



James A. Hoover

Partner

Birmingham, AL

(205) 458-5111

jhoover@burr.com



“Being able to distill and simplify the complex is how I get the results my clients need to mitigate risk and move their organization forward.”

Jim Hoover has extensive litigation experience defending companies, corporate representatives, and other individuals in qui tam lawsuits and responding to Civil Investigative Demands, grand jury subpoenas, and other government investigations regarding violations of Stark, Anti-kickback, and False Claims Act.

Jim represents all types of healthcare providers before administrative tribunals, including the CMS, DEA, OIG, FDA, and other federal and state regulatory agencies such as the State Health Planning and Development Agency/Certificate of Need Review Board, Board of Pharmacy, Board of Medical Examiners, Medical Licensure Commission, and Board of Nursing. Jim also represents healthcare providers and health plans with their health care compliance programs, HIPAA privacy and security matters, claims appeals, audits, recoupments, and sanctions, as well as other health law disputes.

Introduced to law early on, Jim found the competitive nature of the profession intriguing. Now representing all types of companies and individuals in the health care industry, Jim puts himself into his client’s shoes to gain the most holistic point of view and find the best solutions. Quick on his feet and ready for the challenge, he serves with passion as he represents hospitals, physician practices, pharmacies, pharmaceutical manufacturers, nutraceutical manufacturers, and medical device manufacturers throughout Alabama and the Southeast.

Away from the office, Jim spends time with his five children, participating in outdoor events, and frequently travels to Canada.

PARALEGAL/ASSISTANT

Paralegal

Ranelle Lucas
(205) 458-5418
rlucas@burr.com

Legal Practice Assistant

Janice Riviere
(205)-458-5244
jriviere@burr.com

CAPABILITIES

Administrative & Regulatory

Health Care

Health Care Litigation

Health Care Compliance

Health Care Business, Governance & Transactional

Government Investigations

Corporate Law

PPP and CARES Act Audit, Investigations, & Defense

Long Term Care

EDUCATION

J.D., Samford University Cumberland School of Law

B.B.A., University of Georgia

James A. Hoover

Jim earned his J.D. from the Cumberland School of Law at Samford University and his B.B.A., in Risk Management and Insurance, from the University of Georgia.

Experience

- Represented several Medicare Advantage Organizations in numerous arbitrations involving large multi-million dollar claims disputes.
- Represented a hospital against a false claims and anti-kickback investigation conducted by the OIG and U. S. Attorney's Office for the Northern District of Alabama that led to the government closing its investigation without action against the hospital.
- Assisted clients in responding to and addressing HIPAA breaches, including coordinating breach notification processes and extensively reviewing and revising HIPAA compliance plans and forms.
- Conducted numerous internal corporate investigations for companies suspecting violations of Stark, the Anti-kickback laws and the False Claims Act
- Defended multiple compounding pharmacies throughout the southeast regarding the Department of Justice's investigation of alleged false claims payments relating to Tricare/the Defense Health Agency.
- Represented several health care laboratories in responding to CIDs and defending qui tam lawsuits and government investigations alleging violations of Stark, the Anti-kickback laws and the False Claims Act.
- Represented a mental health provider in a qui tam/false claims lawsuit alleging, among other allegations, violation of the false claims act as a result of the provider's alleged improper use of "incident to" services.
- Represented a large specialty pharmacy company in an action brought by the Alabama Medicaid Agency involuntarily suspending Medicaid payments and successfully obtained the return of \$11 million in Medicaid funds.
- Represented physician practices in a qui tam/false claims lawsuit alleging a violation of the false claims act as a result of the practice's improper use of "incident to" services.
- Obtained a summary judgment on behalf of a physician group practice resulting in a dismissal of a lawsuit filed by a former

LICENSED IN

Alabama

James A. Hoover

physician employee alleging submission of false credentialing information to a state medical licensing board.

- Represented numerous physician practices in multiple Office of Inspector General ("OIG") investigations related to the use of and billing for qualitative drug screen testing.
- Obtained certificate of need approval from the State Health Planning and Development Agency to construct the first Free Standing Emergency Department in Alabama.
- Obtained a summary judgment for a hospital client against a lawsuit filed by a real estate management company alleging breach of a real estate management contract and various leases and subleases.
- Obtained a judgment in excess of \$800,000.00 for a hospital client against a physician on its medical staff for violating an office lease agreement.
- Represented a national hospital company with numerous hospitals in Alabama with its litigation within the State of Alabama.
- Represented a national hospital company with drafting its handbook on internal investigations.
- Represented numerous hospitals in response to CMS investigations seeking to terminate the hospitals' provider numbers within 21 days for alleged EMTALA violations.
- Successful Defense of False Claims Act Lawsuit
03.15.2022

Honors & Recognition

- Listed in *The Best Lawyers in America*®, Health Care Law since 2010, Litigation - Health Care since 2016
- Named, *Chambers USA*, Health Care (2017-2023)
- *Mid-South Super Lawyers*, Health Care since 2016
- *Alabama Super Lawyers*, Health Care (2011-2015)
- Martindale-Hubbell AV Preeminent® Peer Review Rating

News

- 58 Burr Attorneys Named to 2023 Mid-South Super Lawyers and Rising Stars List
Firm News, 11.28.2023
- Best Lawyers® 2024 Honors 242 Burr Attorneys, Including 17 "Lawyers of the Year"
Firm News, 08.17.2023
- 61 Burr & Forman Attorneys Ranked in 2023 Chambers USA
Firm News, 06.01.2023
- Robin Mark and Jim Hoover Detail DOJ Guidance on Self-Disclosures in *Law360*
Firm News, 04.18.2023
- 63 Burr & Forman Attorneys Ranked in 2022 Chambers USA
Firm News, 06.03.2022

James A. Hoover

Speaking Engagements

- AAHIM Legal Manual and Workshop
Speaking Engagement, In-Person in the Auditorium at Burr and Forman, 07.29.2022
- Healthcare Fraud Summit
Speaking Engagement, Webinar, 10.13.2021
- Jim Hoover to speak at the AAHIM Annual Meeting
Speaking Engagement, Birmingham, 04.15.2016

Articles

- HHS OCR/ONC Announce an Updated Version of Its HIPAA Security Risk Assessment Tool
Articles / Publications, Reprinted with permission from *Birmingham Medical News* , 10.23.2023
- Do I Believe You? Scienster Standard in a FCA Case
Articles / Publications, 07.20.2023
- The USDOJ Continues to Increase Its Fraud Enforcement Actions Related To COVID-19 Relief Benefits
Article, 05.15.2023
- How DOJ Self-Disclosure Policy Affects Internal Investigations
Article, Law360, 04.13.2023
- The DOJ Continues to Scrutinize Telemedicine
Articles / Publications, 09.14.2022

Professional Activities

- American Bar Association
- Alabama State Bar
- Birmingham Bar Association
- American Health Lawyers Association
- The Federation of Defense and Corporate Counsel, Health Care Section, Vice Chair (2016-2017), Chair (2017-2018)
- The American Society for Pharmacy Law