

## Books

- False Claims Act & the Healthcare Industry: Counseling & Litigation (4th ed. American Health Law Ass'n 2022).

## Chapters in Books

- *The False Claims Act in Health Care Prosecutions: Application of the Substantive, Qui Tam, and Voluntary Disclosure Provisions*, in HEALTH CARE FRAUD AND ABUSE: PRACTICAL PERSPECTIVES, CH. 3 (3d ed. BNA Books 2013).
- *False Claims Act: Health Care Applications and Defenses* in BLOOMBERG BNA HEALTH LAW & BUS. SERIES NO. 2650 (2012).
- *When Legal Advice is Advisable*, Coding for Chest Medicine, Ch. 28 (AMERICAN COLLEGE OF CHEST PHYSICIANS 2014).
- *Addressing Challenges in Defense of a Health Care Fraud or Abuse Investigation, in Inside the Minds: Responding to Health Care Fraud and Abuse Investigations*, Ch. 4 (ASPATORE BOOKS 2008).

## Articles

- *Multiple Appellate Courts Now Rule that Government and Relator Cannot Take Advantage of Ambiguous Law to File False Claims Act Lawsuit to Obtain Treble Damages and Civil Penalties*, Akin Gump False Claims Act Public Disclosure Alert, April 28, 2022.
- *OIG Joint Venture Advisory Opinion Does Not Consider Multiple Court Decisions That Undermine the Conclusions in Its Opinion*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (March 22, 2022).
- *FCA Proposal Is Unfair And Would Hinder Economic Growth*, LAW360 (September 22, 2021).
- *When Can Opinions Be "False" and Result in False Claims Act Liability: Three Circuit Courts Provide Conflicting Guidance—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (February 2021).
- *11th Circuit's Decision in AseraCare: Important in Determining When Clinical Judgment Regarding Medical Necessity Can Result in an Overpayment and How Evidence Regarding Corporate Knowledge Must Be Tied to Claims to Establish False Claims Act Liability*, GOVERNMENT CONTRACTING LAW REPORT (December 2019).
- *Three Years After Escobar: Lessons Learned Regarding Plaintiffs' Efforts to Neutralize Escobar and Opportunities This Practice Raises for Defendants*, GOVERNMENT CONTRACTING LAW REPORT (September 2019).
- *9th Cir. FCA Ruling Undermines Escobar*, LAW360 (September 10, 2018).

- *False Claims Act Circuit Splits—FCA Issues That May Soon Reach The Supreme Court Or Lead To Congressional Amendment*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (April 2018).
- *Under What Circumstances Can a Private Qui Tam Plaintiff Overrule Government Agency Experts' Use of Administrative Discretion to File False Claims Act Actions in the Post-Escobar World?* PRATT'S GOVERNMENT CONTRACTING LAW REPORT (December 2017).
- *Recent Significant Case Law Developments Regarding What Constitutes a Reckless Interpretation of a Law and When Retention of an Overpayment Violates the False Claims Act*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (December 2016).
- *What Must the Government Prove to Establish That a Defendant Recklessly Interpreted a Statute or Regulation in Violation of the False Claims Act?—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (May 2016).
- *Understanding When an Overpayment Can Result in False Claims Liability and Why Current Court Precedent and Regulatory Guidance is Mistaken—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (March 2016).
- *Minimizing Exposure to Stark Law Liability in False Claims Act Cases by Isolating Those Who Determine Fair Market Value From Those Who Measure Contribution Margin or Other Similar Operational Data*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (February 2016).
- *When a Violation of a Rule or Regulation Becomes an FCA Violation: Understanding the Distinction Between Conditions of Payment and Conditions of Participation*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (January 2016).
- *The False Claims Act: Is it Narrowly Intended to Protect the Treasury or Broadly Intended to Enforce All Rules and Regulations?* JOURNAL OF HEALTH & LIFE SCIENCES LAW, American Health Law Association (June 2014).
- *The 2009 False Claims Act Amendments: Congress' Efforts to Both Expand and Narrow the Scope of the False Claims Act*, 39 PUB.CONT.L.J. 4 (2010) [favorably cited in *United States ex rel. Farmer v. Eagle Sys. Servs.*, 2015 U.S. Dist. LEXIS 2492 (E.D.N.C. Jan. 9, 2015)].
- *Lessons From a Claims Act Case Alleging a Violation of the Anti-Kickback Act: United States ex rel. Pogue v. Diabetes Treatment Centers*, THE METROPOLITAN CORPORATE COUNSEL, (March 2009) (co-authored with Kelly Cleary and Mara McDermott).
- *Limiting the Scope of the False Claims Act: the Tenth Circuit's Decision in United States ex rel. Conner v. Salina Regional Health Center*, THE METROPOLITAN CORPORATE COUNSEL, (February 2009) (co-authored with Kelly Cleary and Mara McDermott).
- *Recent False Claims Act Prosecutions Fall Flat*, THE NATIONAL LAW JOURNAL (July 4, 2005).
- *The Government's Increasing Use of the False Claims Act Against the Health Care Industry*, JOURNAL OF LEGAL MEDICINE (December 2003) [favorably cited in *United States ex rel. Phillips v. Permian Residential Care Center*, 386 F. Supp. 2d 879 (W.D. Tex. 2005) and *United States ex rel. Bailey v. Ector County Hosp.*, 386 F. Supp. 2d 759 (W.D. Tex. 2004)].

- *HHS Expanded Use Of Fraud Law's "Corporate Death Sentence" Is Legally Suspect*, WASHINGTON LEGAL FOUNDATION (June 2003) (co-authored with Ronald H. Clark and Gabriel L. Imperator).
- *The Public Disclosure Bar of the False Claims Act*, HEALTH CARE FRAUD LITIGATION REPORTER (April 2002).
- *The Government Unleashes the Stark Law to Enforce the False Claims Act: the Implications of the Government's Theory for the Future of False Claims Act Enforcement*, THE HEALTH LAWYER (August 2001).
- *Government's Recent Law Enforcement Efforts: What Can Be Learned from the Latest FCA Complaints*, HEALTH CARE FRAUD LITIGATION REPORTER (June 2001).
- *The Supreme Court's Ruling in Vermont Agency of Natural Resources v. United States and the Future of False Claims Act Qui Tam Actions*, 28 HEALTH LAW DIGEST 3 (American Health Law Ass'n, August 2000).
- *The Use Of Voluntary Disclosures to Pre-Empt Qui Tam Actions under the False Claims Act: An Analysis of the Bank of Farmington Case and the OIG's Voluntary Disclosure Program*, 27 HEALTH LAW DIGEST 3 (American Health Law Ass'n, April 1999).
- *The Government Declares War on Qui Tam Plaintiffs Who Lack Inside Information: The Government's New Policy to Dismiss These Parties in False Claims Act Litigation*, THE HEALTH LAWYER (October 2000) [favorably cited in *United States ex rel. Bagley v. TRW, Inc.*, 212 F.R.D. 554 (C.D. Cal. 2003)].
- *Mixing Oil and Water: The Government's Mistaken Use of the Medicare Anti-Kickback Statute in False Claims Act Prosecutions*, 6 ANNALS HEALTH L. 105 (1997).
- *Application of the False Claims Act "Knowledge" Standard: What One Must "Know" to be Held Liable Under the Act*, THE HEALTH LAWYER (Mid-Winter 1996).
- *Screening Out Unworthy Whistleblower Actions: An Historical Analysis of the Public Disclosure Jurisdictional Bar to Qui Tam Actions Under the False Claims Act*, 24 PUB.CONT.L.J. 237 (1995) [favorably cited in *United States v. Board of Trustees of Stanford Univ.*, 161 F.3d 533 (9th Cir. 1998); *United States ex rel. Findley v. FPC-Boron Employees' Club*, 105 F.3d 675 (D.C. Cir. 1997); *United States ex rel. Ackley v. IBM*, 76 F. Supp. 2d 654 (D. Md. 1999); and *United States ex rel. Mistick PBT v. Housing Authority*, 186 F.3d 376 (3d Cir. 1999) (dissenting opinion)].
- *Investigating Allegations of Fraud: Questions to Ask When Evaluating Whether Cost Report Claims Breach the False Claims Act*, HEALTH CARE FRAUD LITIGATION REPORTER (February, 2000).
- *DOJ Must Reevaluate Use of False Claims Act in Medicare Disputes*, WASHINGTON LEGAL FOUNDATION (Jan. 7, 2000).
- *HHS' Voluntary Disclosure Program: How To Obtain Benefits Under The Program While Minimizing Risk*, THE HEALTH LAWYER (Summer 1995).
- *Coding Component: Important Element Of Compliance Plan*, HEALTHCARE FINANCIAL MANAGEMENT (Aug., 1997) (co-authored with Trudy Whitehead).

- *The Supreme Court Punts: The Court's Non-Ruling On The False Claims Act And Its Implications For The Health Care Industry*, THE HEALTH LAWYER (vol. 9, no. 7, 1997)