

TRAILBLAZERS

HEALTH CARE | LIFE SCIENCE



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PIONEER SPIRIT Kathy Lauer spent the first 10 years of her practice as a general commercial litigator. Her first exposure to the field was in the early 1990s while working on bid protest matters under the U.S. military's Tricare program. She was later engaged by a health care organization in the late 1990s to work on a high-profile health care fraud case. "And I've been a health care lawyer ever since."

TRAILS BLAZED In 1997, Lauer was engaged by Columbia/HCA on an investigation involving more than 300 hospitals in what was the most significant health care fraud investigation at the time. "It was a challenge to find a way to settle an investigation that alleged violation of the Stark and anti-kickback laws with respect to hundreds of hospitals and thousands of physician arrangements. I worked with the DOJ to develop ways to resolve these cases without litigating them on an arrangement by arrangement basis." This novel settlement methodology became the standard for how the DOJ handles similar matters. She used that same model in representing Tenet Healthcare Corporation, University Health Systems of Cleveland, Adventist HC West and others in similar investigations. Lauer also leverages her defense experience to counsel clients to protect them from possible government investigations.

FUTURE EXPLORATIONS Lauer sees an interesting tension at the federal level with the Department of Health and Human Services proposing substantial changes to regulations and whistleblowers and their attorneys continuing to bring FCA-related claims that do not reflect HHS policy concerns. "There are signs the DOJ is taking greater action to affirmatively dismiss these types of cases. What's not clear is whether these steps will impact the trend of increasing health care enforcement and civil FCA filings in a meaningful way."