

Daria A. Porta

SHAREHOLDER

she / her / hers

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Daria Porta offers logical and straightforward approaches to the complex litigation issues facing healthcare systems, provider practices and behavioral health clients based on her substantial litigation experience and knowledge of the liabilities facing those clients across all stages of the litigation process from early dispute resolution to arbitrations and trials. She represents health care clients in a wide variety of disputes and litigation, including:

- Defending health care providers against the use of artificial intelligence (“AI”) in the health care reimbursement space
- Managed care and payor disputes in arbitration or administrative appeals for issues ranging from 340B claims to challenging statistical sampling of audits
- Civil and criminal internal investigations, civil investigative demands and government investigations under the False Claims Act, Stark Law and the Anti-Kickback Statute
- Peer review and administrative fair hearings and appeals before Medical Executive Committees regarding the removal of physician privileges
- Plaintiff and defense work for contractual and quasi-contractual disputes involving complex service agreements and third-party vendors
- Medical malpractice, general negligence and product liability
- Biometric information privacy act class action litigation and policies
- Advising on the peer review privilege, Patient Safety Organizations, quality improvement, credentialing, consent forms, credentialing and service contracts

Prior to joining Polsinelli, Daria represented hospital systems and medical groups in high damages medical malpractice and product liability cases providing her a strong litigation background to successfully represent clients in state and federal courtrooms and before arbitration panels.

Education

- DePaul University College of Law (J.D., *cum laude*, 2012)
 - Public Interest Law Certificate; Dean’s List; DePaul Journal of Women, Gender & the Law, Symposium Editor
- DePaul University (B.A., *cum laude*, 2009)

Capabilities

- Health Care Litigation
- Health Care
- Health Care Compliance
- Biometric Privacy Law
- Medical Staff Governance, Operations & Disputes
- Government Investigations
- Privacy Litigation
- Managed Care & Payor Disputes

- Political Science; Minors in Biology & Psychology; Dean's List

Bar Admissions

- Illinois, 2012

Court Admissions

- U.S. District Court, Northern District of Illinois

Memberships

- Illinois State Bar Association
- Chicago Bar Association
- Chair of the Associate Board for Life Span
- Certified Spinning instructor

Recognition

- 2021 Illinois Rising Star – Top Rated Medical Malpractice Attorney

Matters

- Successfully mediated breach of service agreement dispute resulting in 7-figure settlement for national imaging company against a large hospital system.
- Responded to search warrants and conducted internal investigation for hospital system regarding potential criminal conduct at several locations.
- Completed internal investigation for behavioral health client regarding potential criminal activity involving several patients.
- Represented 340B hospitals in seeking monetary damages for underpayments in multiple arbitrations regarding contract disputes over the applicability of the *Am. Hosp. Ass'n v. Becerra*, 596 U.S. 724 (2022) decision and CMS remedy to private payors.
- Second chaired a damages trial for a non-profit nursing home client successfully obtaining a large reward on their behalf.
- Represented medical billing company in *qui tam* FCA state litigation.
- Won administrative fair hearing and appeal on behalf of hospital client for termination of physician's privileges from the medical staff for patient abandonment.
- Obtained reconsideration of denial of reaccreditation status by national accrediting agency for healthcare plan client.
- Mediated resolution of multiple staffing agency disputes for nursing home management client resulting in substantial client savings.
- Successfully obtained defense verdict for hospital against \$4 million wrongful death medical malpractice claim involving death from pulmonary embolism following orthopedic surgery.
- Won dismissal with prejudice of spoliation claim alleging Illinois hospital failed to retain peripheral EMR audit trail.
- Obtained summary judgments on behalf of several Illinois hospitals on alleged agency of non-employed physicians.
- Successfully upheld peer review privileges on behalf of several local hospitals against motions to compel highly sensitive and privileged documents.

- Obtained early 5-figure settlement of wrongful death allegations against Illinois hospital, avoiding an additional 3 years of litigation expenses and \$2+ million defense verdict against co-defendant physician, which was the first plaintiff medical malpractice verdict in the county.

Publications

September 25, 2024
Med-Staff Newsletter

February 2023
Med-Staff Newsletter

Events

February 7, 2025
2025 Medical Staff Virtual Conference - Part 1