



→ Michael W. Paddock

Partner

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Michael Paddock is a partner in the Governmental Practice in the firm's Washington, D.C. office.

Areas of Practice

Michael's practice primarily involves healthcare fraud and abuse matters, particularly those relating to civil False Claims Act, physician self-referral (Stark Law) and anti-kickback issues. He often advises clients on compliance and transactional matters, the conduct of internal investigations related to potential fraud and abuse issues and responding to and defending against government anti-fraud and abuse enforcement efforts and regulatory inquiries, including *qui tam* and government allegations of False Claims Act violations.

Michael is an active member of the American Health Lawyers Association, serving for many years as a member of the Fraud and Compliance Forum Planning Committee, as a former Vice-Chair of the Fraud and Abuse Practice Group's Steering Committee and as a former Chair of that Practice Group's Enforcement Committee. He has been named as a Leading Lawyer in Healthcare by Chambers USA for the District of Columbia since 2020, and by Legal 500 US in Healthcare since 2017. He also previously served as a member of Health *Law360's* editorial advisory board and an Adjunct Professor of Law at The Catholic University of America, Columbus School of Law.

Honors

Leading Lawyer - Healthcare - District of Columbia, *Chambers USA*, 2020-2025

Legal 500, Healthcare, 2017, 2020-2025

Rising Star, *Super Lawyers*, Healthcare, Washington, D.C., 2013-2015

Outstanding Young Healthcare Lawyer, *Nightingale's Healthcare News*, 2006

Articles

- Tracking the Waivers: Implications of the Wind Down of the COVID-19 Public Health Emergency
03.27.2023
- Why the Health Care Industry Should Be Concerned About Section 889 of the 2019 National Defense Authorization Act
AHLA Weekly, 01.17.2020

FCA Defense Law Blog Posts

- "DOJ Formalizes Guidance for Government Dismissal of Unmeritorious Qui Tam Suits," January 25, 2018

Healthcare Law Blog Posts

- "CMS Proposes to Amend Overpayment Rule-Questions Remain Regarding How the Rule Will be Implemented Should CMS Adopt the False Claims Act's "Reckless Disregard or Deliberate Ignorance" Standard," July 22, 2024
- "Supreme Court Clarifies that Subjective (Not Objective) Knowledge of Falsity of Claim Dictates False Claims Act Liability," June 2, 2023
- "Tracking the Waivers: Implications of the Wind Down of the COVID-19 Public Health Emergency," March 14, 2023
- "CMS Streamlines Stark Law Self-Referral Disclosure Protocol (SRDP)," March 2, 2023
- "CMS Proposes to Amend Overpayment Rule, Remove Potential Overpayment and False Claims Act Liability for Mere Negligence," December 27, 2022
- "Eighth Circuit: In False Claims Act Cases Based On Kickback Violations, the Kickback Violation Must Be the "But For" Cause of the Items and Services Subject to the Claim," July 29, 2022
- "California District Court Finds that EKRA Applies to Compensation Methodologies for Labs' Employed Marketers Who Market to Physicians," June 29, 2022
- "Alert to Providers: Another Shot to Comply with Provider Relief Fund Reporting Requirements," April 12, 2022
- "D.C. Circuit Gives New Life to CMS Overpayment Rule," August 17, 2021
- "Physician Group Practices Take Heed – January 1, 2022 Deadline Approaches for Compliance with CMS' Recent Changes to Permissible "Group Practice" Compensation Methodologies," August 12, 2021
- "CMS Proposes to Revise, Again, the Stark Law's Definition of "Indirect Compensation Arrangement": What Was Old is New Again," July 14, 2021
- "Site-Neutral Payments Stand: SCOTUS Declines to Hear AHA Appeal, Preserving Lower Payments to Off-Campus Provider-Based Departments," July 8, 2021
- "Analysis of OIG's New and Revised Regulatory Safe Harbors to the Federal Health Care Program Anti-Kickback Statute and Beneficiary Inducement Prohibition." December 22, 2020
- "Critical Analysis and Practical Implications of CMS' Changes to the Stark Law's Implementing Regulations," December 11, 2020
- "Big Changes for Health Care Fraud and Abuse: HHS Gifts Providers Updates to the Stark Law and the AKS, Just in Time for the Holidays," November 25, 2020
- "More Relief on the Way for Healthcare Providers: Provider Relief Fund Payment Opportunities and Flexibility in Repayment Requirements," October 19, 2020
- "Site-Neutral Payments Stand: D.C. Court of Appeals Overturns Ruling and Allows Lower Payments to Off-Campus Provider-Based Departments," July 23, 2020
- "Reopening Challenges: FAQs On Preparing For Additional Waves Of COVID-19," July 23, 2020
- "More Money On the Way in COVID-19 Fight: HHS Announces Additional \$10B for Hospitals in High Impact COVID-19 Areas," July 20, 2020

- "CMS Updates Waivers, Provides More Flexibility for Providers Responding to COVID-19," May 1, 2020
- "Even in a Crisis, Stark Law Compliance Demands Attention: CMS Issues Explanatory Guidance on Stark Law Blanket Waivers," April 23, 2019
- "HHS Distributes First \$30B of CARES Act Provider Relief Fund – What Providers Need to Know and Do Next," April 13, 2020
- "Increased Expenses and Lost Revenues? CARES Act Funding Opportunities for Health Care Providers and Suppliers," April 9, 2020
- "CMS "Hospitals Without Walls" Waiver: Looking To ASCs to Provide Relief," April 6, 2020
- "CMS Issues Temporary Waivers in Broad Coronavirus Response," April 2, 2020
- "CMS' Blanket Waiver of Stark Law Sanctions During the COVID-19 Outbreak: Opportunities and Limitations," March 31, 2020
- "Key Health Care Provisions of the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act")," March 30, 2020
- "Bringing Clarity to Section 1135 and Other Waivers amid the COVID-19 Emergency," March 20, 2020
- "Telehealth and Federal and State Government Responses to the Coronavirus Pandemic," March 16, 2020
- "CMS Issues Long-Awaited Draft Guidance for Hospital Co-Location with Other Hospitals or Healthcare Facilities," May 9, 2019
- "OIG Advisory Opinion No. 19-03: The OIG Puts the Healthcare Benefits of Free In-Home Care and the Risks of Patient Steering in the Balance," March 8, 2019
- "Government Puts Electronic Health Records Companies "on Notice" of Vigorous False Claims Act Enforcement," February 8, 2019
- "Compliance Risk Alert: Opioid Warning Letters issued by the U.S. Department of Justice Target Prescribers," February 6, 2019
- "The Eliminating Kickbacks in Recovery Act: An Altered Landscape for Financial Relationships with Clinical Laboratories" January 8, 2019
- "Medicare Advantage and Part D Preclusion List," November 1, 2018
- "CMS' Medicare Advantage Overpayment Rule: Arbitrary, Capricious, and Vacated," September 7, 2018
- "The Department of Justice Delivers Some Good News to the Healthcare Industry: New False Claims Act Guidance Predicts More Challenges to Qui Tam Plaintiffs," January 29, 2018
- "Supreme Court Preserves But Significantly Changes 'Implied Certification' Theory of False Claims Act Liability," June 17, 2016

White Collar & Government Enforcement Blog Posts

- "Increased Enforcement in Healthcare? DOJ to Add More Prosecutors," November 9, 2023

Speaking Engagements

"CMS' Medicare Advantage Overpayment Rule Takes a Permanent Vacation: What's Next for Payors and Providers Alike," Sheppard Mullin Healthcare webinar, October 16, 2018

"The Current Landscape Under Rule 9 (b) in Health Care Qui Tam False Claims Act Litigation," webinar, June 19, 2014

"Stark Law Basic Training," AHLA Fraud & Compliance Forum, September 29, 2013

"OIG's Updated Provider Self-Disclosure Protocol--What Does Revamp Mean to You?" webinar, May 22, 2013

"Understanding the Advice of Counsel 'Defense' in an Era of Increased Healthcare Fraud Enforcement," AHLA Fraud & Compliance Forum, October 1, 2012

"Counseling Clients in an Environment of Increased Enforcement," AHLA Annual Conference, June 27, 2011

"AHLA Medicare ACOs: Details From the Fraud and Abuse Perspective," webinar, May 24, 2011

Recent Release of the Proposed Accountable Care Organization Regulations and Related CMS, OIG, FTC, DOJ and IRS Content: Piecing the Puzzle Together," webinar, April 21, 2011

"AHLA Seven Months Later: Experiences and Practical Advice in Dealing with CMS' SRDP," roundtable discussion, April 11, 2011

"Executives and Counsel in the Crosshairs: What Recent Government Efforts to Prosecute Individuals Mean For Your Organization (And You!)," webinar, April 7, 2011

"Executives and Counsel in the Crosshairs: What Recent Government Efforts to Prosecute Individuals Mean for Your Organization (and You!)," webinar, April 7, 2011

"Healthcare Fraud & Abuse In A Tougher Enforcement Environment: Lessons Learned From Recent DOJ/HHS Fraud Investigations, Prosecutions and Settlements," Strafford Publications Teleconference, April 8, 2010

"Stark Law Overpayments and False Claims Act Implications," American Health Lawyers Association, Institute for Medicare & Medicaid Payment Issues, March 25 and 26, 2010

"Fraud In Healthcare Under Heightened Scrutiny: Effective Compliance Strategies in the Face of New DOJ / HHS Fraud Initiatives," Strafford Legal Teleconference, July 14, 2009

"CMS' Stark Law Audits Are Coming: The "Disclosure of Financial Relationships Report" and Its Requirements and Considerations." National Constitution Center Teleconference, April 2, 2009

"CMS' Stark Law Audits Are Here: Preparing to Respond to the Government's 'Disclosure of Financial Relationships Report,'" AHLA Institute on Medicare and Medicaid Payment Issues, March 26 and 27, 2009

"The Stark Morass In Academic Medicine," AHLA Operationalizing Stark: From Complexity to Reality, March 24, 2009

"CMS' Stark Law Audits Are Coming: The "Disclosure of Financial Relationships Report" and Its Requirements and Considerations," AHLA Hospitals and Health Systems Law Institute, February 10-11, 2009

"Highlights Of H.R. 4854 'The False Claims Act Correction Act of 2007' and DOJ's Views," The Future of the False Claims Act: Recent Judicial and Legislative Highlights, October 2008

"New Stark Rules Effective October, 2008: Are You In Compliance?" National Constitution Center teleconference, September 11, 2008

"A Stark Reality: New Rules We Need To Know, Part I," AHLA Teleconference, August 14, 2008

"Overpayments: If, When and How to Self-Disclose," Part B News Teleconference, July 9, 2008

"With No Contract, What Is A Fair Rate? The Non-Participating Provider Reimbursement Conundrum," Blue Cross and Blue Shield Association 42nd Annual Lawyers' Conference, May 9, 2008

"Managed Care Litigation Developments: Legal and Practical Considerations for Health Plan Counsel," UHG Attorney and Regulatory Affairs Senior Leadership Retreat, March 14, 2008

"The Use of Information and Incentives in the Pursuit of Better Healthcare," 2008 AHIP Law Forum, March 2008

"What's a Doc to Do? Stark Phase III & Anti-Markup Rules: The Impact on Physician Relationships and Ventures," Beyond Anti-Markup: "Stand In The Shoes" and Other Practical Implications, The ABA Health Law Section and the ABA Center for Continuing Legal Education, February 6, 2008

"*U.S. v. Sulzbach*: Government Theories, Potential Defenses, and Lessons Learned," October 2007

"*U.S. v. Sulzbach*: What Every Compliance Officer Needs to Know," AdvaMed Device and Diagnostics Compliance Group Meeting, October 4, 2007

"*U.S. v. Sulzbach*: Government Theories, Potential Defenses, and Lessons Learned," webinar, September 26, 2007

"Managed Care Litigation Developments: Legal and Practical Considerations for Health Plans and Providers," AHLA Teleconference, July 24, 2007

"Safe Harbors and Exceptions for E-Prescribing and Electronic Health Records: What Now?" Blue Cross and Blue Shield Association 41st Annual Lawyers' Conference, May 3, 2007

"Managed Care Litigation Developments: Legal and Practical Considerations for Health Plans and Providers," AHLA Teleconference, HMOs and Health Plans and In-House Counsel Practice Groups, March 20, 2007

"Giving IT Away: Promoting the Use of Electronic Health Record and E Prescribing Technology," October 27, 2006

"New Trends In Managed Care Litigation - Class Actions, Non-Par Provider Payment Issues, and More," October 26, 2006

"The Fraud & Abuse Issues That Keep Our Physician-Clients Up at Night... and What They Are Doing About It," BRK Health Care Conference, June 2006

"Whistling While You Work: Dangers of a Qui Tam Lawsuit and How to Avoid Them," October 27, 2005

Events

The Sweeping Landscape of Potential Liability For Risk Adjustment Activities: Providers and Vendors Beware, It's Not Just a 'Health Plan Issue' Anymore

10.14.2021

Food and Drug Law Institute's 2019 Enforcement, Litigation and Compliance Conference

Food and Drug Law Institute

December 11-12, 2019

CMS Proposes Numerous Significant Changes to Stark Law Regulations, Including a Broad Exception for 'Value-Based Arrangements': Practical Implications for Your Organization

Webinar

10.31.2019

CMS' Medicare Advantage Overpayment Rule Takes a Permanent Vacation: What's Next for Payors and Providers Alike

Sheppard Mullin Healthcare Webinar

10.16.2018

Podcasts & Webinars

The Sweeping Landscape of Potential Liability For Risk Adjustment Activities: Providers and Vendors Beware, It's Not Just a 'Health Plan Issue' Anymore

10.14.2021

Practices

Corporate

False Claims Act

Governmental

Healthcare

Industries

Healthcare

Education

J.D., Boston University School of Law, 2000, *with honors*

LL.M., Loyola University, Chicago, Beazley Institute for Health Law and Policy

B.S., Miami University of Ohio, 1997

Admissions

District of Columbia