HUSCH BLACKWELL



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PARTNER

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OVERVIEW

Brian views government reviews, audits and investigations as unexpected issues that need quick intervention to minimize damage and move clients forward.

Brian advises clients, many from the healthcare industry, on strategy and tactics to achieve the most favorable resolution of regulatory compliance and other challenges. He also represents clients facing civil and criminal charges of waste, abuse, misconduct and fraud in federal and state courts.

Clients appreciate the multiple perspectives that Brian gained by working as a prosecutor, consultant and regulator before entering private practice. He served nearly a decade as a prosecutor in banking, insurance, securities, healthcare, organized crime, general crimes and white collar crime. He was an Inspector General for the Health and Human Services system of Texas and was appointed to the Centers for Medicare & Medicaid Services Medicaid Integrity Program Advisory Committee. He also served as a consultant for a Big Four accounting firm and as an international consultant on

"Brian is a fantastic subject matter expert on meaningful use payments with outstanding customer service skills. He is prompt, thorough and has a pleasant demeanor."

— Colleen Smith, Administrative Director in Neuroscience, Research Medical Center

Industry

Healthcare

Services

Data Privacy & Cybersecurity

Digital Health

False Claims Act

Government Contracts

Healthcare Litigation

Healthcare M&A, Joint Ventures, and Other Transactions

Healthcare Providers

Healthcare Regulatory & Compliance Counseling

Hospice & Palliative Care

Hospice Medicare & Medicaid Audits

International

Litigation & Alternative Dispute Resolution

Medical Staff & Governance

Pharmacy

Public Policy, Regulatory, & Government Affairs

State Attorneys General Practice

White Collar, Internal Investigations, & Compliance

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healthcare, the Foreign Corrupt Practices Act (FCPA) and other regulatory and compliance industry matters.

Brian is a Certified Inspector General (CIG), a Certified Healthcare Compliance (CHC) professional, an Accredited Healthcare Fraud Investigator (AHFI) and a Certified Fraud Specialist (CFS).

Featured Experience

Political strategy added to regulatory efforts, resolving $2 million payment delay for healthcare client.

Our healthcare client was denied access to approximately $2 million of Medicaid reimbursement payments in Texas following the delayed approval of a change of control. Brian collaborated with government relations advocates to remedy the problem. This alternative solution identified that the delay sat squarely on the Texas Health and Human Services Commission (HHSC) and our political advocate worked up the chain of command at HHSC to release the nearly $2 million in payments owed our client. Alternative solutions, political advocacy and teamwork streamlined results for our healthcare client.

Experience

- Represented CirrusDx, a national laboratory, in an audit by Health Resources and Services Administration (HRSA) reviewing lab testing conducted over multiple years under the HRSA Vaccination Administration for the Uninsured Program (UIP). Challenged how the audit was structured and performed under the professional auditing guidelines as well as the testing methods and criteria the auditors attempted to use for compliance with program requirements. As a result, the overpayment demand was reduced to a take nothing.
- Performed and supervised numerous professional services, including regulatory reviews, compliance with Foreign Corrupt Practices Act (FCPA) requirements, adverse private or government audits, civil and criminal investigations, administrative or criminal prosecutions.
- Established and reviewed integrity and compliance programs both nationally and internationally.
- Obtained dismissal of all criminal charges in first-degree felony matters on behalf of clients.

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Experience

- Responded to government civil investigative demands or subpoenas with negotiation favorable to client.
- Negotiated with private carriers on matters of payment and repayment.
- Filed administrative appeals for potential overpayment recoupments.
- Reviewed compliance programs for sufficiency and materiality.
- Served as expert in matters of claims and issues, including administrative, civil and criminal *mens rea*.
- Initiated responses to regulators and carriers regarding compliance with agreements and terms of participation.
- Represented national hospital client in $90 million exposure. The Husch Blackwell team enabled the client to settle the matter for less than one third of the original claim, which allowed client to complete a desired sale.
- Represented national finance client in a multi-year multi-jurisdiction consumer finance review by seven states attorneys general with exposure more than $100 million. The Husch Blackwell team was able to reduce the exposure to less than $10 million.
- Represented nursing home chain in northern Texas in connection with resident's death. No charges were brought against the facility or employees.
- Represented one of the largest VA providers in connection with an internal review around a patient's accidental death. After presentation to the VA-OIG under their formal investigation procedures for a veteran's death, the client was cleared of wrongdoing and was allowed to remain a provider for the VA.
- Represented multiple hospitals accused of billing improperly. The allegations alleged significant, and material amounts to the system of overpayments. After the Husch Blackwell team proved the government's managed care payers had been improperly administering the federal program and systematically underpaying, the matter settled for less than $2,000.

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Experience

- Represented a hospital that the state regulators had advised was having its certification / licensure and CMS participation revoked. The Husch Blackwell team worked with HHSC and CMS, persuading CMS to reverse its administrative decision and the state to add the hospital as a potential Texas COVID emergency treatment location during the pandemic.
- Represented troubled youth housing facilities where a resident assaulted a caregiver. The Husch Blackwell team worked with the state law enforcement representatives to defer formal action against the resident and allow continued treatment of the resident.
- Represented a hospital system and sued local tax district for improperly changing the fiscal arrangement with the hospital for emergency transportation services.
- Represented a hospital system that had issues with their DEA registration and the handling of controlled substance. The Husch Blackwell team negotiated with the DEA in an administrative solution that allowed the system to continue under their registration.
- Provided services as local counsel for a national healthcare company and proposed using government knowledge under Escobar as a defense to Medicaid repayment issues. The government moved for sanctions. The court denied sanctions and ruled instead for summary judgement for the client.
- Represented a statewide set of nursing homes facing payment suspension by CMS. The Husch Blackwell team restored payments for them to continue care and operations during the pending related litigation.
- Successfully represented a client against a Medicare reimbursement audit by the OIG, which initially alleged improper payments of over $140 million (later reduced to a $50 million demand). Through a comprehensive appeal process including expert testimony on statistical sampling and hospice care determinations, the Husch Blackwell team achieved a remarkable victory when an administrative law judge overturned nearly all claim denials, reducing the extrapolated overpayment to less than $10.

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Recognition

- BL Rankings' *The Best Lawyers In America®*
  - Administrative / Regulatory Law, 2026 and 2027
  - Criminal Defense: White-Collar, 2024-2027
  - Health Care Law, 2026 and 2027
  - Litigation - Health Care, 2024-2027
- Association of Certified Fraud Specialists, Edwin H. Sutherland Award for Public Service, 2007
- International Association of Special Investigation Units (IASIU), International Chapter, National Outstanding Service Award, 2003
- U.S. Postal Service Office of Inspector General, Certificate of Appreciation, 2002
- International Association of Special Investigation Units (IASIU), Dallas Chapter, Public Service Award, 2002
- Greater Dallas Crime Commission, Certificate of Appreciation, 2001
- Tarrant County Auto Theft Task Force, Certificate of Appreciation, 2001

Education

- J.D., Texas A&M University School of Law
- B.B.A., Texas A&M University

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Admissions

- Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

Community Leadership

- River City Hope Street, Board Member
- Austin State Hospital, Board Member



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