



**Renee M. Howard**

Shareholder

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Renee is experienced in representing a wide range of health care providers and suppliers, including hospitals and health systems, academic medical centers, physicians, imaging centers, and medical suppliers and distributors. She has represented health care clients in litigation and government investigations implicating the federal False Claims Act, the federal Anti-Kickback Statute and physician self-referral (“Stark”) laws, state Medicaid issues, and health care licensing matters. Renee also assists clients with internal investigations of allegations of fraud or other noncompliance with state or federal health care laws, and responding to Medicare, Medicaid and third party payor audits. Renee regularly advises clients on Medicare and Medicaid reimbursement and payment issues, structuring financial relationships under fraud and abuse and self-referral laws, and other health care compliance matters.

**PROFESSIONAL EXPERIENCE**

Bennett Bigelow & Leedom, P.S. (2006 – present)

Jones Day, Washington, D.C., Associate, Health Care Practice Group (2000 – 2005)

Honigman Miller Schwartz & Cohn, Detroit, MI, Associate, Health Care Practice Group (1999-2000)

**PROFESSIONAL ASSOCIATIONS**

- American Health Lawyers Association
- Washington State Society of Healthcare Attorneys
- American Bar Association, Health Law Section
  - Editorial Board Member, *ABA Health Law Stark and Anti-Kickback Toolkit* (2011 to present)

**REPRESENTATIVE CASES**

*United States ex rel. Law Project for Psychiatric Rights v. Matsutani*, No. 3:09-cv-0080-TMB (D. Ak. Sept. 23, 2010), *aff'd* 2011 WL 5056363 (9<sup>th</sup> Cir. Oct. 25, 2011). Represented health system and pediatric psychiatrist in False Claims Act litigation related to Medicaid payment for psychiatric medications prescribed off-label to minors. Obtained early dismissal of case with prejudice; dismissal affirmed by Ninth Circuit.

*U.S. ex rel. Grayson v. Genoa Healthcare*, 2011 WL 2670079 (W.D. Wash. July 6, 2011). Defended pharmacy providers against FCA claims related to alleged waiver of co-payments for

Medicare and Medicaid beneficiaries. Obtained early dismissal of FCA allegations for failure to state a claim and for failure to plead fraud with particularity.

*United States ex rel. Zemplyni v. Group Health Cooperative*, 2010 WL 3584444 (W.D. Wash. Sept. 10, 2010); 2011 WL 814261 (W.D. Wash. March 3, 2011). Represented health care provider in False Claims Act litigation and obtained government declination of intervention and early dismissal of FCA and other allegations.

*International Rehabilitative Sciences, Inc. d/b/a RS Medical v. Sebelius*, 737 F. Supp. 2d 1281, 2010 WL 3119439 (W.D. Wash. July 29, 2010). Represented medical device distributor in judicial appeal of final Medicare coverage determinations. Successfully argued that Medicare decisions not to cover device were arbitrary and capricious and not based on substantial evidence.

*Perry v. Rado*, 504 F. Supp. 2d 1043 (E.D. Wash. 2007), *affirmed* 2009 WL 2562739 (9<sup>th</sup> Cir. Aug. 20, 2009). Represented hospital and physician defendants in hospital peer review antitrust action by obstetrician/gynecologist. Obtained dismissal of complaint, which was upheld by the Ninth Circuit.

*Sambasivan v. Kadlec Regional Medical Center*, No. 08-2-01534-1 (Benton County, WA). Represented regional medical center in physician challenge of hospital's adoption of medical staff credentialing criteria for interventional cardiology. Obtained dismissal of related claims and award of attorney fees for hospital under Washington Peer Review Act.

*California ex rel. [UNDER SEAL] v. [UNDER SEAL]* (2009) Represented California subacute care facility in action brought under California False Claims Act; obtained state declination of intervention and dismissal of action.

*Washington State Pharmacy Ass'n v. Gregoire*, 2009 WL 1259632 (W.D. Wash. Mar. 31, 2009). Represented pharmacy associations and individual pharmacies in action against state Medicaid agency; obtained temporary restraining order enjoining reduction in Medicaid pharmacy reimbursement.

*Columbia Basin Hematology & Oncology, LLC v. Chenal* (Benton County May 2009). Represented oncology practice in successful action to enforce covenants not to compete against departing shareholder and employed physicians.

*United States ex rel. [UNDER SEAL] v. UNDER SEAL* (W.D. Wash. April 17, 2009). Represented provider of geriatric psychiatric services in *qui tam* action; obtained government declination of intervention and dismissal of case.

*Robert Wood Johnson Univ. Hosp. v. Thompson*, 2004 WL 3210732 (D.N.J. April 15, 2004). Obtained permanent injunction shutting down CMS Medicare demonstration project as unlawful.

*In re Cardiac Devices Qui Tam Litigation* (D. Conn.). Represented teaching hospitals accused of defrauding Medicare by billing for procedures allegedly involving non-FDA approved cardiac devices.

*United States ex rel. King v. Aventis Pharmaceuticals* (N.D. Tex. 2005). Obtained a dismissal of *qui tam* action filed against 40 pharmaceutical companies alleging False Claims Act violations based on alleged FDA regulatory violations.

## **PRESENTATIONS**

Health Reform: Implications for Pediatric Practices  
North Pacific Pediatric Society Annual Meeting  
Portland, OR — March 2011

Hospital and Physician Alignment Strategies  
Washington / Oregon MGMA Annual Meeting  
Spokane, WA — April 2011

Fraud and Abuse: Emerging Theories, PPACA Liability Expansion and 2010 Highlights  
Washington State Society of Healthcare Attorneys Fall Seminar  
Vancouver, B.C. — November 2010

Physician EMR Incentives  
Washington / Oregon MGMA Annual Meeting  
Seattle, WA — March 2010

RAC Audits: A Field Guide  
Washington / Oregon MGMA Annual Meeting  
Seattle, WA — March 2010

Fraud and Abuse Update  
Washington State Society of Healthcare Attorneys Fall Seminar  
Vancouver, B.C. — November 2009

Poor Prognosis for Diagnostic Arrangements? The Effect of Recent Regulatory Changes  
HFMA Washington / Alaska Chapter Annual Meeting  
Cle Elum, WA — September 2008

Medicare Reimbursement Update  
Washington State Society of Healthcare Attorneys Spring Seminar  
Seattle, WA — May 2008

## **PUBLICATIONS**

*Legal Challenges to Medicaid Rate Reductions Frustrated by Proposed Federal Rules*,  
Washington Healthcare News, July 2011

*Washington Courts Confirm Scope of Washington Peer Review Act and Award Attorney  
Fees to Prevailing Hospital*, Washington Healthcare News, July 2010

Various Bennett Bigelow & Leedom, P.S. Client Alerts, 2006-2011

Witten, J. and Howard, R., *The Coming of Competitive Bidding for Medicare DME Reimbursement*, MX Magazine, Sept./Oct. 2004

*OIG Spotlight on Outpatient Cardiac Rehabilitation*, Jones Day Compliance Adviser, April 2004

*OIG to Scrutinize Suspect Contractual Joint Ventures*, Jones Day Compliance Adviser, Sept. 2003

*Medicare Outlier Payments for Outpatient Services Also Under Scrutiny*, Jones Day Compliance Adviser, Sept. 2003

*OIG Focus on One-Day Inpatients and Combined Admissions*, Jones Day Compliance Adviser, Nov. 2002

*Regulatory Attention to Use of Physician Queries in Medical Records Coding*, Jones Day Compliance Adviser, April 2002

*OIG Issues New Advisory Opinion on Gainsharing Reversing July 1999 Special Advisory Bulletin*, Jones Day Compliance Adviser, March 2001

#### **EDUCATION**

- Notre Dame Law School, J.D., *magna cum laude*
  - ◆ Executive Articles Editor, Notre Dame Law Review
- University of Notre Dame, B.A., *magna cum laude*

#### **BAR AND COURT ADMISSIONS**

Washington State Bar Association

District of Columbia Bar

United States Court of Appeals for the Ninth Circuit

United States District Court for the Eastern and Western Districts of Washington