

## J.D. THOMAS

Partner



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J.D. Thomas is a partner in Waller's Government Investigations, Healthcare, and Litigation practice groups. He represents and advises companies and individuals in a broad array of criminal, civil, and regulatory matters, with a focus on government investigations and prosecutions, *qui tam* and False Claims Act defense, government enforcement actions, and other sensitive and non-routine legal matters. While he has significant experience in the healthcare industry, J.D. also regularly represents and counsels clients in a myriad of other industries, including government contracting, transportation, manufacturing, real estate, financial services, and education.

Prior to joining Waller, J.D. served as an Assistant United States Attorney with at the United States Attorney's Office for the Middle District of Tennessee. In the role of AUSA, J.D. investigated and prosecuted numerous actions brought under the False Claims Act, the Anti-Kickback Statute and the Stark Law, among others. He served as the lead attorney for the United States in a number of notable cases, including the largest civil False Claims Act recovery in the Middle District of Tennessee and the State of Tennessee, the largest in-patient short stay settlement ever obtained under the False Claims Act and one of the largest grant fraud settlements. As a federal prosecutor, J.D. directed nationwide fraud investigations and understands what to expect when the government initiates an investigation and how to respond in the most expeditious manner possible while helping clients find closure and get back to business.

In addition to his background in government investigations and enforcement actions, J.D. has significant litigation experience. He has represented accounting firms, law firms, and broker-dealers in professional liability and civil RICO actions, defended criminal and civil antitrust actions, and handled noteworthy insurance coverage disputes.

### Education

- J.D., University of Virginia School of Law, 2004
  - Editorial Board, Virginia Journal of Environmental Law
  - Editorial Board, Virginia Journal of Sports and Entertainment Law
  - Vice President, Student Bar Association
- B.A., Vassar College, Political Science, 1998

### Bar Admissions

- Tennessee
- Virginia
- District of Columbia

## Court Admissions

- District of Columbia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Middle District of Tennessee
- U.S. Court of Appeals for the Sixth Circuit
- All State Courts Tennessee
- All State Courts Virginia
- All Courts District of Columbia

## Professional

- Member, Executive Committee, Tennessee Bar Association Health Law Section
- Board Member, American Constitution Society, Nashville Chapter

## Prior Affiliations

- Assistant United States Attorney, United States Attorney's Office, Middle District of Tennessee, Nashville, Tenn., 2011-2014
- Associate, Bass, Berry & Sims, PLC, Nashville, Tenn., 2008-2011
- Associate, King & Spalding, LLP, Washington, D.C., 2004-2008

## Up Close

A native of coastal New England, J.D. likes everything related to the sea and is an avid SCUBA diver and fisherman. He and his wife are raising three daughters.

## Articles

- J.D. Thomas Posts, "Healthcare Industry on Pins and Needles: The Repeal of the ACA and What Comes Next" on Waller Healthcare Blog
- Rich Westling and JD Thomas Posts, "The Supreme Court Upholds the Implied Certification Theory of Liability in False Claims Act Cases, Raises New Questions" on Waller Healthcare Blog
- J.D. Thomas and Jeff Parrish Posts, "DOJ Announces Elder Justice Task Force Locations, Including Nashville and Middle Tennessee" on Waller Healthcare Blog
- J.D. Thomas Posts, "Recent Developments in Hospice Fraud and Abuse" on Waller Healthcare Blog
- J.D. Thomas Posts, "Election Year Politics and Ongoing Transformation of Healthcare: A Recap of the LHC Delegation to D.C." on Waller Healthcare Blog

- J.D. Thomas Post, "Speakers Address Key Issues for Long Term Care Providers at AHLA Event" on Waller Healthcare Blog
- J.D. Thomas Post, "Sixth Circuit Severely Narrows Available Damages Under the False Claims Act" on Waller Healthcare Blog
- J.D. Thomas Post "Hospitals Celebrate Small Victory in Fight Related to RAC Appeals Backlog" on Waller Healthcare Blog
- J.D. Thomas Posts, "Supreme Court Evaluating Implied Certification in FCA Cases" on Waller Healthcare Blog
- J.D. Thomas Posts, "Hospitals Hit Hard in 2015 False Claims Act Enforcement" on Waller Healthcare Blog
- J.D. Thomas and Meredith Toole Post "Thoughts from the 2015 AHLA Fraud and Compliance Forum" in Waller Healthcare Blog
- J.D. Thomas and Meredith Toole Post "AHLA's Fraud and Compliance Forum Kicks Off with Keynote Speech from Joyce Branda, Deputy Assistant Attorney General" in Waller Healthcare Blog
- J.D. Thomas Post "Stark Settlement Dominoes Beginning to Fall in the Aftermath of Tuomey" in Waller Healthcare Blog
- J.D. Thomas and Jennifer Weaver Post "Zero to Sixty: The Overpayments Clock Is Ticking and the Courts Are Keeping Time" in Waller Healthcare Blog
- J.D. Thomas Posts "Senator Grassley Takes Notice of OIG Reports Alleging Fraud in Pediatric Dental Practices" in Waller Healthcare Blog
- Fletcher H. Brown and J.D. Thomas Posts "CMS Prepared to Modify Controversial Two-Midnight Rule" in Waller Healthcare Blog
- J.D. Thomas and Meredith L. Toole Posts "Tuomey Decision Signals Concerns About Stark Law" in Waller Healthcare Blog
- J.D. Thomas Posts "Tom Scully Highlights Need for Post-Acute Care Reform at Leadership Health Care" in Waller Healthcare Blog
- J.D. Thomas Posts "Long Sentences in Healthcare Fraud...Make for a Potentially Explosive Combination" in Waller Healthcare Blog
- J.D. Thomas Posts "OIG Issues Latest Report Targeting Dental Providers" in Waller Healthcare Blog
- J.D. Thomas Posts "What Hospitals Can Learn from Recent Florida Settlements over Ambulance Rides" in Waller Healthcare Blog
- JD Thomas talks "What's Past is Prologue: Health Care Fraud Enforcement and What's Ahead for 2015" in the Journal of Health Care Compliance
- J.D. Thomas Posts "An Update from Leadership Health Care's Delegation to D.C." in Waller Healthcare Blog
- J.D. Thomas Posts "A Few Thoughts on Compliance from a Former Assistant U.S. Attorney" in Waller Healthcare Blog
- J.D. Thomas Posts "Healthcare Fraud Enforcement and the DOJ's Greatest Hits" in Waller Healthcare Blog

## Bulletins

- In Surprise Move, DOJ Drops Prosecution of Tennessee Oncologist Accused of Using Misbranded Drugs

## Media Mentions

- "New FCA Ruling Puts Medicare Advantage Plans On Alert," J.D. Thomas quoted in Law360
- "Prior Settlement Knocks Out Lawsuit Against Pediatric Providers" J.D. Thomas quoted in Bloomberg BNA
- "Health Care Cases To Watch In 2017," Richard Westling and JD Thomas quoted in Law360
- "Health Care Policy To Watch In 2017," JD Thomas quoted in Law360
- "4 Key Takeaways From The DOJ's \$4.7B FCA Haul" J.D. Thomas quoted in Law 360
- "Whistle-blower worries: Hospitals likely to see more False Claims suits tied to doctor compensation," J.D. Thomas quoted in Modern Healthcare
- "Tuomey will pay U.S. \$72.4 million to duck \$237 million False Claims verdict," J.D. Thomas quoted in Modern Healthcare
- FBI raid at a Williamson County construction office as part of an ongoing investigation into nine Tennessee Department of Transportation and two Metro Nashville Airport Authority contracts in The Tennessean

## Events

- "Medical Necessity and the False Claims Act: Investigating, Proving, and Defending FCA Cases Involving Issues of Medical Necessity," co-presented by J.D. Thomas at the Health Care Compliance Association (HCCA) Healthcare Enforcement Compliance Institute.
- JD Thomas moderating "Medical Necessity and the False Claims Act - Lions and Tigers and Experts, Oh My." at the AHLA Fraud and Compliance Forum
- "Fraud and Abuse and Managed Care," Co-presented by J.D. Thomas, 2016 AHLA Fraud and Compliance Forum
- Healthcare Government Investigations Panel
- "Compliance Update," Co-presented by J.D. Thomas, 2016 ADSO Summit
- "The Intersection Between Fraud & Abuse and Managed Care—A Crash Course on Compliance," Co-presented by J.D. Thomas, 2016 HCCA Managed Care Conference
- "Overview of Fraud and Abuse Laws," Co-presented by J.D. Thomas, 15th Annual TBA Health Law Primer
- "Government Perspectives on Healthcare Fraud and Enforcement," Moderated by J.D. Thomas, 26th Annual TBA Health Law Forum
- "Fraud and Abuse Laws: Examining a Hypothetical Physician Practice Acquisition," Co-presented by J.D. Thomas, 14th Annual TBA Health Law Primer