



Douglas A. Grimm, FACHE

HEALTH CARE PRACTICE LEADER

Douglas advises hospitals and health care systems with an emphasis on regulatory counseling.



Industries

Health Care
Prescription Drugs, Biologics & Diagnostics
Venture Capital & Emerging Businesses

Practices

Coronavirus (COVID-19) Task Force

Education

The George Washington University Law School
LL.M., summa cum laude, Health Law
South Texas College of Law JD, cum laude; Editor-in-Chief, South Texas Law Review
The Medical College of Virginia MHA
The College of William & Mary BA, Government

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Douglas advises health care providers in a wide range of matters. He previously served as a former Chief Executive Officer of multiple acute-care hospitals throughout the United States, and remains active in health care administration as a Fellow of the American College of Healthcare Executives (FACHE), the premier certification institution in health care management. This unique background enables Douglas to provide legal counsel with a practical, pragmatic perspective gained from years of experience as a health care executive.

He represents a wide range of clients, including hospitals, health systems, and academic medical centers; group practices; ASCs; clinical laboratories; specialty providers; and medical device manufacturers.

Douglas focuses in the areas of strategic and compliance planning; federal fraud and abuse laws, including Stark, the AKS and the FCA; telehealth; Medicare reimbursement; cybersecurity; and health information privacy.

He provides advice regarding system-wide strategic planning initiatives; mergers and acquisitions; joint ventures; new service lines; clinical affiliations; and physician integration strategies, including co-management arrangements and practice acquisitions.

Douglas represents clients before the Centers for Medicare and Medicaid Services, the Office of Inspector General, the Department of Justice, and the Office for Civil Rights.

Client Work

Douglas' client engagements include:

- Advising a large internet-based company regarding the establishment and operations of clinical laboratory services across the US.
- Serving as General Counsel to a proton therapy provider in the US, advising on reimbursement strategy with private payers, federal and state fraud and abuse compliance, and real estate issues, among others.

- Represented an integrated health system in a qui tam case involving parallel Stark and anti-kickback investigations by CMS and OIG of medical necessity issues; handled self-disclosure and other communications with federal and state authorities.
- Represented a specialty surgical hospital before the Department of Justice in a proceeding charging a hospital contractor with criminal fraud and money laundering, with no adverse consequence to the hospital.
 - Represented a community health system before the Office for Civil Rights in a HIPAA breach proceeding involving the electronic health records of over 100,000 individuals with no adverse consequences to the health system.
 - Advised a large academic medical center on the development and implementation of compliance plans and related procedures based on CMS and OIG regulations, federal law, applicable state statutes and regulations, and The Joint Commission requirements.
 - Represented an investor-owned chain of nursing homes in its sale to a nonprofit community health system.
 - Represented physicians and physician groups in various recovery audit contractor proceedings involving claims in excess of \$3 million.
 - Advised a community health system regarding a \$180 million acquisition of multiple Ambulatory Surgery Centers (ASCs).

Professional Activities

In addition to his FACHE certification, Douglas is also a member of the American Health Law Association (AHLA); the Healthcare Financial Management Association (HFMA); and the Health Care Compliance Association (HCCA).

Douglas was recently appointed to the Center for Telehealth & eHealth (CTeL) Legal Resource Team, serving as a subject matter legal expert for the CTeL Board of Directors, staff, and greater telemedicine community.

Publications, Presentations & Recognitions

Douglas is a frequent author and lecturer on current issues facing health care providers and payors, including trends in fraud and abuse enforcement, HIPAA compliance, and health information technology. Recent articles and speaking engagements include:

Telemedicine

- Co-Speaker, “Telehealth Reimbursement and Public Policy,” CTeL Digital Health Summit, June 9, 2021
- Moderator, “The State of Telehealth Today: Practical Realities, Public Policy, and the Law,” Arent Fox Webinar, April 28, 2021
- Co-Speaker, “Remote-Patient Monitoring: The New Rule, Scenarios, and Pitfalls to Avoid,” CTeL Digital Health Virtual Summit, December 3, 2020

Transactions/Corporate

- “FTC Hosts ‘Health Check on COPAs: Assessing the Impact of Certificates of Public Advantage in Health Care Markets,’” July 9, 2019
- “Increased Health Care M&A Activity: Representation and Warranty Insurance Coverage,” *The Ambulatory M&A Advisor*; December 22, 2014
- Speaker, “Unique Partnerships - Structure,” Pennsylvania Institute of Certified Public Accountants; July 2014 (Hershey, PA)

Compliance/Fraud and Abuse

- "A Pebble in the Pond? Potential Ripple of a Court Decision to Vacate the Medicare Part C/D 60-Day Overpayment Rule," *Health Care Counsel*; September 17, 2018
- Co-Speaker, "Status of the ACA and Provider Compliance Programs," National Capital Healthcare Executives (NCHE) Meeting; February 20, 2018 (Arlington, VA)
- Co-Speaker, "The Affordable Care Act: What Now?" Lawline; June 5, 2017 (Webcast)

HIPAA/Privacy

- Speaker, "Cyber Vulnerabilities: What to Know and What to Do," Healthcare Group Purchasing Industry Initiative, May 16, 2019
- Co-Panelist, "Health Care Technology 2017: Critical Issues in Cybercare, Digital Medicine, and Structuring Effective Agreements," PLI Annual Health Care IT Conference; June 13, 2017 (New York, NY)
- Co-Panelist, "Health Care IT 2016: New Technology, New Legal Issues," PLI Annual Health Care IT Conference; June 3, 2016 (New York, NY)

Reimbursement

- Co-Speaker, "Telehealth Reimbursement and Public Policy," CTel Digital Health Summit, June 9, 2021
- Speaker, "HHS's Provider Relief Fund: What Happens After Today?," Virginia-DC HFMA Spring Education Virtual Conference, April 15, 2021
- "CMS Releases CY 2020 Proposed Physician Fee Schedule," *Health Care Counsel*; August 2, 2019

Research

- *FDA, CLIA, or a "Reasonable Combination of Both": Toward Increased Regulatory Oversight of Genetic Testing*, 41 San Francisco L. Rev. 107 (2006), available at <https://repository.usfca.edu/usflawreview/vol41/iss2/1>
- *Informed Consent for All! No Exceptions*, 37 New Mexico L. Rev. 39 (2007), available at <https://digitalrepository.unm.edu/nmlr/vol37/iss1/4>

Bar Admissions

District of Columbia
 Pennsylvania
 Texas

Court Admissions

Supreme Court of the United States
 US District Court, District of Columbia