



David B. Robbins
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David has a national practice that focuses on representing health care clients in litigation involving regulatory compliance, including false claims issues, anti-kickback and physician self-referral rules, Medicare and Medicaid reimbursement and health care licensing. His clients include hospitals, physicians, home health agencies and durable medical equipment providers. David also works on complex commercial litigation in the employment and antitrust areas as well as on class actions. Before joining Bennett Bigelow & Leedom, David was an assistant attorney general for Washington State prosecuting health care antitrust cases. He speaks frequently at national conventions on health care law issues.

PROFESSIONAL EXPERIENCE

Federal

- *Perry v. Rado, et al.*, 504 F. Supp. 2d 1043 (E.D. Wash. 2007), *aff'd*, 343 Fed. Appx. 240 (9th Cir. 2009). Represented hospital and physician defendants in hospital peer review antitrust action by obstetrician. Obtained dismissal of the Complaint.
- *U.S. v. The Baylor Medical Center, et al.*, 469 F.3d 263 (2nd Cir. 2006). Represented four hospital defendants in False Claims Act litigation related to investigational cardiac procedures billed to Medicare. Defendants obtained a dismissal of the United States' Complaint due to statute of limitations issues.
- *U.S. ex rel. McDowell v. Providence Health System*, CV. 03-1368 BR (D. Or. December, 2005). Represented the defendant hospital system in False Claims Act litigation arising from alleged home health care fraud. Obtained a dismissal of False Claims Act allegations before trial.
- *U.S. ex rel. Erickson v. University of Washington Physicians, et al.* C99-1261R (W.D. Wash. 2004). Represented University faculty practice plan in False Claims Act litigation related to teaching physician billing to Medicare and Medicaid. Matter settled before trial.
- *Yarger v. Yakima Surgical Associates, et al.* CY-03-3018-WFN (E.D. Wash. 2004) Represented a defendant hospital in antitrust litigation relating to alleged conspiracy to monopolize general surgery market. Matter settled with nominal contribution by hospital.

- *U.S. ex rel. Harrington v. Sisters of Providence Health System*, 209 F. Supp. 2d 1085 (D. Or. 2002). Represented the Defendants in False Claims Act lawsuit alleging fraud in partial hospitalization psychiatric service. Initial complaint dismissed by District Court, and case subsequently dismissed on jurisdictional grounds.
- *U.S. ex rel. Aflatooni v. Kitsap Physicians Services, et al.*, 163 F.3d 516 (9th Cir. 1999); *dismissed* 314 F.3d 995 (9th Cir. 2002). Represented Defendant physician group in False Claims Act litigation alleging pathology service fraud. District Court dismissal of Complaint on jurisdictional ground initially reversed by appellate court. Defendants later won summary judgment dismissal of the case, which was affirmed by Ninth Circuit.
- *U.S. ex rel. Palchikovskiy v. Oregon Health Sciences University, et al.* 2001 U.S. App. Lexis 16545 (9th Cir. 2001) Represented the Defendants in a False Claims Act lawsuit alleging fraud in University foreign translation services. Summary judgment dismissal of case affirmed.
- *U.S. ex rel. Schreiner v. Harborview Medical Center, University of Washington, Providence Medical Center, Children's Hospital and Airlift Northwest.* (W.D. Wash. No. C96-519R, July 27, 1998) Represented the Defendants in False Claims Act litigation alleging Medicare hospital cost report fraud related to air ambulance service. Court dismissed Complaint under public disclosure bar.
- *U. S. ex rel. Latham v. Brim Healthcare, et al.* (D. Montana CV 96-008 BLG JDS, April 1997) Represented Defendant health care system and hospital in False Claims Act litigation alleging medically unnecessary services and falsification of documentation. Complaint against Defendants dismissed by Court.

State

- *Perry v. Rado, et al.* 230 P.3d 203, 2010 WL 1610746 (Washington Ct. of App. Div III 2010) Represented hospital and physicians in defending peer review termination of obstetrician. Defense summary judgment and award to defendants of substantial attorney fees in defense of action.
- *Oda v. University of Washington*, 111 Wn. App. 79, 44 P.3d 8 (Wash. Ct. App. 2002) Represented Defendant University in defeating class certification in faculty discrimination case related to compensation and promotion.
- *Caritas Services v. Washington Department of Social and Health Services* 123 Wash. 2d 391; 869 P.2d 28 (1994) Represented Plaintiff skilled nursing facility in judicial review of Medicaid cost report appeal. Washington Supreme Court upheld award to skilled nursing facility and invalidated as unconstitutional statutes and regulations that purported to retroactively clarify payment scheme.

AWARDS AND RECOGNITION

- Peer-Selected for *Best Lawyers in America* - Health Care Law (multiple editions)
- *Martindale-Hubbell* AV Rated (highest)
- *Washington Law & Politics* “Super Lawyer” - Health Care Law (multiple editions)

PROFESSIONAL AND COMMUNITY INVOLVEMENT

- Washington State Bar Association,
Chair, Health Law Section (1998-1999)
- Washington State Society of Healthcare
Attorneys, Board of Directors (1994-1996)
- Oregon Bar Association
- American Bar Association
- Federal Bar Association

PUBLICATIONS AND PRESENTATIONS

Robbins (co-author with D. Glazer) “*Fraud and Abuse Prohibitions and Compliance*”, Washington Health Law Manual (2nd Ed.) (WSSHA/WSHA 1998)

Robbins, “*Mergers and Acquisitions Antitrust Enforcement*”
Washington State Bar Association Antitrust Handbook (2nd Ed.)
(WSBA 1999)

2009 Fraud & Abuse Update
Washington State Society of Healthcare Attorneys
Vancouver, B.C. – 11/09

2008 Fraud & Abuse Update
Washington State Society of Healthcare Attorneys
Vancouver, B.C. – 11/08

2007 Fraud & Abuse Update
Washington State Society of Healthcare Attorneys
Vancouver, B.C. – 11/07

Anatomy of an Internal Audit and Investigation
American Healthcare Internal Auditors Annual Conference
San Diego, California – 9/07

Lawyers and the Media: A Practical Guide to Interacting with
the Press
Washington State Society of Healthcare Attorneys
Vancouver, B.C. – 11/05

2004 Fraud and Abuse Update
Washington State Society of Healthcare Attorneys
Vancouver, British Columbia – 11/04

For Profit Faux Pas in Fraud and Abuse Litigation– Lessons from
the Trenches
Washington State Society of Healthcare Attorneys
Vancouver, British Columbia – 11/03

Negotiating False Claims Act Settlements
American Bar Association Health Care Fraud Institute 2003
Las Vegas, Nevada – 5/03

Negotiating False Claims Act Settlements
American Bar Association Health Care Fraud Institute 2002
San Francisco, California – 5/02

Health Care Fraud and Abuse
National Council for Community Behavioral Healthcare Annual
Training Conference
Portland, Oregon – 4/01

National Fraud Enforcement Initiatives Involving Academic Medical
Centers and Hospitals
National Association of College and University Attorneys
Nashville, Tennessee – 6/99

Anatomy of a Health Care Fraud Investigation;
OIG Advisory Opinions
Practicing Law Institute – Health Care Fraud & Abuse
Washington, D.C. – 6/99

Bridging the Gap Between Health Care Providers and the
Government on Regulatory Compliance Issues
Washington State Society of Healthcare Attorneys
Vancouver, British Columbia – 11/98

Hospital Compliance Programs
Washington State Society of Healthcare Attorneys
Vancouver, British Columbia – 11/97

False Claims Act Update
Catholic Hospitals In-House Counsel Spring Meeting
Seattle, Washington – 5/97

Undergoing a PATH Audit and Investigation
Legal Symposium on the Physicians at Teaching Hospital
("Path") Initiative
Dallas, Texas – 3/97

Update on Health Care Fraud and Abuse Issues
Oregon Society of Hospital Attorneys
Portland, Oregon – 12/95

Hospital Fraud and Abuse Compliance Programs
Washington State Society of Hospital Attorneys
Vancouver, British Columbia – 11/95

False Claims Act Prosecutions
Health Care Finance Management Association
Coeur D'Alene, Idaho – 9/95

Clinical Laboratory Fraud and Abuse Issues
American Hospital Association
San Francisco, California – 2/95

Medical Devices Fraud and Abuse Issues
Washington State Society of Hospital Attorneys
Vancouver, British Columbia – 11/94

Hospital-Based Laboratory Fraud and Abuse Issues
American Hospital Association
New Orleans, Louisiana – 4/94

Hospital mergers: Antitrust Update
Washington State Society of Hospital Attorneys
Seattle, Washington – 3/93

Credentialing Allied Health Professionals
Washington State Society of Hospital Attorneys
Vancouver, British Columbia – 10/92

Overview of the Uniform Health Care Information Act and
Medical Record Confidentiality
Medical Education Services
Seattle, Washington – 8/91

Recent Developments in Employment Law
Washington Community Mental Health Council
Seattle, Washington – 5/91

Health Care Quality Improvement Act Update
Washington State Society of Hospital Attorneys
Vancouver, British Columbia – 11/90

Medical Records Confidentiality Law
Medical Education Services
Seattle, Washington – 6/90

Developments in Health Care Antitrust Law
Washington State Society of Hospital Attorneys
Seattle, Washington – 4/90

Health Care Antitrust--Peer Review (CLE/CME)
University of Washington
Seattle, Washington – 6/88

Northwest Government Consumer Protection Conference
Federal Trade Commission
Seattle, Washington – 5/85

EDUCATION

University of Washington School of Law, J.D.

Clark University, B.A., Honors: *magna cum laude, Phi Beta Kappa*

BAR AND COURT ADMISSIONS

Washington State Bar Association
Oregon State Bar Association