After removing the case to federal court, the EDPA judge granted the motion to dismiss the case on all counts, with prejudice.

Classes & Seminars Taught

- *Issues Impacting Telemedicine and Healthcare Claims*, client webinar, December 17, 2024
- *What Claims and Telemedicine Professionals Should Know About the COVID-19 Public Health Emergency Transition*, AM Best Insurance Law Podcast, March 23, 2023
- *Telehealth Providers and Controlled Substances: Navigating the Challenges of Telehealth Prescribing*, Strafford webinar, August 10, 2022
- *Taking the Telemedicine Time-Out*, Philadelphia Area Society of Healthcare Risk Management (PASHRM) webinar, May 13, 2022
- *Telemedicine Takeaways for 2022*, Marshall Dennehey Trends in Health Care and Health Law Seminar, May 5, 2022
- *Staying Ahead of the Curve with Telehealth and Risk Mitigation: Navigating Legal Pitfalls in a Rapidly Expanding Industry*, webinar, November 4, 2021
- *Charting the Course of Telehealth in the Post-COVID Landscape*, ASHRM Webinar Series, April 27, 2021
- *Telehealth Emerging Legal and Regulatory Issues: Adopting and Implementing*

Innovative Solutions, Strafford webinar, November 5, 2020

- *Telehealth Update: Information and Best Practices to Protect Patients and Clinicians*, webinar for Pennsylvania Association for Healthcare Risk Management 2020 Annual Fall Conference, September 11, 2020
- *Telehealth and Documentation in the Time of COVID-19: Information and Best Practices to Protect Patients and Clinicians* webinar, April 23 and May 14, 2020
- *Navigating Mental Health Issues in Professional Liability Litigation: Privacy, Privileges and Protections*, Marshall Dennehey Health Care and Health Law Seminar, November 7, 2019
- *Recent Trends in Pennsylvania Medical Malpractice Litigation*, Philadelphia Area Society for Healthcare Risk Management (PASHRM) monthly educational meeting, May 24, 2018

Published Works

- "COVID-19 and Telehealth: Issues for Florida Providers on the Horizon and Beyond," *Orlando Medical News*, April 29, 2021
 - "How COVID-19 Accelerated Telehealth in 2020," *Law360.com*, December 17, 2020
 - "Navigating NJ Telehealth and Telemedicine in the Climate of COVID-19," *New Jersey Law Journal*, May 5, 2020
 - "Why It's Time to Embrace Telehealth as the New Normal," *The Legal Intelligencer*, April 15, 2020
 - "The Soul and Its Impact on Life and Death Choices: A Constitutional Study of Abortion, the Right to Die, and Other Bioethical Dilemmas," *Rutgers Journal of Law & Religion*, Spring 2010
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Results

Unanimous Defense Verdict Secured in Philadelphia

We secured a unanimous defense verdict in Philadelphia on behalf of a prominent orthopedic surgeon. The plaintiff alleged that the physician inappropriately touched her during a preoperative examination for bilateral hip surgery. Through meticulous cross-examination and persuasive argument, the defense team achieved a complete victory.

Secured a Unanimous Defense Verdict on Behalf of an Orthopedic Surgeon

We secured a unanimous defense verdict in Philadelphia on behalf of a prominent orthopedic surgeon accused of inappropriate touching of a patient. The plaintiff alleged that the physician inappropriately touched her during a preoperative examination for bilateral hip surgery. Through meticulous cross-examination and persuasive argument, the defense team achieved a complete victory.

Summary Judgment Received in a Nursing Home Malpractice Case

We received summary judgment in the defendant's favor in a nursing home malpractice case. The plaintiff claimed that the facility failed to prevent various conditions and injuries during the resident's admission—such as UTI/sepsis, acute kidney injury/metabolic encephalopathy, dehydration and failure to thrive/weight loss, and skin breakdown. The plaintiff alleged these developments resulted in numerous damages, including, but not

limited to, death. Our motion for summary judgment on behalf of the defendant sought dismissal on the grounds that the facility held immunity pursuant to the Pennsylvania Tort Claims Act. The plaintiff hotly disputed the issue. Ultimately, several rounds of briefing were required to achieve the ruling in the facility's favor.

Defense Verdict Secured in Nursing Home Malpractice Matter

We received a defense verdict in a nursing home malpractice matter involving the development and progression of pressure injuries the decedent experienced during her time in a nursing home. As a result of these injuries, the plaintiff claimed damages, including but not limited to pain, suffering and death. We successfully cited the resident's significant comorbidities and the noncompliance with pressure reduction measures and nutritional support.

Thought Leadership

May 1, 2024

Managing Risks in ER Psychiatric and Behavioral Health Treatment

February 9, 2023

Telemedicine Consequences Resulting from the End of the COVID-19 Public Health Emergency on May 11, 2023

April 29, 2021

COVID-19 and Telehealth: Issues for Florida Providers on the Horizon and Beyond