

Kevin M. Coffey

SHAREHOLDER

Chicago, IL | 312.873.2986

kcoffey@polsinelli.com



Kevin Coffey is an attorney in the Firm's Health Care Litigation and Disputes and Government Investigations practice groups, where he represents a wide range of health care and life sciences companies, including hospitals and health systems, medical device and pharmaceutical companies, long-term and post-acute care providers, and pharmacies.

Kevin advises clients on fraud and abuse regulatory and enforcement matters, including investigations and litigation under the False Claims Act, federal and state Anti-Kickback Statutes, Stark Law, and Medicare and Medicaid reimbursement and coverage criteria. He also assists with litigation and investigation avoidance strategy.

Kevin has extensive experience representing clients in investigations conducted by state and federal agencies, including the U.S. Department of Justice, the U.S. Department of Health and Human Services-Office of Inspector General, Medicaid Fraud Control Units, and State Attorneys General.

Particularly well-qualified in matters involving the OIG, Kevin is an expert in navigating issues related to the agency's exclusion authority and its efforts to place individuals and entities on the excluded provider lists. He has a proven track record of demonstrating to the OIG that Corporate Integrity Agreements are unnecessary in connection with FCA settlements, achieving favorable outcomes for his clients.

In addition, Kevin has developed compliance programs for health systems and national health care providers from the ground up and has worked extensively to improve and enhance existing compliance programs. This experience gives him the credibility and deep knowledge necessary when negotiating with the OIG and other enforcement agencies.

Kevin has litigated dozens of FCA lawsuits in federal district and appellate courts across the country. Outside the health care space, he also advises Fortune 500 companies and spends considerable time matching clients with exceptional attorneys throughout the Firm to meet their unique legal needs promptly and effectively.

Kevin serves as the Pro Bono Coordinator for the Chicago office, where he helps his

Capabilities

- Health Care Compliance
- False Claims Act Defense
- Health Care
- Government Investigations
- Telehealth Enforcement & Compliance
- Hospitals & Health Systems

colleagues vet opportunities, and helps manage the office's relationships with key organizations.

Kevin resides in Chicago with his wife and young children. He enjoys exploring the city, attending concerts and rooting for his favorite sports teams, including the Chicago Bears. In his free time, he helps coach his kids' sports teams, fostering teamwork and development both on and off the field.

Education

- Loyola University Chicago School of Law (LL.M.)
 - Beazley Institute of Health Law and Policy
- University of Illinois College of Law (J.D., *cum laude*)
- University of Dayton (B.A.)
 - Political Science

Bar Admissions

- Illinois, 2010

Court Admissions

- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fifth Circuit

Memberships

- American Health Law Association
- Illinois Health Lawyers Association

Recognition

- Selected for inclusion in *Best Lawyers in America*® for Health Care Law, 2026
- Included in *Craine's Chicago Business* list of "Notable Rising Stars in Law," 2021
- Named one of *Best Lawyers: Ones to Watch*® in America in Health Care Law, 2024-2025
- Elected to the American Bar Foundation Fellows Program, a distinction limited to 1% of lawyers in each jurisdiction

Matters

- Successfully defended a Texas health system in the Northern District of Texas in an action under the False Claims Act and Texas Medicaid Fraud Prevention Act involving alleged violations of the Anti-Kickback Statute and Stark Law. Won summary judgment, obtaining complete dismissal with prejudice. Successfully argued before a three-judge panel at the Fifth Circuit Court of Appeals in New Orleans. Achieved denial of Relator's petition for writ of certiorari by Supreme Court of the United States.
- Successfully represented a Texas health system and Houston-based quaternary care academic medical center in the Southern District of Texas in a False Claims Act

action involving alleged billing for concurrent surgeries. Obtained a favorable settlement resolution and avoided a Corporate Integrity Agreement.

- Successfully represented a Texas health system and affiliated hospital in a False Claims Act action premised on alleged violations of the Stark Law, Anti-Kickback Statute, and express and implied false certification theories of liability. Obtained dismissal with prejudice pursuant to a motion to dismiss under Rules 12(b)(6) and 9(b), and appeared before a three-judge panel at the Fifth Circuit Court of Appeals in New Orleans, Louisiana, which affirmed the dismissal.
- Successfully defended an academic medical center in the Northern District of Illinois in an action under the False Claims Act and Illinois False Claims Act involving allegations of improper billing for non-resident assistants during surgeries when qualified surgical residents were available. Obtained complete dismissal with prejudice.
- Successfully defended two home health agencies in the Western District of Missouri in a False Claims Act case involving allegations of illegal internal referrals in violation of the Stark Law and Anti-Kickback Statute. Persuaded the DOJ to decline intervention through a white paper outlining legal and factual defenses, leading to the Relator abandoning the case.
- Successfully defended an academic health system in the Western District of Missouri in a False Claims Act case involving allegations of submitting false claims for items and services provided to research patients in clinical trials. Persuaded the Government to decline intervention, leading the Relator to abandon the case.
- Successfully defended a bar exam preparation provider in the Northern District of Illinois in a False Claims Act case alleging submission of false claims for federal student aid loans by for-profit educational institutions. Obtained dismissal with prejudice through motions under the FCA's public disclosure bar and Rules 9(b) and 12(b)(6).
- Represented a health system in the District of Utah in a False Claims Act case involving allegations of unnecessary medical procedures and fraudulent billing. Successfully dismissed the complaint under Rule 9(b) before the Tenth Circuit reversed and remanded the case.
- Successfully defended a nursing home management group in the Northern District of Illinois in a False Claims Act case involving allegations of kickbacks and fraudulent Medicare and Medicaid claims. Obtained dismissal with prejudice through motions under Rules 12(b)(6), 9(b), and the FCA's public disclosure bar.
- Represented multiple hospitals in a California state False Claims Act case alleging overbilling and kickbacks related to spinal surgeries. Case outcomes included significant limitation of liability.
- Successfully represented a home health agency in the Eastern District of Pennsylvania in a False Claims Act case alleging improper billing for non-homebound patients and retaining overpayments. Negotiated a settlement without admission of liability.
- Defended a student transportation provider in the Northern District of Illinois in a False Claims Act case alleging conspiracy to defraud federal healthcare programs. Obtained dismissal with prejudice through motions under Rules 12(b)(6) and 9(b).
- Represented a health system in the Southern District of Texas in a False Claims Act case alleging violations of the Stark Law and Anti-Kickback Statute. Significantly narrowed allegations and limited liability through strategic motions to dismiss.
- Successfully negotiated a settlement for a national anesthesia provider in the Northern District of Georgia in a False Claims Act case. Achieved significant reduction in settlement demands and avoided a Corporate Integrity Agreement.
- Represented a laboratory services provider in the Middle District of Florida in a False Claims Act case involving allegations of Anti-Kickback Statute violations. Secured Government declination of intervention, and the case proceeded with the Relator litigating unilaterally.

- Successfully defended a health system in the Fifth Circuit Court of Appeals in a False Claims Act case involving allegations of overcompensation to induce patient referrals. Secured summary judgment dismissal and appellate affirmation.
- Successfully represented a health system in the Fifth Circuit Court of Appeals in a False Claims Act case involving alleged Stark Law and Anti-Kickback Statute violations. Achieved appellate affirmation of dismissal.
- Defended a hospital clinic in the Western District of Texas in a False Claims Act case alleging fraudulent billing practices. Obtained dismissal with prejudice through motions under Rules 12(b)(6) and 9(b).
- Represented a home health company in the Middle District of Florida in a False Claims Act case alleging improper physician compensation and perks. Negotiated a favorable settlement avoiding a Corporate Integrity Agreement.
- Defended a home health company in the Middle District of Florida in a False Claims Act case involving allegations of medically unnecessary services. Successfully negotiated a settlement avoiding further oversight.
- Successfully represented a medical supply company in a Central District of Illinois False Claims Act case alleging improper telemarketing and lack of valid prescriptions. Relator voluntarily dismissed the action following strategic defense.
- Represented a urology practice in a Central District of Illinois False Claims Act case alleging Anti-Kickback Statute violations. Currently pending with a motion to dismiss filed.
- Successfully resolved a False Claims Act case in the Central District of Illinois involving Anti-Kickback Statute allegations, leading to voluntary dismissal of the client due to the FCA's First-to-File provisions.
- Successfully defended a generic pharmaceutical manufacturer in a DOJ Antitrust Division investigation involving allegations of price-fixing, market allocation, and other antitrust violations in the generic pharmaceutical industry.
- Successfully defended a generic pharmaceutical manufacturer in a separate investigation by the Office of the Attorney General for the State of Connecticut involving allegations of price-fixing, market allocation, and other antitrust violations.
- Successfully settled an action by Health and Human Services - Office of Inspector General under the Civil Monetary Penalties Act alleging that a long-term care facility hired an individual listed on the OIG's List of Excluded Individuals and Entities. Successfully obtained a 72% reduction in the OIG demand.
- Successfully defended a False Claims Act investigation of a Kentucky health system and affiliated physician practice in the Eastern District of Kentucky involving allegations of medically unnecessary cardiac procedures.
- Successfully resolved a False Claims Act investigation in the Central District of California involving allegations of improper Medicare billing for medically unnecessary hospice services. Resolved on common law theories rather than as an FCA settlement, and without admission of liability, a DOJ press release, or a Corporate Integrity Agreement.