



## **James A. Hoover**

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### **Services**

Administrative & Regulatory, Health Care, Health Care Litigation, Health Care Compliance, Health Care Business, Governance & Transactional, Cybersecurity, Government Affairs & Investigations, Corporate,

Jim practices in Burr & Forman LLP's Health Care Practice Group. Jim represents all types of companies and individuals in the health care industry including hospitals, physician practices, pharmacies, pharmaceutical manufacturers, nutraceutical manufacturers and medical device manufacturers throughout Alabama and the Southeast.

Jim has extensive litigation experience defending companies, corporate representatives and other individuals in qui tam lawsuits and responding to Civil Investigative Demands, grand jury subpoena's and other government investigations regarding violations of Stark, Anti-kickback, and False Claims violations. Jim has also represented countless healthcare providers before administrative tribunals, including the CMS, DEA, OIG and other federal and state regulatory agencies.

Jim also represents healthcare providers with their health care compliance programs, HIPAA privacy and security matters, Medicare appeals, audits, recoupments and sanctions, as well as other health law disputes. Jim frequently lectures on False Claims Act and qui tam lawsuits, healthcare compliance and the requirements imposed by HIPAA and implementing a HIPAA compliance program.

### **Publications**

- *Birmingham Medical News*: Clinical Labs Beware: Review Your Marketing Arrangements
- A New Anti-Kickback Law Targets Clinical Lab Marketing Arrangements
- The OIG Reminds Healthcare Providers of Fraud Risk Factors When Deciding Whether to Exclude

a Healthcare Provider or Require a CIA

- Anthem Will Pay Record \$16 Million To Settle Health Care Data Breach
- Health Care: Helpful Hints – May 2018

## **Education**

J.D., Cumberland School of Law at Samford University, (1992)

B.B.A., Risk Management and Insurance, University of Georgia, (1987)

## **Licensed In**

Alabama

## **Honors & Awards**

- *Chambers USA*, Leading Practitioner in Health Care (2017-2019)
- *Best Lawyers in America*, Health Care Law (2010-2020), Litigation - Health Care (2016-2020)
- *Mid-South Super Lawyers*, Health Care (2016-2019)
- *Alabama Super Lawyers*, Health Care (2011-2015)
- Martindale-Hubbell AV Preeminent© Peer Review Rating

## **Professional Associations**

American Bar Association

Alabama State Bar

Birmingham Bar Association

The Federation of Defense and Corporate Counsel, Health Care Section, Vice Chair (2016-2017),  
Chair (2017-2018)

American Health Lawyers Association

## **Experience**

- Represented a hospital against a false claims and anti-kickback investigation conducted by the OIG and U. S. Attorney's Office for the Northern District of Alabama that led to the government closing its investigation without action against the hospital.
- Assisted clients in responding to and addressing HIPAA breaches, including coordinating breach notification processes and extensively reviewing and revising HIPAA compliance plans and forms.
- Conducted numerous internal corporate investigations for companies suspecting violations of Stark, the Anti-kickback laws and the False Claims Act
- Defended multiple compounding pharmacies throughout the southeast regarding the Department of Justice's investigation of alleged false claims payments relating to Tricare/the Defense Health Agency.
- Represented several health care laboratories in responding to CIDs and defending qui tam lawsuits and government investigations alleging violations of Stark, the Anti-kickback laws and the False Claims Act.
- Represented a mental health provider in a qui tam/false claims lawsuit alleging, among other

allegations, violation of the false claims act as a result of the provider's alleged improper use of "incident to" services.

- Represented a large specialty pharmacy company in an action brought by the Alabama Medicaid Agency involuntarily suspending Medicaid payments and successfully obtained the return of \$11 million in Medicaid funds.
- Represented physician practices in a qui tam/false claims lawsuit alleging a violation of the false claims act as a result of the practice's improper use of "incident to" services.
- Obtained a summary judgment on behalf of a physician group practice resulting in a dismissal of a lawsuit filed by a former physician employee alleging submission of false credentialing information to a state medical licensing board.
- Represented numerous physician practices in multiple Office of Inspector General ("OIG") investigations related to the use of and billing for qualitative drug screen testing.
- Obtained certificate of need approval from the State Health Planning and Development Agency to construct the first Free Standing Emergency Department in Alabama.
- Obtained a summary judgment for a hospital client against a lawsuit filed by a real estate management company alleging breach of a real estate management contract and various leases and subleases.
- Obtained a judgment in excess of \$800,000.00 for a hospital client against a physician on its medical staff for violating an office lease agreement.
- Represented a national hospital company with numerous hospitals in Alabama with its litigation within the State of Alabama.
- Represented a national hospital company with drafting its handbook on internal investigations.
- Represented numerous hospitals in response to CMS investigations seeking to terminate the hospitals' provider numbers within 21 days for alleged EMTALA violations.

### **Office Address**

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