

Healthcare Fraud and Abuse

In recent years, federal and state authorities have devoted ever-increasing resources to investigate, sue, and prosecute the full spectrum of healthcare providers, including individual practitioners, large practices, hospital networks, nursing home systems, and laboratory and diagnostic testing companies, as well as private equity funds and other healthcare industry investors. With increased civil penalties, criminal sentences, and fines, it is essential to retain legal counsel with a proven record of defending companies and individuals against aggressive criminal prosecution and civil enforcement. Successful representation in these cases requires an in-depth understanding of healthcare regulatory regimes, familiarity with the government's investigative and litigation methods, and experience coordinating parallel criminal, civil *qui tam*, and administrative matters.

Our team has handled hundreds of healthcare cases in federal and state courts around the United States—from government and internal investigations, to criminal and civil pretrial litigation, to trials and appeals up to the US Supreme Court. We also routinely help our clients develop corrective action plans, including proactive compliance reviews and audits designed to reduce risks and avoid enforcement. With experienced regulatory and defense attorneys working together to provide integrated advice to meet any enforcement challenges, Arnold & Porter's team has the experience that corporate boards, senior management, and practitioners trust to gather the facts, evaluate the options, and obtain results.

“Great practitioners and exceptional professionalism. ... They are really at the forefront of corporate enforcement.

—Chambers USA

“They are stellar—really practical and focused on client satisfaction.”

—Chambers USA

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Key Recognitions

Chambers Global

- Corporate Crime & Investigations (USA) (2022)
- Life Sciences (Globalwide) (2022)
- Life Sciences: Regulatory/Compliance (USA) (2022)

Chambers USA

- White-Collar Crime & Government Investigations (DC, New York, Nationwide) (2022)
- False Claims Act (Nationwide) (2022)
- Healthcare (DC) (2022)
- Life Sciences (Nationwide, California) (2022)

The Legal 500 US

- Corporate Investigations and White-Collar Criminal Defense—Advice to Corporates; Individuals (2022)
- Healthcare: Life Sciences; Service Providers (2022)

U.S. News & World Report and Best Lawyers

- “Best Lawyers”—Criminal Defense: White Collar (National, DC, New Jersey, New York) (2022)
- “Best Law Firms” for Healthcare Law (DC, National) (2022)

LMG Life Sciences Guide

- Non-IP Litigation & Enforcement: White-Collar/Government Investigations (2021)
- Regulatory Healthcare: Pricing & Reimbursement (2021)

Experience Highlights

- **National hospital system**, with in-patient facilities across 25 states, in connection with DOJ criminal healthcare fraud and False Claims Act investigations, 14 associated *qui tam* complaints filed across 10 different judicial districts, and proceedings before the Judicial Panel on Multidistrict Litigation, concerning alleged violations of Anti-Kickback Statute and Stark Law, medically unnecessary services, upcoding, and improper cost reporting.
- **National managed care organization’s home healthcare subsidiary** in successfully defending against civil False Claims Act investigation by US Attorney’s Office for Eastern District of Michigan, securing no-fault Medicare overpayment settlement concerning laboratory and diagnostic testing services, and securing complete dismissal of five *qui tam* complaints.
- **Major New York-area hospital** in political corruption and healthcare fraud investigation being conducted by USAO for Eastern District of New York; successfully led hospital’s cooperation, leading to declination from DOJ.
- **Newark Beth Israel Medical Center and parent RWJBarnabas Health** in conducting independent investigation, responding to multiple enforcement investigations and regulatory reviews, and overseeing response to extensive media scrutiny and congressional and legislative inquiries following allegations in national press that patient care in hospital’s heart transplant program was compromised to improve survival statistics.
- **Wanaque Center for Nursing and Rehabilitation** a New Jersey-based acute pediatric nursing facility, in regulatory, legislative and civil investigations relating to viral outbreak.
- **D.C.-area dermatologic surgeon** in both winning complete acquittal after five-week federal criminal jury trial on charges of healthcare fraud and aggravated identity theft and securing full dismissal of related FCA allegations.
- **Anesthesiologist** at Forest Park Medical Center in multiyear investigation and anti-kickback inquiry by USOA for Western District of Texas.
- **Dr. Salomon Melgen** a Democratic Party donor, as lead trial counsel in 10-week federal criminal trial in District of New Jersey involving charges of bribery and honest services fraud involving Medicare and other regulatory issues. On our Rule 29 motion, the court acquitted Dr. Melgen and his co-defendant, US Senator Robert Menendez, on all political contribution counts, following mistrial where jurors hung 10-2 in favor of acquittal. DOJ subsequently dismissed all remaining charges with prejudice.
- **Leading provider of in-home video EEG testing service** in multidistrict investigation that involved seven separate *qui tams* and a criminal investigation conducted by Department of Justice, Criminal Fraud Section, and US Attorney’s Offices in Southern District of Texas, Middle District of Florida and Northern District of Texas. Case settled.
- **One of the largest ophthalmic cataract practices in the country** in ongoing DOJ investigation regarding alleged kickbacks.
- **Radiation oncology practice** in winning dismissal of False Claims Act *qui tam* suit alleging violations of Medicare supervision requirements.