

## PAMELA C. BRECHT

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PAMELA COYLE BRECHT is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP. Ms. Brecht serves as Chair of the firm's national Qui Tam/False Claims Act Practice Group. She is also experienced in white-collar criminal litigation, employment law, internal investigations, and complex health care litigation.

Ms. Brecht has litigated many of the most complex False Claims Act cases filed in the United States. Her cases have included alleged fraud by a large multi-state Medicaid managed care contractor, FCA violations by three of the largest hospital corporations in the country, and dissecting complex financial relationships among healthcare providers including Stark and Anti-Kickback issues. She has also litigated cases involving hospital fraud, emergency room fraud, medical device allegations, Medicare Part C and Part D fraud, government contractor fraud, laboratory fraud, as well as all types of pharmaceutical fraud. One of the whistleblower matters that Ms. Brecht has worked on was recognized in 2018 by The National Law Journal as one of the "Top 100 Verdicts." The matter, Lutz v Health Diagnostics Laboratory, ranked as #39 on the list of highest verdicts throughout the nation for that year and came in at #2 for the highest verdicts coming out of Pennsylvania.

Ms. Brecht received her Juris Doctorate from Temple University School of Law where she served on Temple Law Review. She also graduated on the Dean's List and received honors for Distinguished Class Performance. Prior to Temple University School of Law, Ms. Brecht graduated cum laude from Villanova University, where she was a competitive Rower on The Women's Crew Team. Currently Ms. Brecht is a Hearing Committee Member serving the Disciplinary Board of the Supreme Court of Pennsylvania. She began her three-year term July 1, 2020.

Ms. Brecht has amassed many legal honors over the course of her 30-year career. LexisNexis® Martindale-Hubbell® recognizes Ms. Brecht as an AV® Preeminent™ rated attorney, the highest such rating available to any individual lawyer in both legal ability and ethical standards. Ms. Brecht can also be found in the 2022 edition of Best Lawyers in America for her work in Qui Tam Law. In 2019, the Philadelphia Business Journal selected Ms. Brecht in their "Best of the Bar" Awards for her distinguished legal performance in the field of "White-Collar Defense Litigation."

Ms. Brecht is a member of the Philadelphia Bar Association, the American Health Lawyers Association, the Health Care Compliance Association, the Federal Bar Association Qui Tam Section, the National Association of Criminal Defense Lawyers, the Federal Criminal Law Committee for the Eastern District of Pennsylvania, the Brehon Law Society, and the Justinian Law Society. She also serves on the Executive Board for the Federal Bar Association's Qui Tam Section.

Ms. Brecht frequently speaks, writes, and lectures nationally on False Claims Act and health care fraud issues. She served as an Adjunct Professor of Law at Hamline University School of Law in Minnesota where she taught a course in health care fraud. She is also an active member of her local church as well as parent organizations

which support the United States Naval Academy and the United States Military Academy, from which two of her sons graduated, and a loyal supporter of Temple Men's Crew.

## **Publications**

"The differences and similarities between American and Italian healthcare fraud, waste, and abuse laws: Part 3," *Compliance Today*, December 2021.

"The differences and similarities between American and Italian healthcare fraud, waste, and abuse laws: Part 2," *Compliance Today*, December 2021.

"The differences and similarities between American and Italian healthcare fraud, waste, and abuse laws: Part 1," *Compliance Today*, November 2021.

"International Whistleblowing Legislation and America's False Claims Act," *CEP Magazine*, January 2020, at 16.

"Vive La Différence? American and French Healthcare Fraud, Waste, and Abuse Laws," *Compliance Today*, December 2019.

"The Impact of International Whistleblowing on Global Corporate Compliance," *CEP Magazine*, December 2019.

"Strategic Perspectives: Government Rekindles Concerns About CMS' MAO Overpayments" *Wolters Kluwer Health Law Daily*, May 19, 2017.

"A New Era of Laboratory Fraud: Part 2" *Compliance Today*, October 2016.

"A New Era of Laboratory Fraud: Part 1: Operation LabScam redux" *Compliance Today*, September 2016.

"The Tar Heel State Steps Up Its Fight Against Fraud - Part II" *The Legal Intelligencer*, June 27, 2012.

"The Tar Heel State Steps Up Its Fight Against Fraud" *The Legal Intelligencer*, June 26, 2012.

"The Minnesota False Claims Act: Is It Minnesota Nice?" *Bench & Bar of Minnesota*, April 2010.

"The Employment Protection and Anti-Discrimination Provisions of the New Jersey State False Claims Act" *New Jersey Law Journal*, August 10, 2009.

"The 'New' New Jersey False Claims Act: It Was Born To Run" *The Legal Intelligencer*, July 6-9, 2009.

## **Representative Matters**

United States et. al. ex rel. Mason, Folstad and MEMA v. Health Management Associates, Inc., et. al., No. 3:10CV472 (W.D.N.C.).

United States ex rel. Lutz v. Laboratory Corporation of America Holdings, 2019 WL 236799 (D.S.C. Jan. 16, 2019).

United States ex rel. Bergman v. Abbot Laboratories, 995 F. Supp. 2d 357 (E.D. Pa. 2014)

United States ex rel. Novick v. Doshi Diagnostics, 09-4992 (D.N.J.)

United States ex rel. Ross v. Family Dermatology of Pennsylvania, P.C., et al., Case No. 1:11-cv-2413 (N.D. Ga.)

United States ex rel. Scarlett Lutz and Kayla Webster v. Health Diagnostic Laboratory Inc., et al., No. 9:14-cv-00230 (D.S.C.) (resulting in a \$47 Million recovery for taxpayers)

United States ex rel. Anthony R. Spay v. CVS Caremark Corp., et al., No. 2:09-cv-04672 (E.D. Pa.)

United States ex rel. Nevyas v. Allergan Inc., No. 2:09-cv-00432 (E.D. Pa.)

United States ex rel. DePace v. Cooper Health System, No. 08-5626 (JEI/AMD), ---F.Supp.2d---, 2013 WL 1707952 (D.N.J. Apr. 22, 2013)

United States ex rel. Miller and Metts v. Health Management Associates Inc. et al., No. 5:10-cv-03007 (E.D. Pa.)

United States ex rel. Laura Rupert & Robin Herzog v. CareSource Management Group, Co., et al., No. C2-06-961 (S.D. Oh.)

United States ex rel. Mason v. Community Health Systems, Inc. et al., No. 12-817 (W.D.N.C.) (resulting in a \$98 million recovery for federal and state taxpayers)

United States et. al. ex rel. Mason, Folstad and MEMA v Health Management Associates Inc. et al. No. 3:10-CV-472-GCM (W.D.N.C.)

Liberty Healthcare Group, Inc., et al v. Artex Medical, Inc., et al., No. 2:09-cv-14311 (S.D. Fla.)

## **Speaking Engagements**

"Plaintiff's Witness 1," American Bar Association's False Claims and Qui Tam Trial Institute 2022 (Miami, FL), April 25-27, 2022

"False Claims Act Update," Pennsylvania Bar Institute's Health Law Institute 2022 (Philadelphia, PA), March 15, 2022

“Private Equity – The Newest Face at the FCA Table,” Federal Bar Association’s 2022 Qui Tam Conference (Virtual), February 23-25, 2022

“The Dos and Don’ts of Medicare Advantage and Medicaid Managed Care: Lessons from Recent Enforcement Activity,” Health Care Compliance Association’s 2022 Managed Care Compliance Conference (Phoenix, AZ), January 30-February 1, 2022

“False Claims Act Update,” Pennsylvania Bar Institute’s A Day on Health Law 2021 (Virtual), October 28, 2021

“The False Claims Act and Dealing with Whistleblowers,” Seton Hall University School of Law U.S. Healthcare Compliance Certificate Program (Webinar), October 12, 2021

“Healthcare Fraud,” Marcum Corporate Compliance & Fraud Summit (Virtual), October 7, 2021

“The False Claims Act and Dealing with Whistleblowers,” Seton Hall Law U.S. Healthcare Compliance Certificate Program (Virtual), June 15, 2021

“View from the Relator’s Bar: How to Avoid Turning Your Employees into Whistleblowers,” American Conference Institute’s 8th Annual Forum on False Claims and Qui Tam Enforcement (Virtual), March 24-25, 2021

“False Claims Act Update,” Pennsylvania Bar Institute’s Health Law Institute 2021 (Virtual), March 16, 2021

“Whistleblower Counsel on the Enforcement Front Lines,” White Collar Perspectives Series (Virtual), March 3, 2021

“Themes in Healthcare Fraud Enforcement – Impacts of Changing (and Suspended) Regulatory Regimes,” Federal Bar Association’s Qui Tam Conference (Virtual), February 18, 2021

“Managed Care Enforcement and Compliance,” Health Care Compliance Association’s 6th Annual Healthcare Enforcement Compliance Conference (Washington, DC), November 16, 2020

“The False Claims Act Update,” Pennsylvania Bar Institute A Day in Health Law Program (Philadelphia, PA), October 28, 2020

“The False Claims Act and Dealing with Whistleblowers,” Seton Hall University School of Law U.S. Healthcare Compliance Certificate Program (Webinar), October 14, 2020

“How Not to Transform Your Employees into Whistleblowers – Even the Thinnest of Pancakes Has Two Sides,” Federal Bar Association’s Qui Tam Section (Webinar), July 14, 2020

“Healthcare Private Equity, Moving Into the Government’s Crosshairs,” Health Care Compliance Association’s 24th Annual Compliance Institute (Nashville, TN), March 30, 2020. Webinar.

“False Claims Act Update,” Pennsylvania Bar Institute’s Health Law Institute 2020 (Philadelphia, PA), March 11-12, 2020

American Conference Institute’s False Claims & Qui Tam Enforcement (New York, NY), January 27-28, 2020

“False Claims Act Update,” Pennsylvania Bar Institute’s A Day on Health Law (Philadelphia, PA), October 30, 2019

“The Life of a Complex Qui Tam Case in the Eastern District of Pennsylvania,” Presented to the Judges of the United States District Court for the Eastern District of Pennsylvania (Philadelphia, PA), June 26, 2019

“Health Care Fraud, Waste and Abuse Enforcement: American Style,” Compliance and Healthcare Conference, Institute of Risk & Compliance (Paris, France), May 16-17, 2019

“False Claims Act Update,” Pennsylvania Bar Institute’s 25th Annual Health Law Institute (Philadelphia, PA), March 12-13, 2019

“What Will the Future Bring? New Theories, New Claims, New Cases,” American Conference Institute’s 6th Advanced Forum on False Claims & Qui Tam Enforcement (New York, NY), January 28-29, 2019

“Clinical Laboratories: They’re Back Under the Government and Whistleblower’s Microscope,” Pennsylvania Bar Institute’s 24th Annual Health Law Institute (Philadelphia, PA), March 13-14, 2018

“Medicare Part C and Part D FCA Cases: The Next Frontier,” Current Trends in False Claims Act/Qui Tam Whistleblower Litigation CLE (Charleston, SC), May 12, 2017

“Managed Care Fraud: Enforcement and Compliance,” HCCA’s 21st Annual Compliance Institute (National Harbor, MD), March 28, 2017

“Dealing with States in Complex Health Care Fraud Investigations,” Pennsylvania Bar Institute’s 23rd Annual Health Law Institute (Philadelphia, PA), March 8, 2017

“Medicare Part C & D Compliance,” Health Care Compliance Association’s Regional Conference (San Francisco,

CA), December 2, 2016

“Relator’s Counsel” 3rd Annual Qui Tam Conference (Los Angeles, CA), November 4, 2016

“Medicare Part D Fraud” 3rd Annual Qui Tam Conference (Los Angeles, CA), November 3, 2016

“Medicare Part C Fraud” 3rd Annual Qui Tam Conference (Los Angeles, CA), November 3, 2016

“Health Law and the False Claims Act,” 2016 Federal Litigation and Qui Tam Conference (Washington D.C.), October 18, 2016

“Private Causes of Action Accompanying FCA Qui Tam Cases,” False Claims Act/Qui Tam Whistleblowers Litigation Involving Health Care Providers CLE (Columbia, SC), May 6, 2016

“Managed Care Fraud: Enforcement and Compliance,” Healthcare Compliance Association’s 20th Annual Compliance Institute (Las Vegas, NV), April 19, 2016

“Best Practices to Facilitate Global Settlements,” 3rd Annual Advanced Forum on False Claims & Qui Tam Enforcement (New York, NY), January 21-22, 2016

“Hot Topics Forecast,” ABA Section of Litigation Healthcare Los Angeles Regional Conference (Los Angeles, CA), November 3, 2015

“Top 10 Recent Legal Developments Impacting Community Pharmacy Practice,” National Community Pharmacists Association’s 117th Annual Convention and Trade Exposition (Washington D.C.), October 13, 2015

“Qui Tam Litigation, A Practitioner’s Symposium: The Investigation of Potential Claims and the Filing of a Qui Tam Complaint,” American Bar Association’s Criminal Justice Section and the White Collar Crime Southeast Region Subcommittee (Charlotte, NC), September 25, 2015

“Medicare Part D Fraud: False Medicare Claims Involving Prescription Drug Coverage,” 3rd Annual Qui Tam Conference (San Francisco, CA), September 17-18, 2015

“The False Claims Act,” PBI’s Understanding the Basics of Fraud and Abuse in the Healthcare Industry (Philadelphia, PA), July 22, 2015

25th Annual National Institute on Health Care Fraud, American Bar Association (Miami, FL), May 13-15, 2015

“Whistleblower Litigation,” Annual Bench-Bar Conference, Philadelphia Bar Association (Philadelphia, PA), October 17-18, 2014

“Qui Tam Litigation,” New Jersey Association For Justice Educational Foundation, Inc.’s Boardwalk Seminar 2014 (Atlantic City, NJ), May 2, 2014

“Liability and Damages in Non-Traditional FCA Cases,” Taxpayers Against Fraud Education Fund 13th Annual Conference (Washington, DC) October 23, 2013

“Using The False Claims Act To Change Corporate Conduct,” National Employment Lawyers Association’s Fall 2013 Seminar: Shining The Light On Whistleblower & Retaliation Claims (Washington, DC), October 19, 2013

“What Should You Know About the Medicare Part D Program But Were Afraid to Ask,” PBI’s 19th Annual Health Law Institute (Philadelphia, PA), March 12-13, 2013

“North Carolina False Claims Act (WEBCAST),” North Carolina Bar Association CLE Program (Charlotte, NC), November 27, 2012

“Why Are the State False Claims Acts of Importance to Health Care Practitioners?” PBI’s 18th Annual Health Law Institute (Philadelphia, PA), March 14, 2012

“Industry Spotlight: Drugs, Devices, and the False Claims Act,” Adjunct Professor of Law, Hamline University School of Law (St. Paul, MN), June 16-20, 2010

“NJ False Claims Act,” Seminar for NJ Judiciary (Hackensack, NJ), July 15, 2009

“NJ False Claims Act,” Seminar for NJ Judiciary (Somerville, NJ), June 23, 2009

## **Bar Admissions**

Pennsylvania

U.S. Supreme Court

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court - Eastern District of Pennsylvania

U.S. District Court - Western District of Pennsylvania