

Damaris L. Medina

Los Angeles, California
Orange County, California
Shareholder

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Areas of Practice & Industry Specialties

Litigation; Health Care Law; White Collar & Investigations; Health Care/Life Sciences



Damaris Medina is a Shareholder in Buchalter's Los Angeles office. She is Co-Chair of the Firm's Life Sciences Practice and a member of the Firm's Litigation and Health Care Practice Groups.

Ms. Medina represents hospital systems and a diverse array of other health care clients in high stakes litigation in federal and state court, as well as in arbitration. Ms. Medina has successfully litigated numerous large exposure reimbursement cases against major health plans and recovered millions of dollars on behalf of health care providers. She also advises hospital systems and other health care providers on managed care contracting, revenue cycle strategies, and risk and compliance issues. Ms. Medina routinely defends providers against both private and government payor audits, as well as in False Claims Act cases brought by Federal and State agencies including the Office of the Inspector General (OIG) and the Department of Justice (DOJ).

In recent years, Ms. Medina has received recognition from numerous sources. She was recognized as one of Los Angeles' "Most Influential Women Attorneys" by the *Los Angeles Business Journal* in 2018 and she received the prestigious California Lawyer of the Year (CLAY) Award in 2017. She has also been named a "Rising Star" and one of the "Top Women Attorneys in Southern California" since 2014 by *Super Lawyers Magazine*.

Ms. Medina represents a wide range of clients including, but not limited to, large hospital systems, urgent care centers, emergency physician groups, billing companies, gastroenterologists, pathologists, neurologists, hematologists, pharmacies, plastic surgeons, dentists, health care consulting companies, emergency transportation providers, and Part D health plan providers. She also successfully handles business and commercial litigation matters that involve class action issues, securities, business structuring, shareholder disputes, breach of contract, and FINRA arbitration.

Recognitions

- Named a Top Health Care Lawyer of 2019 & 2020 by the *Daily Journal*
- Nominated as one of the "Top Women in Business" by the *Orange County Business Journal*, 2019-2020
- Selected as a Finalist at the *Los Angeles Business Journal's* Health Care Leadership Forum & Awards in 2019
- Named One of the "Most Influential Women Attorneys" in Los Angeles, California by the *Los Angeles Business Journal* in 2018 & 2019
- Named the "California Lawyer of the Year" in Health Care by *California Lawyer* in 2017
- Selected for inclusion in "*Super Lawyers' Top Women Attorneys in Southern California*" in 2014 – 2018 and "*Super Lawyers' Rising Stars*" in 2017-2019
- Received 2017 Leading Lawyer Rising Star Award by Ambulatory M&A Advisor

- Named One of “36 People to Know in Urgent Care” by the Ambulatory M&A Advisor in 2015

Affiliations

- Urgent Care Association of America, Director of the Board and Past-Treasurer
- California Urgent Care Association (California Chapter of UCAOA), Director of the Board and President-Elect
- California Chapter of the American College of Emergency Physicians
- Orange County Bar Association, Co-Chair Activities Committee, Health Care Law Section
- American Bar Association, International Law Section
- Los Angeles County Bar Association, Health Care Law Section

Representative Matters

Reimbursement/Managed Care Disputes

- Defeated potential dismissal of action by Prime Healthcare Services against Humana Insurance Company for alleged Medicare Advantage underpayments and won sanctions motion against Humana for misrepresenting the Medicare appeals process.
- Defeated potential dismissal of action by large hospital system against major health plan on lawsuit for reimbursement of claims regulated by the Department of Insurance, where previously there was no private right of action.
- Negotiated multi-million dollar reimbursement dispute against major Health Plan on behalf of National Hospital System.
- Represented emergency physician group in *Centinela-Freeman Emergency Medical Associates v. Health Net of California*. In a unanimous published decision, the court of appeal reversed the trial court and held in favor of the ER doctors. Finding the HMOs’ conduct demonstrated negligence and showed a degree of “callousness,” the court ruled that negligent delegation is a viable cause of action in California. This decision has had a profound impact on the health care industry as a whole.*
- Obtained a favorable result on behalf of a provider against a county-organized health system that systematically down-coded and underpaid thousands of claims. The case led to a string of newspaper articles and the resignation of several individuals.*

Business/Commercial Litigation

- Represented a national health care consulting company in a shareholder derivative action in the Chancery Court of Delaware. Our client was having difficulty with one of its corporate shareholders, who were locking out the board and impinging on the company’s ability to diversify its business and take advantage of other potentially lucrative opportunities. After learning that the troubled shareholder had principals that had been imprisoned for tax evasion and money laundering, we facilitated our client being able to buy its shares. After a highly contested litigation, a settlement was secured less than a week before trial that allowed the client to part ways with the shareholder, giving it the ability to freely conduct business. (See *MCAG v. RNP*)*
- Successfully represented an emergency medical group that was sued as a cross-defendant in a \$50 million unfair competition case between a major health plan and a large hospital system. The health plan claimed that the hospital and our client defrauded the health plan, along with members of the general population, and challenged stability determinations made by the treating physicians. Successfully handled litigation between the two health care titans, attending over 100 days of depositions, managing the ESI production of a million pages of documents and working to secure a dismissal her client from the lawsuit. (See *Prime v. Kaiser*)*

Fraud & Abuse

- Represented a large provider in an Office of Inspector General (OIG) coding investigation, obtaining a total dismissal for her client.*
- Represented owners of hospital system in false claims qui tam suit relating to violations of the Stark &

Kickback laws obtaining favorable settlement for client.

- Successfully represented an emergency physician group being investigated by the Office of Inspector General for coding and billing irregularities, and other health care fraud as a result of a sealed qui tam suit filed under the False Claims Act. Negotiated with the Assistant U.S. Attorney to decrease the scope of the government subpoena, and retained experts to review the group's billing and coding to corroborate the absence of fraud and abuse. She successfully defended the group, which resulted in the government choosing not to intervene in the qui tam suit, and the action being dismissed.*
- Represented numerous substance abuse treatment facilities in recoupment requests and audits from major payors.*

Administrative Law

- Successfully represented a psychiatrist after a national health plan improperly terminated the provider's contract based on complaints regarding the psychiatrist's use of an alleged controversial treatment called "transcranial magnetic stimulation therapy."

Publications

- How Data Analytics Can Revive Hospitals' Revenue Cycle Management, *Population Health News*, April 20, 2020
- The Bottom Line, *Inside Healthcare*, June 20, 2019
- Optimizing Analytics for Hospitals in a Value-Based Era, March 5, 2019
- Protecting Your Urgent Care Center Against Whistle-Blowers, *The Journal of Urgent Care Medicine*, April 1, 2016
- The Sword and the Shield: Best Hiring Practices for Urgent Care Facilities, *The Journal of Urgent Care Medicine*, January 1, 2015
- Audits by Managed-Care Organizations and Regulatory Agencies," *The Textbook of Urgent Care, The Textbook of Urgent Care Management*, April 1, 2014
- Dealing with Problem Employees in a High-Stakes Environment: Best Practices for Urgent Care Centers, *Urgent Care Association of America (UCAOA) UC Access*, March 6, 2014
- Doing Due Diligence for Employees, *Urgent Care Management Monthly*, February 18, 2014
- Identifying Risks and Finding Shelter in an Urgent Care Compliance Program, *The Journal of Urgent Care Medicine*, January 1, 2014

Presentations

- Speaker, "Urgent Care Centers: Corporate Practice of Medicine, State Licensure, EMTALA, Reimbursement Compliance," Strafford Webinar, December 20, 2017
- Speaker, "Ask a Lawyer - Discussion Group," UCAOA Fall Conference, October 28, 2017
- Speaker, "Ignorance is NOT bliss - The Risks and Rewards of Compliance," UCAOA Fall Conference, October 27, 2017
- Speaker, "A Roadmap to Audit Complexities and Defense Strategies," UCAOA Fall Conference, October 26, 2017
- Speaker, "Building a Culture of Compliance," UCAOA Spring Conference, April 29, 2017
- Speaker, "Compliance," Urgent Care Association of America (UCAOA) 2016 Fall Conference, October 1, 2016
- Speaker, "Reimbursement 101: Getting Paid," California Medical Association (CMA) Webinar, May 18, 2016
- Speaker, "Top Legal Issues Facing Urgent Care," Urgent Care Association of America (UCAOA) 2016 Spring Conference, April 18, 2016

- Speaker, "Contract Negotiations," CMA/MGMA Western Healthcare Leadership Academy, May 30, 2015
- Speaker, "Coding Audits and Compliance," Urgent Care Association of America (UCAOA) Spring Convention, April 28, 2015
- Speaker, "Tactics for Combating Unfair Claims Settlement Practices," Emergency Department Practice Management Association (EDPMA) State Regulatory Insurance Committee, April 26, 2015

Education

Ms. Medina earned her J.D., *cum laude*, at Suffolk University Law School where she earned a Certificate in International Law, with Distinction, and was also a member of Phi Delta Phi International Legal Honor Society. Ms. Medina earned her B.A. in International Relations from Tufts University.

Bar Admissions

- California
- Massachusetts
- New York

Languages

- Spanish