

T. Jeffrey Fitzgerald

SHAREHOLDER

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Thoroughness and thoughtfulness are the keys to Jeff Fitzgerald's success in defending health care clients in health care fraud investigations. He believes effective strategies for successfully defending investigations include the rigorous exploration of the facts and a detailed analysis of the applicable regulations. Jeff represents health care providers in disputes with federal and state licensure bodies, professional licensure boards, and other regulators and law enforcement agencies. He also assists health care companies that have proactively discovered potential compliance issues. Jeff uses his experience in resolving investigations to develop practical solutions that bring finality and risk reduction to compliance problems.

Education

- Notre Dame Law School (J.D., *magna cum laude*, 1997)
- University of Colorado Boulder (B.A., 1993)
 - Phi Beta Kappa

Bar Admissions

- Colorado, 1997

Memberships

- American Health Law Association
- Colorado Bar Association, Health Law Section
- Health Care Compliance Association
 - Chair of the Rocky Mountain Regional Conference
- *Report on Medicare Compliance*
 - Editorial Advisory Board

Recognition

- Selected for *Best Lawyers*® “Lawyer of the Year” in Denver, Colorado, for Litigation – Health Care, 2026
- Selected for inclusion in *Best Lawyers in America*® for:

Capabilities

- Health Care Compliance
- False Claims Act Defense
- Health Care Litigation
- Health Care
- Litigation
- Pharmacy
- Government Investigations

- Litigation - Health Care Law, 2023-2026
 - Health Care Law, 2013-2026
- Selected for inclusion in *Colorado Super Lawyers*, Health Care, 2014
- Selected for inclusion in *Colorado Super Lawyers* "Rising Stars" for Health Care, 2009-2011

Matters

- Defended health system's pain clinic in response to HHS-OIG investigation related to treatment of pain with prescription opioid medications.
- Successful and timely resolution of several voluntary disclosures to HHS-OIG related to health system employment of excluded individuals.
- Defended a publically traded medical device manufacturer in a criminal investigation that was ultimately referred by the Department of Justice to the Office of Inspector General for administrative resolution.
- Defended a medical practice in an investigation of medical director fees and E&M coding. Investigation was terminated by the Department of Justice without a settlement demand.
- Defended a medical practice in a coding and billing investigation that was based on Department of Justice data analysis. Successfully removed several government contentions and resolved the matter on reasonable terms for the client.
- Represented numerous hospitals in diagnosis-related group coding investigations. Developed a process for exploring factual issues and supporting codes used by hospital coders. Effective use of certain coding has helped drive favorable settlements for clients.
- Conducted an internal review of potential noncompliance with Stark Law. Developed practical parameters to assess risk and to explore remediation efforts. Developed legal framework to resolve potential issues.
- When a large oncology practice discovered a pattern of possible upcoding and questionable billing conduct by one of its physicians, assisted the client in assessing its risk and mitigating potentially material liability through the use of an overpayment refund process.
- Developed a strategy to respond to a state survey agency's interpretation of the Life Safety Code. After a detailed review of the licensure regulations and the code itself, developed an advocacy strategy that led to the survey agency clarifying its position to be consistent with the client's historical approach.
- Retained by a large health care company to develop a strategy for growth through the use of joint ventures with physicians. By involving key internal stakeholders, including the company's compliance and legal departments, developed standards and a process that has effectively allowed growth while also avoiding unnecessary legal risk.