

Douglas A. Grimm, FACHE

HEALTH CARE PRACTICE CO-LEADER

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



Industries

Health Care
Life Sciences
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 Grimm is a health care regulatory lawyer who previously served as a former Chief Executive Officer of multiple acute-care hospitals throughout the United States. He 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 a decade of experience as a health care executive.

Douglas focuses his practice on the representation of hospitals and health care systems with an emphasis on regulatory counseling in the areas of compliance planning, government investigations, health information privacy and security, reimbursement issues, health information technology, peer review/medical staff and certificates of need, development of new service lines, licensure and provider enrollment, and insurance issues.

In addition to health care systems, Douglas' clients also include specialty providers, physician group practices, ambulatory surgical centers, skilled nursing facilities, diagnostic imaging centers, health maintenance organizations, and home health agencies.

He regularly represents clients before the Centers for Medicare and Medicaid Services (CMS) and the Office of Inspector General (OIG) in the defense of Stark Law, anti-kickback statute, and False Claims Act (FCA) proceedings, as well as handles self-disclosure processes as appropriate. He also represents clients before the Office for Civil Rights regarding issues arising from the Health Insurance Portability and Accountability Act (HIPAA).

Client Work

Douglas' client engagements include:

- 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 Lawyers Association (AHLA); Health Care Compliance Association; District of Columbia Bar Association, Health Law Section; Pennsylvania Bar Association, Health Law Section; and Texas Bar Association, Health Law Section.

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. Douglas' articles and speaking engagements are as follows:

Telemedicine

- Speaker, "Cyber Vulnerabilities: What to Know and What to Do," Healthcare Group Purchasing Industry Initiative, May 16, 2019
- Speaker, "The Long Arm of the Anti-Kickback Statute: How to Ensure Your Telehealth Arrangements Are Compliant," Palmetto Care Connection's 7th Annual Telehealth Summit of South Carolina; April 3, 2019
- "Telemedicine: A review of the fraud and abuse landscape," *Compliance Today*; March 7, 2019
- Co-Speaker, "Telemedicine Fraud and Abuse Under the Microscope," HIMSS 2019 Global Conference & Exhibition; February 14, 2019
- Co-Speaker, "The Long Arm of the Anti-Kickback Statute: How to Ensure Your Telehealth Arrangements Are Compliant," 2018 CTeL Fall Summit; December 4, 2018
- Co-Speaker, "Fraud and Abuse Under the Microscope," 2018 CTeL Spring Summit; June 15, 2018

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)
- Speaker, "The Affordable Care Act: It's Here - Now What?" Southern New Jersey Chamber of Commerce; April 2014
- "Impact of Health Care Laws on M&A Transactions," *The Legal Intelligencer*; March 19, 2013
- Speaker, "The Impact of the Affordable Health Care Act on Hospitals," Investment Management Institute; November 2012 (Atlanta, Georgia)
- "One Year after Health Care Reform, Antitrust Concerns Raise Questions about Viability of ACOs Physician-owned facilities Also Express Concern Over PPACA Growth Caps," *Emerging Trends Q&A*; May 27, 2011
- Presenter, "Health Care Reform: A Prescription for Change," Southern New Jersey Chamber of Commerce; February 2011
- The Effect of Health Care Reform on Hospitals, National Webinar; July 13, 2010

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)
- "Healthcare Regulatory Liability - The Odds are Stacked Against You," Private Presentation; May 23, 2017 (New York, NY)
- Co-Speaker, "Future Ramifications of the Affordable Care Act on the Healthcare Industry," National Capital Healthcare Executives (NCHE) Meeting; February 21, 2017 (Arlington, VA)
- "OIG Means It When It Says It: Kindred Healthcare, Inc. Pays Record Penalty For Violating CIA," *Health Care Counsel*; September 26, 2016
- "AMA Adopts Ethical Guidelines for Telemedicine, Finally," *Health Care Counsel*; June 27, 2016
- "Office of Inspector General Evaluates the Enhanced Enrollment Screening of Medicare Providers," *Health Care Counsel*; May 11, 2016
- Speaker, "Health Care Law: What to Look Out For In 2016/2017," National Capital Healthcare Executives (NCHE) Spring Meeting; April 12, 2016 (Arlington, VA)
- Speaker, "Managing Employed Physician Exposures within the Hospital Insurance Program - Risk or Reward?" Crittenden Medical Insurance Conference; April 2015 (Miami, FL)
- "OIG Issues 2014 Work Plan: Significant New Hospital Focus Areas; Prescription Drug Audits," Client Advisory; February 27, 2014
- "Surviving an Audit by the Food and Drug Administration," *The Metropolitan Corporate Counsel (National Edition)*; January 2014
- "OIG Issues 2013 Guidance on Provider Self-Disclosure Protocol," Client Advisory; June 4, 2013
- Speaker, "Hard to Say 'I'm Sorry': Teaching Disclosure to Front-Line Doctors and Nurses," American Society for Healthcare Risk Management Annual Meeting (Los Angeles, CA)
- "OIG Issues 2013 Work Plan: Change and More of the Same," Client Advisory; November 1, 2012
- "The OIG and You: Health Care Compliance," NCHE Evening Event; May 10, 2011 (Arlington, VA)
- Speaker, "C-Suite Roundtable at George Washington University Marvin Center," National Capital Healthcare Executives (Arlington, VA)
- Speaker, "Health Care and Social Media," National Renal Administrators Association; March 2011
- "The 2011 OIG Work Plan: What You Need to Know," National Webinar; February 10, 2011

- "New Medicare Protocol for Disclosing Self-Referral Comes With Some Caveats," Client Advisory; October 14, 2010
- "HHS OIG: Hospital Can Provide Free Pre-Authorization Checks for Patients, Physicians," Client Advisory; September 23, 2010
- "Emerging Trends: With Health Care Reform a Reality, What's Next for Health Care Fraud Investigations?," Q&A; April 26, 2010
- "Health Care Reform Legislation Makes Significant Changes to Fraud & Abuse Laws," Client Advisory; April 22, 2010
- "New Class Action Targets Balance Billing by ER Physicians Prior to California Court's Ban," Client Advisory; August 13, 2009
- Informed Consent for All! No Exceptions, 37 New Mexico L. Rev. 39 (2007)
- FDA, CLIA, or a "Reasonable Combination of Both": Toward Increased Regulatory Oversight of Genetic Testing, 41 San Francisco L. Rev. 107 (2006)

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)
- "The Five Things You Need to Know About HIPAA's New Final Rule," Client Advisory; February 12, 2013
- "Health Care Reform: What You Need to Know About Proposed Changes to HIPAA Privacy, Security and Enforcement Rules," Webinar Series; September 22, 2010
- Co-author, "Major Changes to HIPAA Privacy, Security, and Enforcement Rules Proposed by HITECH Privacy NPRM," *Health IT Law & Industry Report*; August 9, 2010
- "Recent Legal and Legislative Developments on Health Care Privacy," National Webinar; February 4, 2010
- "The Practical Guide to Release of Information," HCPro, Inc., 135-64; 2008
- "Will Privacy Concerns Slow Electronic Health Record Adoption Rates?," *Privacy & Data Security Law Journal*; November 19, 2009
- "Performing Legal Holds in a Hybrid EHR Environment," National Teleconference, HCPro Inc.; February 18, 2009
- "Take Care Obtaining NPIs for Provider-Based Entities," *Dennis Barry's Reimbursement Advisor*, Vol. 21, No. 9, Aspen; May 2006

Reimbursement

- "CMS Releases CY 2020 Proposed Physician Fee Schedule," *Health Care Counsel*; August 2, 2019
- "Goodbye and Good Riddance: CMS Proposes to Eliminate 2-Midnight Policy Payment Reduction," *Health Care Counsel*; May 26, 2016
- "The Move to Value-Based Payment Continues: CMS Announces Initiative to Transform Primary Care Delivery and Payment," *Health Care Counsel*; April 18, 2016
- "Together We Stand(ard): CMS and AHIP Announce Standardization of Quality Measures for Physicians and ACOs," *Health Care Counsel*; February 24, 2016
- "Medicare Enrollment Appeals," *Dennis Barry's Reimbursement Advisor*, Vol. 22, No. 9, Aspen; May 2007
- "OIG Continues to Scrutinize Place of Service Coding," *Dennis Barry's Reimbursement Advisor*, Vol. 22, No. 7, Aspen; March 2007

"CMS Issues Final Rule and Revised Forms for Medicare Enrollment," *Dennis Barry's Reimbursement Advisor*, Vol. 21, No. 11, Aspen; July 2006

- "HHS' Semi-Annual Regulatory Agenda," *Dennis Barry's Reimbursement Advisor*, Vol. 21, No. 5, Aspen; January 2006
 - "Health Care Providers Take Note: CMS Has New Software to Detect Fraudulent Claims," Client Advisory; June 17, 2011
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Bar Admissions

District of Columbia

Pennsylvania

Texas

Court Admissions

Supreme Court of the United States

US District Court, District of Columbia