

# OUR PRACTICE

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## Fraud and Abuse Counseling

**Baker Donelson is one of the few preeminent national firms in the field of fraud and abuse counseling. Our depth of substantive knowledge of the fraud and abuse area combined with our longstanding experience in applying that knowledge to the issues facing all major sectors of the health care industry enables us to provide timely, accurate and practical advice to clients in all areas of health care.**

Baker Donelson has served as national fraud and abuse counsel to:

- National for-profit and non-profit health systems
- National clinical laboratories
- National pharmaceutical wholesalers
- National retail pharmacy chains
- National institutional pharmacies
- Large pharmaceutical manufacturers
- Large long term care providers
- National physical therapy providers

We also serve as fraud and abuse counsel to a myriad of smaller providers in all areas of health care. No matter what part of the health care industry you occupy, Baker Donelson has an attorney with unsurpassed experience in the fraud and abuse issues you face.

We pride ourselves on providing practical advice to our clients in structuring business arrangements that comply with federal and state fraud and abuse laws, including the Stark Physician Self-Referral Statute, the Anti-Kickback laws, and the Federal Civil Monetary Penalty provisions. We also defend companies and individuals in government investigations under the health care fraud and abuse laws.

Our attorneys have a deep understanding of the laws and guidance surrounding the fraud and abuse laws, as well as their interrelationship with the reimbursement laws and the False Claims Act. In addition to providing guidance on structuring arrangements, we analyze existing business arrangements for risks and potential violations of the fraud and abuse laws in the context of due diligence. We develop "real world" strategies for addressing past violations. Our attorneys have extensive experience preparing, negotiating and resolving matters through the OIG and CMS self-disclosure protocols. We also work on behalf of our clients to negotiate resolutions with federal and state law enforcement officials as well as regulatory agencies.

Our talented attorneys also have the experience and knowledge to assist our clients in developing innovative legal solutions in our changing health care environment. New health care payment models continue to create challenges as well as opportunities for creative solutions. We work with our clients to minimize the fraud and abuse risks associated with alternative payment models, accountable care organizations (ACOs), clinically integrated networks (CINs), hospital/physician integration, co-management relationships and gainsharing arrangements. We also help our clients with the design, implementation and compliance oversight of such arrangements.

Baker Donelson attorneys have crafted many successful advisory opinion strategies, including drafting balanced, yet persuasive requests and then advocating for our client's position with government lawyers. Our

experience and credibility with government lawyers allows us to successfully shepherd requests through the advisory opinion process.

Our talented stable of fraud and abuse lawyers also bring extensive prior government and industry experience to the table. One of our shareholders had primary responsibility in the Office of the General Counsel of the former Department of Health, Education and Welfare (HEW) for developing policies and regulations to implement the Medicare and Medicaid Anti-Fraud and Abuse Amendments of 1977. Another shareholder, formerly with the Office of General Counsel of the Department of Health and Human Services (HHS), was closely involved in the drafting of the Medicare and Medicaid Patient and Program Protection Act of 1987. One of our shareholders chaired the AHLA Fraud and Compliance Forum for 6 years.

In addition to Baker Donelson's health care practice being ranked nationally by *Chambers USA: America's Leading Lawyers for Business*, there are also a number of individual attorneys that have been recognized across the country for their legal acumen in regulatory health care matters. Our attorneys frequently lead seminars and participate in panel discussions concerning the fraud and abuse laws.