

About the Authors

Linda A. Baumann (Chapter 1: An Introduction to Health Care Fraud and Abuse; Chapter 7: Corporate Compliance Programs)

Linda Baumann serves as editor-in-chief of this volume and also is the author of two of the chapters. Ms. Baumann is a partner at Arent Fox LLP, where she leads the Health Care Group in Washington, DC. Linda has extensive experience on a wide range of health care regulatory, litigation and transactional matters, particularly those relating to fraud and abuse, compliance, and reimbursement. She has worked with clients throughout the industry ranging from Fortune 50 companies to community providers, including hospitals, skilled nursing facilities, drug and device manufacturers, distributors, therapy companies, clinical laboratories, DME suppliers, home health agencies, management companies, and many other types of entities involved in the health care industry. She helps clients develop strategies to promote business objectives while ensuring compliance with applicable laws and regulations. Recognized nationally for her expertise in the anti-kickback statute, the Stark law and the False Claims Act, Ms. Baumann has helped numerous clients conduct internal investigations, respond to government subpoenas (through negotiation and settlement), return overpayments, and make formal self-disclosures when necessary. She has implemented and updated corporate compliance programs, served as an Independent Review Organization, and helped clients comply with their Corporate Integrity Agreement obligations. She has been recognized as a Leading Health Care Lawyer in *Chambers USA*, named one of the country's Outstanding Fraud and Compliance Lawyers by *Nightingale's Healthcare News* for several years, and is listed in numerous *Who's Who* publications. She has experience in the federal government, in private practice, and in academia, having taught at Princeton University. She frequently speaks before national conferences, and has published numerous articles on health law topics. Ms. Baumann also has been named an ABA Fellow, elected Chair of the ABA Health Law Section, and is one of the very few attorneys nationwide ranked *AV Preeminent* by Martindale Hubbell. She serves on the advisory board of several health law publications including the *Health Care Fraud Report*. She received her J.D. from Columbia University, where she was an editor of the *Columbia University Law Review* and an International Fellow. She received her undergraduate degree, magna cum laude, from Brown University.

Robert G. Homchick (Chapter 2: Federal Physician Self-Referral Restrictions)

Robert Homchick is a partner in Davis Wright Tremaine's Seattle office. He leads the firm's Health Law Practice Group Fraud and Abuse/Stark Working Group and Health Care Reform Task Force. Mr. Homchick counsels health care providers on regulatory compliance issues including fraud and abuse and physician self-referral and has directed a number of internal investigations. He has defended health care providers and payors in federal false claims act lawsuits and various administrative proceedings. He also handles a variety of transactional matters including mergers and acquisitions, physician practice acquisitions, accountable care organizations, joint ventures, physician incentive arrangements, and the development and implementation of compliance programs. Mr. Homchick is a frequent speaker and author on topics relating to physician self-referral, regulatory compliance, and transactional trends in health care initiatives. He is past chair of the American Health Lawyers Association (AHLA) Fraud & Abuse Practice Group and currently serves on the AHLA Board of Directors. Mr. Homchick is a graduate of Notre Dame Law School summa cum laude and received his Bachelor of Arts summa cum laude from the University of Puget Sound.

Robert Salcido (Chapter 3: The False Claims Act in Health Care Prosecutions: Application of the Substantive, *Qui Tam*, and Voluntary Disclosure Provisions)

Robert S. Salcido, Esquire, is a partner with Akin Gump Strauss Hauer & Feld LLP in the Washington, D.C. office. He has represented several companies in responding to governmental investigations, conducting internal investigations, defending lawsuits filed under the False Claims Act and defending wrongful retaliation lawsuits brought by alleged whistleblowers. Mr. Salcido was a trial attorney with the U.S. Department of Justice in the Civil Fraud Unit from 1988 to 1993. He prosecuted cases under the False Claims Act, handled cases under the False Claims Act's voluntary disclosure provisions and specialized in whistleblower actions brought under the qui tam provisions of the False Claims Act. Mr. Salcido has authored a treatise on the False Claims Act: *False Claims Act & the Health Care Industry: Counseling & Litigation* (2d ed. LexisNexis and American Health Lawyers Association 2008). He has also written articles on the False Claims Act, several of which have been cited by courts. He has lectured extensively on defenses to False Claims Act actions and is routinely listed as a leading practitioner in this area in legal publications that rank attorneys based upon client surveys. He received his B.A. from Claremont McKenna College in 1984 and he received his J.D. from Harvard Law School in 1988.

Patric Hooper (Chapter 4: Practical Considerations for Defending Health Care Fraud and Abuse Cases)

Patric Hooper is a founding principal of Hooper, Lundy & Bookman, P.C., a health law specialty firm with a national practice. Mr. Hooper has practiced in the health law field for more than 35 years, and has been involved in many high-profile health law cases. In addition to his involvement in resolving disputes, Mr. Hooper regularly advises nonprofit and for-profit health care organizations regarding reimbursement, certification, and licensure issues associated with business transactions and combinations. He continuously advises health care providers on Medicare, Medicaid, and Tricare fraud and abuse issues and on state anti-kickback and referral issues. Mr. Hooper is a frequent writer and lecturer on fraud and abuse issues and was the first chairman of the Fraud and Self-Referral interest group of the American Bar Association (ABA) Health Law Section. He received his J.D. from the University of San Diego in 1973 and his A.B. from the University of California, Los Angeles in 1970.

Tracy A. Jessner (Chapter 4: Practical Considerations for Defending Health Care Fraud and Abuse Cases)

Tracy A. Jessner is a regulatory health care associate with the Los Angeles office of Hooper, Lundy & Bookman, P.C. Ms. Jessner advises a variety of health care providers, including hospitals, pharmacies, durable medical equipment providers, laboratories, physicians and pharmacists, regarding licensure and certification, reimbursement and regulatory compliance issues. Ms. Jessner regularly contributes to health law industry publications. She was awarded as a 2012 “Pro Bono Champion” by the American Health Lawyers Association for her significant pro bono legal services in the health law field. Ms. Jessner received her J.D. from the University of Southern California in 2008, where she was a member of the *Southern California Interdisciplinary Law Journal*. She graduated cum laude from the University of Southern California in 2004 with a double B.A. in Political Science and Biological Sciences, and a minor in Bioethics, which earned her the distinction of Renaissance Scholar.

Ana E. Cowan (Chapter 5: Legal Issues Surround Hospital and Physician Relationships)

Ana E. Cowan is a health care associate with the Austin office of Brown McCarroll, LLP. Ms. Cowan works with a variety of clients in the health care industry ranging from physicians, multi-specialty groups, hospitals, managed care organizations, and medical device distributors. Representation of these clients includes advising on corporate, transactional, regulatory, and public policy matters. Ms. Cowan is a regular speaker on issues relating to industry trends, business relationships, and health care transactions and has published numerous

articles on various health law topics. She earned her J.D. from The University of Texas at Austin and her Masters of Law in health law from The University of Houston Law Center.

David W. Hilgers (Chapter 5: Legal Issues Surrounding Hospital and Physician Relationships)

David W. Hilgers is a Partner at Brown McCarroll, LLP, and is a member of the firm's Health Care Law Section. He has practiced law for more than thirty-five years. His primary focus is on health care, corporate, and administrative law. Mr. Hilgers represents health care providers, including physicians, dentists, health systems, managed care organizations, long-term care facilities, multi-specialty groups, hospitals, hospital districts, and community mental health and mental retardation centers. Mr. Hilgers is a member of the American Bar Association's Health Law Council and was the 2009–2010 Chair of the ABA's Health Law Section. He is a regular speaker on issues surrounding the health care industry. He was honored in Chicago in November 2004 as one of ten *Nightingale's Healthcare News*' Outstanding Physician Practice Lawyers in the United States. Other honors include Best of Business Attorney, Health Care Law, *Austin Business Journal*, 2005; "Leaders in their Field," *Healthcare Law, Chambers USA 2005 Guide* and *2006 Guide*; and Super Lawyer, Health Care Law, named by Law and Politics Media, Inc. and published in *Texas Monthly*, 2003–2009. He has been recognized in *Best Lawyers in America*, 1999–2010; and Texas Lawyer's *The Go-To Guide*, Health Law, 2007. Mr. Hilgers is a graduate of the University of Texas School of Law and received his B.A. from Swarthmore College. He is a member of the Order of the Coif, and was a briefing attorney to the Chief Justice of the Texas Supreme Court.

Richard W. Westling (Chapter 6: Managed Care Fraud and Abuse: Risk Areas for Government Program Participants)

Richard Westling is a partner at Waller, Lansden, Dortch & Davis LLP in Nashville, Tennessee. He has more than twenty years of experience in health care related government investigations and enforcement litigation. A former federal prosecutor, he served as a trial attorney at the U.S. Department of Justice in Washington, D.C., and as an Assistant United States Attorney for the Eastern District of Louisiana where he was the criminal health care fraud coordinator and prosecuted numerous health care fraud cases. After leaving the government, he founded and managed a government investigations and white collar defense practice in New Orleans, Louisiana and, later, served as the General Counsel of Medicare Advantage organization. More recently, he practiced in the Washington, D.C. office of a national health care law firm, where he chaired the firm's Government Investigations and White Collar Defense practice. Mr. Westling's health care investigations and defense experience spans the industry and has involved hospitals, physician practices, nursing homes, hospice providers, pharmacies, DME suppliers, home health agencies, and managed care organizations facing allegations ranging from health care fraud to alleged violations of the False Claims Act, the Stark law, and the anti-kickback act.

Recognized as an “Outstanding Healthcare Litigator” by Nightingale’s *Healthcare News*, he has represented publicly traded companies, closely held corporations, and individuals in civil investigations and False Claims Act litigation, grand jury investigations, criminal trials, and congressional investigations. He also regularly conducts internal investigations, assists clients with voluntary disclosures, and provides compliance advice. He received his J.D. from Tulane University School of Law, where he was an editor of the *Tulane Law Review*. He received his B.A. from Sewanee, The University of the South.

Linda A. Baumann (Chapter 7: Corporate Compliance Programs)

See entry for Linda A. Baumann at Chapter 1, above.

Samuel C. Cohen (Chapter 7: Corporate Compliance Programs)

Samuel C. Cohen is an associate in the Health Care Group in the Washington, D.C. office of Arent Fox LLP. Prior to joining Arent Fox, Mr. Cohen was a judicial clerk for Judge Justice Warren Matthews of the Alaska Supreme Court. He also worked at the Massachusetts Senate Ways and Means Committee, where he conducted budget analysis for health and human services accounts including welfare, child care, social services, mental health, mental retardation, and elder affairs. Mr. Cohen is a member of the American Health Lawyers Association. He is admitted to the District of Columbia Bar and the Massachusetts Bar, and is a graduate of Harvard Law School, J.D., 2007, Harvard Kennedy School of Government, M.P.P., 2007, and Harvard University, B.A., 2000.

Leigh Walton (Chapter 8: Potential Liabilities for Directors and Officers of Health Care Organizations)

Leigh Walton is a member of the Nashville law firm of Bass, Berry & Sims, PLC, concentrating her practice in corporate, securities, and health law matters. She received her B.A. degree, magna cum laude, from Randolph-Macon Woman’s College in Lynchburg, Virginia, and her J.D. degree from Vanderbilt University, where she was a member of Order of the Coif and the National Moot Court Team. She is active in the American, Tennessee, and Nashville Bar Associations, serving as the Vice Chair of the ABA’s Committee on Negotiated Acquisitions and as a member of its Corporate Practice Committee. She lectures annually at the ABA’s *Annual Mergers and Acquisitions Institute* and at the Practising Law Institute’s *Nuts and Bolts of Securities Laws* and participates in many other seminars and programs on corporate, securities, and health care matters. Ms. Walton served as a lecturer at Vanderbilt University Law School from 1980–1987. She is a fellow of the Tennessee Bar Foundation and serves on the Metropolitan Development and Housing Agency of Metropolitan Davidson County. Ms. Walton was selected by her peers and clients as one of the *Best Lawyers in America 2007*, is included in *Chambers USA America’s Leading Lawyers for Business 2007* and in *The International Who’s Who of Business Lawyers 2008* and *The International Who’s Who of Corporate Governance*

Lawyers 2007, and as one of the *Lawdragon 500* and *Lawdragon Dealmaker Selection 2007* leading lawyers in America.

Angela Humphreys (Chapter 8: Potential Liabilities for Directors and Officers of Health Care Organizations)

Angela Humphreys is a member at Bass, Berry & Sims, PLC, in Nashville, Tennessee, and is a member of the Corporate and Securities and Healthcare Industry Practice Areas. Her practice includes the representation of health care companies in mergers and acquisitions, the creation of joint ventures, public debt and equity offerings, private placements of securities and corporate governance, and public company disclosure matters. Ms. Humphreys graduated from the University of Tennessee summa cum laude with a B.S. in Accounting in 1991. She graduated from the University of Tennessee College of Law and received her J.D. summa cum laude in 1996, where she was recognized as the College of Law's top graduate and was elected to the Order of the Coif. In addition, she served as research editor for the *Tennessee Law Review* and received its Editing Award. Ms. Humphreys is a member of the American, Tennessee, and Nashville Bar Associations, the Tennessee Society of Certified Public Accountants, and the American Health Lawyers Association. She serves on the board of directors of the Nashville Healthcare Council's Leadership Health Care and also has been listed in the *Lawdragon 500 New Stars*, *New Worlds*, the *Nashville Business Journal's* Best of the Bar, *Best Lawyers in America*, and *Mid-South Super Lawyers* Rising Stars. In addition to her professional affiliations, Ms. Humphreys is active in nonprofit and community service. She serves on the Board of Directors of the American Heart Association, All About Women and Youth About Business.

Nesrin Tift (Chapter 8: Potential Liabilities for Directors and Officers of Health Care Organizations)

Nesrin Tift is an associate at Bass, Berry & Sims, PLC, in Nashville, Tennessee in the Healthcare Regulatory practice group. Her areas of focus include compliance, operational and regulatory work for a broad range of healthcare providers and companies. She also advises providers and companies with respect to HIPAA privacy and security compliance and health information technology issues, including those related to electronic health records. Ms. Tift graduated with a B.A. *magna cum laude* from Harvard University in 2003. She received a Master's Degree in public policy from the London School of Economics in 2005 and then received her J.D. from Vanderbilt University in 2008. Ms. Tift is a member of the American Health Lawyers Association and she has served on its Young Professionals Council.

William W. Horton (Chapter 9: The Past, Present, and Future of the Anti-Kickback Statute: A Practical History)

Bill Horton is a member of the Health Care and Business and Tax Practice Groups of Johnston Barton Proctor & Rose LLP, in Birmingham, Alabama. His

practice focuses on the representation of physicians, health care organizations and other businesses in securities and corporate finance matters, mergers and acquisitions, corporate governance, compliance and regulatory issues and general corporate matters. Mr. Horton has held leadership positions for many years with the American Bar Association's Health Law Section, where he currently serves as Vice Chair, and the American Health Lawyers Association, where he currently serves as Chair of the Business Law and Governance Practice Group and as Editor-in-Chief of *AHLA's Federal Healthcare Laws & Regulations*. Mr. Horton is a nationally known speaker and author on health care law, corporate and securities law, and professional responsibility. A graduate of Vanderbilt University and the Duke University School of Law, Mr. Horton served in 1985–1986 as a law clerk to United States District Judge James H. Hancock (Northern District of Alabama), and was general counsel of HealthSouth Corporation, one of the nation's largest health care services providers, from 1994 through 2003. A Fellow of the American Bar Foundation, Mr. Horton is listed in *The Best Lawyers in America*® (Health Care Law, Securities/Capital Markets Law, Securities Regulation, Corporate Governance Law and Corporate Compliance Law) and in *Alabama Super Lawyers*®. He also serves as an adjunct professor at the University of Alabama School of Law and as a clinical associate professor at the University of Alabama at Birmingham School of Optometry.

Larri A. Short (Chapter 10: Controlling Fraud, Waste, and Abuse in the Medicare Part D Program)

Larri Short is a partner in the Health Law Group at Arent Fox LLP in Washington, D.C. Ms. Short counsels clients on health care regulatory matters, focusing extensively on Medicare and Medicaid reimbursement, Medicaid and state supplemental drug rebate programs and other state reporting obligations, and fraud and abuse compliance issues facing pharmaceutical and medical device manufacturers, prescription drug distributors, and physician practices. Ms. Short has obtained a number of Advisory Opinions from the Office of Inspector General for clients, including two relating to prescription drug Patient Assistance Programs. She has represented health care provider and pharmaceutical clients in *qui tam* actions filed under federal and state False Claims Acts and is involved in the defense of pharmaceutical clients facing follow-on litigation from insurers, consumer groups and state attorneys general. Ms. Short has been a member of the Advisory Board for BNA's Pharmaceutical Law & Industry since that publication was launched. She received a J.D. with High Honors from the University of North Carolina School of Law in 1992. She has been selected by her peers for inclusion under Health Care in Best Lawyers in America® 2013. Ms. Short also has a Masters in physiology from Duke University (1973) and she received a B.S. with High Distinction from the University of Michigan in 1969.

Stephanie Trunk (Chapter 10: Controlling Fraud, Waste, and Abuse in the Medicare Part D Program)

Stephanie Trunk is a senior associate in the Health Law Group at Arent Fox LLP in Washington, D.C. Ms. Trunk counsels pharmaceutical and device manufacturers, distributors and their customers, including pharmacy benefit managers, on regulatory, reimbursement and compliance matters. Her practice focuses on Medicare and Medicaid reimbursement for prescription drugs including drug price reporting, fraud and abuse compliance issues facing pharmaceutical and device manufacturers, and extends to counseling on HIPAA and privacy matters, developing corporate compliance programs, and providing transactional support to her clients. She received a J.D. with Highest Honors from the George Washington University Law School in 2003 where she was elected to the Order of the Coif and a member of the *George Washington Law Review*. Ms. Trunk also has as a graduate certificate in health management from the George Washington University School of Public Health (2003) and she received a B.S. in Accounting Summa Cum Laude from the University of Maryland in 1997.

Robyn S. Shapiro (Chapter 11: Fraud and Abuse Issues Surrounding Clinical Trials)

Robyn S. Shapiro is health law partner, Regional Partner in Charge in the Milwaukee office, and Chair of the Life Sciences Industry Practice Group at Drinker Biddle & Reath. She has worked extensively in health law matters involving clinical research, genetics, biotechnology, treatment decision-making, bioethics issues, medical staff matters, health information privacy issues, informed consent, regulatory and licensing matters, and corporate and commercial issues faced by pharmaceutical and medical device manufacturers and hospitals and academic medical centers engaged in research. Ms. Shapiro is listed in the *Best Lawyers in America* and a number of *Who's Who* publications, she was included in Nightingale's 2006 list of "Outstanding Hospital Lawyers" in the nation, in 2011 she was named Milwaukee's "Health Care Lawyer of the Year" by *Best Lawyers*, and in 2013 she was ranked by Chambers USA as "Leaders in Their Field/Life Sciences: Regulatory/Compliance (Nationwide)". Ms. Shapiro has written more than 50 articles and book chapters on health law topics that have been published in peer-reviewed journals and books, and she has lectured on a wide variety of health law, research compliance, and bioethics topics throughout the world. She recently completed her service as an appointed member of the U.S. Department of Health and Human Services, NIH Recombinant DNA Advisory Committee (RAC), and the RAC Clinical Trials Working Group, and she currently serves on the RAC Bio-safety Working Group. She also has served as an appointed member of the U.S. Food and Drug Administration Drug Safety and Risk Management Advisory Committee and appointed member of the U.S. Department of Health and Human Services Secretary's Advisory Committee on Xeno-transplantation. Ms. Shapiro has been named an ABA Fellow, she serves as Co-Chair of the Wisconsin ABA Fellows, she has served as Chair of the ABA Individual Rights and Responsibilities Section and the ABA Special Committee on Bioethics and the Law, and currently she serves as Co-

Chair of the ABA Health Law Section's Health Policy Task Force and Council Member of the ABA Health Law Section. Ms. Shapiro earned her J.D. from Harvard Law School, and her B.A., summa cum laude with Highest Distinction from the University of Michigan, where she was Phi Beta Kappa. She is admitted to the bars of the District of Columbia, the State of Wisconsin, and the U.S. Supreme Court.

Julie M. Rusczek (Chapter 11: Fraud and Abuse Issues Surrounding Clinical Trials)

Julie Rusczek is an associate in the health law group at Drinker Biddle and Reath LLP in Milwaukee, Wisconsin. Her practice focuses on research compliance issues, and she works with institutions, pharmaceutical and device companies, and other entities on matters such as developing research review policies and procedures, ensuring adequate protections for human subjects involved in research, reviewing contracts and developing templates for various research arrangements, and providing advice regarding compliance with privacy laws. In addition, she represents hospitals and health systems on a wide range of health law issues, including medical staff matters, informed consent, patient confidentiality, Medicare and Medicaid reimbursement, and fraud and abuse. She graduated magna cum laude from the University of Michigan Law School, where she was a member of the Order of the Coif, received the West Publishing Company Award and Legal Practice Writing Award, and was a contributing editor for the *University of Michigan Journal of Law Reform*. She received her Bachelor of Arts degree, magna cum laude, from Williams College.

Carol A. Poindexter (Appendix Editor)

Carol A. Poindexter is a partner at Shook, Hardy & Bacon LLP, and divides her time between the firm's Kansas City and Washington, D.C. offices, where she Co-Chairs the firm's Government Enforcement & Compliance Practice Group and Chairs the firm's Health Law Industry group. Carol has extensive regulatory, investigatory and litigation expertise across a broad range of health care and life sciences industry matters, including complex federal, state, and international civil, criminal and regulatory enforcement and compliance matters involving the Department of Justice, U.S. Attorney's Office, Securities and Exchange Commission, HHS Office of Inspector General, and State Attorneys General. She has represented entities in: health care fraud investigations; False Claims Act litigation and internal investigations; Foreign Corrupt Practices Act and anti-bribery/corruption investigations, due diligence and compliance; clinical research compliance; HIPAA Privacy issues; and regularly counsels, advises, and represents corporate directors and officers of public companies on corporate governance, ethics and regulatory compliance issues. Carol represents a wide range of entities, including: pharmaceutical, medical device, and biotech manufacturers; software vendors; medical device distributors; government contractors, hospitals, and academic medical centers; ambulatory surgery centers; and senior living and long-term care facilities. Carol Chairs the Defense Research Institute's Life Sciences White Collar Sub-Committee; is Vice-Chair

of the ABA Health Law Section's Publications Committee, Vice-Chair of the ABA Health Law Section's International Health Task Force; Vice-Chair of the ABA Health Law Section's Medical Research, Biotechnology & Clinical Ethics Interest Group, and is Vice-Chair of the American Health Lawyers Association Fraud & Abuse Practice Group. She was recognized in 2007, 2008, 2009, 2010 and 2011 as a Super Lawyer by the magazine *Missouri & Kansas Super Lawyers*, with the added distinction of being named to the publication's "Top 50 Women." The *Kansas City Business Journal's* "Best of the Bar" supplement named Carol among those Kansas City-area lawyers recognized by their peers as professionals most worthy of respect and admiration for 2009, 2010, and 2011. Carol was also named to the 2008 BTI Client Service All-Star Team, an exclusive group of 148 attorneys selected for superior client service to *Fortune* 1000 companies. Carol received her J.D. in 1996 from the University of Missouri (Kansas City) where she served as Editor-in-Chief of the *UMKC Law Review*.