

AMY O. GARRIGUES ATTORNEY



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SERVICES

- False Claims Act/Qui Tam Actions
- Government Investigations
- Fraud & Abuse/Stark
- Mergers & Acquisitions
- Academic Medicine
- Compliance Counsel
- Reimbursement & Payment Practices
- Reimbursement Appeals & Litigation
- Complex Litigation

BIOGRAPHY

Amy Garrigues is a Shareholder and the Managing Partner of Hall Render's Raleigh office and concentrates her practice exclusively on health law. She primarily represents academic medical centers, hospitals and health systems across the country, as well as ancillary service providers, private equity companies and medical device companies. Amy regularly advises clients on regulatory and compliance matters; federal False Claims Act lawsuits and investigations; internal investigations; fraud and abuse laws, including Stark and Anti-Kickback; health care transactions; Medicare and Medicaid reimbursement issues; and administrative appeals. Prior to law school, Amy worked as a health care strategy consultant with a global consulting firm. She was named as an Associate to Watch in the 2014 *Chambers USA Healthcare - North Carolina* rankings and a Rising Star by *North Carolina Super Lawyers* in 2010.

EDUCATION

Preparatory Education: Harvard University, A.B., *magna cum laude*, Phi Beta Kappa - 2001

Legal Education: Harvard Law School, J.D. - 2006

ADMITTED TO BAR

- North Carolina - 2006
- U.S. District Court for the Eastern District of North Carolina
- U.S. District Court for the Fourth Circuit

MEMBERSHIPS

- American Health Lawyers Association
- American Bar Association, Health Law Section
- North Carolina Bar, Health Law Section
- North Carolina Society of Health Care Attorneys

EXPERIENCE

- Representation of hospital and health systems in resolution of multiple False Claims Act inquiries and lawsuits related to various Medicare and Medicaid reimbursement issues and associated retaliation claims.
- Representation of academic medical centers, hospitals, publicly traded health care companies and other health care clients in connection with multiple confidential internal investigations related to government inquiries, potential compliance matters,

potential violations of the federal Anti-Kickback Statute and/or the Stark Law, potential Medicare reimbursement matters, potential falsification of reports and claim submission or other documents, grant funding allocation issues and other matters.

- Representation of academic medical center in government inquiry and False Claims Act litigation related to teaching physician supervision and medical direction of anesthesia services.
- Representation of national radiation therapy provider in resolution of a False Claims Act case related to medical necessity of FISH testing and subsequent entry into Corporate Integrity Agreement.
- Representation of hospitals and health systems in connection with Office of Inspector General audits and other inquiries.
- Representation of large hospital systems in connection with filing over 1,200 Recovery Audit Contractor appeals to the Qualified Independent Contractor and Administrative Law Judge.
- Representation of large health system in connection with litigation with the Department of Health and Human Services related to a potential writ of mandamus to compel ALJ hearings within the prescribed regulatory timeframe.
- Representation of health care providers in hospital, physician practice and management company acquisitions.
- Representation of multiple health care providers in multiple hearings related to compliance with EMTALA.
- Representation of hospitals and health systems in connection with self-disclosures to the government under the federal Stark Law.
- Representation of hospitals in connection with ambulatory surgery center private placements.
- Representation of private equity firm and lenders in acquisitions of health care providers and health information companies.
- Routine general advice and counsel to health care systems regarding Stark, anti-kickback and other fraud and abuse issues.
- Regulatory advice regarding Section 111 reporting requirements under the MMSEA to foreign client.
- Representation of multiple hospital and health system clients in connection with analysis of contracts and arrangements under the Stark Law and subsequent filing of self-disclosures under the Stark Self-Referral Disclosure Protocol to CMS or under the Self-Disclosure Protocol to the OIG for hospitals located in California, Pennsylvania, North Carolina, Ohio, Texas, New Jersey and Connecticut.
- Representation of multiple hospital and health system clients in Stark and AKS matters that resulted in decision that activities were reasonably compliant and a self-disclosure was not warranted.
- Conducted internal investigations at hospitals, academic medical centers and other health care provider clients related to a number of allegations potentially implicating the FCA, including but not limited to those covering: (i) allegations of Stark and anti-kickback noncompliance related to physician compensation; (ii) allegations of receipt of improper benefits from a medical device company; (iii) allegations of improper receipt of products from pharmaceutical companies and potential provision of free services to government beneficiaries; (iv) allegations of noncompliance by former executives post-termination; (v) allegations of distributing free items to referring physicians; (vi) allegations of lack of physician presence in the operating room setting; (vii) receipt of meaningful use payments; and (viii) improper inpatient billing for certain services.

HONORS

- Listed in *North Carolina Super Lawyers Rising Stars* – 2010

PUBLICATIONS

- Quoted in "HHS, Hospital Group to Pitch Solutions to Medicare Appeals Backlog," Bloomberg BNA, October 2016.
- Real Estate Industry Appraisal Practice versus Federal Health Care Regulations, *Journal of Health & Life Sciences Law*, Vol. 9, No. 2, February 2016.
- Tuomey Revisited: Key Takeaways for Health Care Attorneys, *Prognosis Newsletter*, North Carolina Bar Association, Health Law Section, Vol. 30, No. 1, August 2013.
- Information Exchange in the Formation of an ACO, *American Health Lawyers Association*, May 2013.
- Relationships Between Physicians and Hospitals, *BNA - The Health Care Compliance Guide*, Issue 142, Chapter 2210, April 16, 2012.
- Hurdles to Health Care Reform, *National Law Journal*, September 2009.
- Stark's 'Bright Line' Gets More Complicated with Proposed Rules, *Prognosis Newsletter*, North Carolina Bar Association, Health Law Section, North Carolina Society of Health Care Attorneys, May 2008.
- The Eleventh Circuit Holds That Agreements in Which Pharmaceutical Companies Pay Generic Companies Not to Compete May Be Valid, *Journal of Law, Medicine, and Ethics*, Spring 2004.

PRESENTATIONS

- Hospital Affiliations and the Establishment of "Hospital Networks," AHLA's Legal Issues Affecting Academic Medical Centers and Other Teaching Institutions Conference, January 2013.
- Privacy and Security Issues for Hospice, Carolinas Center for Hospice and End of Life Care, Hospice Administrative Team Conference Program, September 2009.