

HEALTHCARE GOVERNMENT INVESTIGATIONS

Healthcare businesses today face an environment in which regulatory issues can quickly turn into government investigations or enforcement actions. Waller's attorneys help clients navigate this dynamic environment in order to avoid having otherwise simple regulatory issues morph into something more. We understand what to expect and how to respond to a government investigation because many of our attorneys actually investigated allegations of fraud and abuse for the government. When faced with a government investigation or enforcement action, our attorneys help clients respond appropriately with strategies aimed at minimizing—or completely avoiding—penalties, negative publicity and disruptions to core business operations.

Waller has successfully represented healthcare organizations, individual providers, boards of directors and executives in federal and state criminal, civil and regulatory enforcement matters across the country. As part of our holistic approach to client service, our attorneys draw from the firm's extensive healthcare regulatory and operations knowledge in order to quickly understand and proactively respond to any government investigation. We know that government action can significantly disrupt a client's business operations. Our attorneys work diligently to quickly and efficiently reach a resolution that allows our clients to get on with their business.

Our healthcare government investigations attorneys:

- Include former Assistant United States Attorneys and Department of Justice attorneys who have investigated and prosecuted a multitude of large-scale complex cases while with the government
- Have significant experience dealing with the U.S. Department of Justice, U.S. Attorney's Offices, the Department of Health and Human Services, the Office of the Inspector General (OIG), the Food and Drug Administration, Drug Enforcement Administration, state Attorneys General and various state Medicaid Fraud Control Units
- Have conducted internal investigations and providing counsel on corporate compliance issues and voluntary disclosures.
- Have litigated cases involving the [False Claims Act](#), Stark Law and the Anti-Kickback Statute matters
- Possess a deep understanding of Medicare and Medicaid reimbursement investigations, audits and appeals involving Zone Program Integrity Contractors (ZPIC), Recovery Audit Contractors (RACs), Medicare Administrative Contractors (MACs) and all manner of state Medicaid contractors.



Legal Services

- Litigation & Dispute Resolution
- Government Investigations and White Collar Defense

Relevant News

04.04.17

["Tom Price might soften bundled payments, but healthcare orgs will stay the course," Colin Luke quoted in Healthcare Finance News](#)

03.02.17

["Healthcare Providers Must Stay Current with State Legislative Developments" by Denise Burke, Jeff Parrish, Catie Lane Bailey on the Waller Healthcare Blog](#)

02.02.17

[Waller Elects Twelve New Partners](#)

Articles

- "Measuring the Compliance Program's Effectiveness: Suggestions for the Board," By Fletcher Brown, BoardRoom Press
- In a rare move, the OIG rescinds a 2006 Advisory Opinion
- "Healthcare Providers Must Stay Current with State Legislative Developments" by Denise Burke, Jeff Parrish, Catie Lane Bailey on the Waller Healthcare Blog
- J.D. Thomas Posts, "Healthcare Industry on Pins and Needles: The Repeal of the ACA and What Comes Next" on 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 "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 "Healthcare Fraud Enforcement and the DOJ's Greatest Hits" in Waller Healthcare Blog
- "Conducting an Internal Investigation," co-authored by William Athanas, The Alabama Lawyer
- "Drafting Facility Policies for Returning Explanted Devices: Key Legal and Practical Considerations," Jennifer L. Weaver, Journal of Health & Life Sciences Law, Vol. 7, No. 1
- "How Implementing an Internal Investigations Policy Can Help Health Care Companies Reduce Risk and Expense," William Athanas and John Park, AHLA Connections
- "Hot Topics In Health Law: CMS Proposes Broadening Medicare Enrollment Restrictions To Combat Fraud," by John Arnold, Memphis Medical News
- "Legal Duties and Avoiding Liability: A Nonprofit Board Member Primer," by Paul S. Davidson and Tera Rica Murdock, Trustee magazine
- "Valuing Services Provided: FCA Damages in the Wake of United States v. Anchor Mortgage Corp.," co-authored by Jennifer Weaver, BNA's Health Care Fraud Report
- "Feds knocking? Be ready to respond," by Richard W. Westling, Nashville Business Journal
- "The Duty to Preserve: Help Me Hold On," by Paul S. Davidson and Tera Rica Murdock, Healthcare Liability & Litigation
- "Indemnity Rights Under the False Claims Act: Fact or Illusion," Paul S. Davidson, BNA's Health Care Fraud Report
- "What Should Be Keeping You Awake at Night: Litigation Holds in Health Care," by Paul S. Davidson and Tera Rica Murdock,

BNA's Health Law Reporter

- "Hard Truth About the False Claims Act," by Jennifer L. Weaver, Outpatient Surgery
- "Quality of Care, Medical Necessity, and the Peer Review Process: A Compliance Risk that Every Hospital Should Understand," Richard W. Westling, BNA's Health Law Reporter
- CASINO ENTERPRISE MANAGEMENT MAGAZINE, "Enforcement of the FCPA Reaches Gaming Industry: The Las Vegas Sands Example"
- JOURNAL OF COMMERCE, "Corruption in Purchasing"

Bulletins

- Private Equity in Healthcare: Full Speed Ahead (with Guardrails): DOJ Complaint Highlights Regulatory Risks but Firms Should Stay the Course
- A Closer Look at the Two Midnight Rule as CMS Delays Enforcement Amid Legislative and Judicial Challenges
- CMS Halts Enrollment of New Home Health Agencies in Large Swaths of Texas, Florida and Michigan
- Jury Finds Tuomey Healthcare System Guilty of Stark and False Claims Act Violations Pursuant to Physician Employment Agreements
- Sixth Circuit Reverses \$11.1 Million FCA Judgment Against MedQuest
- New OIG Compliance Podcast Offers Practical Suggestions to Healthcare Boards
- Qui Tam Lawsuit Could Signal New Era of Scrutiny for Ambulatory Surgery Centers
- HHS/Office of Civil Rights Once More Into the Breach
- Personal Care Services Under Scrutiny
- New OIG Report Cites \$1.5 Billion in Inappropriate Medicare Payments to Skilled Nursing Facilities
- Judge Acquits In-House Counsel of Obstruction Charges, Cites Need to Protect Attorney-Client Relationship
- Noted Healthcare/White Collar Defense Attorney Richard Westling Joins Waller Lansden
- Immigration Law Update: ICE Serves New I-9 Notices of Inspection, USCIS Announces Final Rule Adjusting Fee for Immigration Benefits
- FDA Issues Draft Guidance on New Nutrition Requirements for Restaurants and Vending Machine Operators [Withdrawn]
- Physician-Owned Enterprise Enters into \$7.3 Million Civil Monetary Penalty Settlement with OIG
- OIL SPILL LEGAL NEWS, Vol. 2, Companies with Ties to the Gulf Oil Spill Should Take Heed of Government's Recently

Announced Criminal and Civil Investigations

- OIL SPILL LEGAL NEWS, Vol. 1, Widespread Legal Repercussions Expected from "Deepwater Horizon" Oil Spill

Media Mentions

- "Prior Settlement Knocks Out Lawsuit Against Pediatric Providers" J.D. Thomas quoted in Bloomberg BNA
- "Tom Price might soften bundled payments, but healthcare orgs will stay the course," Colin Luke quoted in Healthcare Finance News
- "ACA repeal: Nashville's health care industry faces a defining moment" Colin Luke quoted in the Tennessean
- "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
- "Fraud, anti-kickback penalties to double," Jennifer Weaver Quoted in Modern Healthcare
- "Fraud, anti-kickback penalties to double," Jennifer Weaver Quoted in Modern Healthcare
- "Senate Panel: Docs Owing Device Companies Have Conflict of Interest", Richard Westling quoted in Bloomberg BNA
- InCharge Healthcare 2016: Memphis Medical News Recognizes Denise Burke
- Richard Westling quoted in Law360 "Health Care Regulation to Watch in 2016"
- "Government health care fraud recoveries slide," Jennifer Weaver Quoted in Crain's Chicago Business
- InCharge Healthcare 2016: Nashville Medical News Recognizes Eight Waller Attorneys
- "This Nashville law firm is beefing up its efforts to keep health care providers out of trouble," Patsy Powers and Richard Westling quoted in the Nashville Business Journal
- "Whistle-blower worries: Hospitals likely to see more False Claims suits tied to doctor compensation," J.D. Thomas quoted in Modern Healthcare
- "Budget deal raises stakes for false claims, civil monetary penalties," Jennifer Weaver 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
- "Cincinnati hospital to pay \$4.1 million to settle claims for unnecessary surgeries," Jennifer Weaver Quoted in Modern Healthcare
- "Identifying trends in False Claims Act enforcement," Jennifer Weaver quoted in Becker's Hospital Review

- "Docs wary about release of payment data from drug firms," Denise Burke quoted in The Tennessean
- "Narrowing the scope of CIDs," Bill Athanas quoted in Healthcare Finance News
- "Waller's Health Care Chief Talks Industry Trends," Ken Marlow quoted in Nashville Business Journal
- "Avoid NPP-doctor supervision violations for diagnostic tests," Kim Harvey Looney quoted in Medical Practice Compliance Alert
- "Take 7 steps to protect your practice's NPI, DEA numbers," Colbey Reagan quoted in Medical Practice Compliance Alert
- "Developing a "Best-in-Class" Internal Investigation Policy," William C. Athanas and John Park quoted in Health Care Law Roundtable
- "Empowered by ACA, old fraud law puts new scrutiny on doctors," Kim Harvey Looney quoted in American Medical News
- "Drawing Attention: Whistle-blowers Follow Spotlight to Nashville," Jennifer Weaver quoted in Modern Healthcare

Events

- "Healthcare Compliance: Ideas for Protecting and Preparing for Success," Presented by Fletcher Brown, Texas Association for Healthcare Financial Administration (TAHFA)
- "What Were They Thinking? They Actually Did That! Yes, Ethics Matters!!!," Presented by Fletcher Brown, UMC Health System Board Education Workshop
- "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.
- "The Secrets of Open Meetings, Closed Sessions and Public Information," Presented by Fletcher Brown, Texas Healthcare Trustee Webinar
- JD Thomas moderating "Medical Necessity and the False Claims Act - Lions and Tigers and Experts, Oh My." at the AHLA Fraud and Compliance Forum
- "The Role and Responsibility of the Board," Presented by Fletcher Brown 2017 Healthcare Governance Conference
- "Top 10 Health Care Trends - 2017," Presented by Fletcher Brown, Mitchell County Hospital District Board Retreat
- "Healthcare Compliance: Ideas for Protecting and Preparing for Success," Presented by Fletcher Brown, 2017 TAHFA and HFMA Lone Star - Lubbock Road Show
- "Fraud and Abuse and Managed Care," Co-presented by J.D. Thomas, 2016 AHLA Fraud and Compliance Forum
- "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
- "National False Claims Act and Qui Tam Trial Institute," Jennifer L. Weaver, Faculty Member, American Bar Association Center for Professional Development
- ABA 4th Annual National Institute on Internal Corporate Investigations and Forum for In-House Counsel

Press Releases

- Waller named No.1 firm in the South on American Bar Association's annual Health Law section
- Waller Boosts National Healthcare Regulatory Practice with the Hiring of Former CHS VP and Associate General Counsel
- 35 Waller Attorneys Recognized in Chambers USA
- Waller Elects Twelve New Partners
- Waller Named to The American Bar Association's Health Law Top 10 List
- Waller Strengthens Government Investigations and White Collar Practice With Hiring of Former Assistant United States Attorney J.D. Thomas