



## → Theresa E. Thompson

### Associate

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Theresa Thompson is an associate in the Corporate and Securities Practice Group in the firm's Washington, D.C. office.

### Areas of Practice

Theresa's practice focuses on healthcare fraud and abuse, particularly in matters relating to the civil False Claims Act, physician self-referral (Stark law) and anti-kickback issues, and Medicare and Medicaid program reimbursement and compliance, as well as telehealth and telemedicine. She is experienced in counseling payors, health plans, and pharmacy benefit managers in state and federal regulatory compliance, administrative inquiries and appeals, government audits and investigations, and litigation.

Theresa also regularly assists health care provider and payer clients with navigating the complex issues surrounding managed care programs, such as the Medicare Advantage Program and Medicare Prescription Drug (Part D) Plans, Medicaid Managed Care Plans, and Dual Special Needs Plans. This includes experience in managed care licensure, contract applications, and appeals, marketing compliance, risk adjustment, CMS innovation models such as the Medicare Shared Savings Program and the Direct Contracting Model, and health plan operations and compliance.

Theresa received her J.D., with a Health Law Certificate, from the University of Maryland Francis King Carey School of Law, where she also served as the Manuscripts Editor of the *Journal of Health Care Law and Policy*, President of the Student Health Law Organization and Treasurer of the Women's Bar Association. She is a recipient of two CALI Excellence for the Future Awards – one for the study of Health Law Fraud and Abuse and the other for Written and Oral Advocacy – and was part of a team that won first place in the Fifth Annual Health Law Regulatory and Compliance Competition.

While attending law school, Theresa became a Certified Student Attorney at the University of Maryland's Public Health Law Clinic and worked with the Legal Resource Center for Public Health Policy. She also interned at:

- the Division of Technical Payment Policy of the Centers for Medicare & Medicaid Services, where she analyzed the Stark Law and recommended potential regulatory clarifications for key terms;
- the Health Policy, Patient Advocacy and Project Management Department of a not-for-profit Catholic health system in Maryland; and
- the office of Congresswoman Carol Shea-Porter of New Hampshire.

## Articles

### Healthcare Law Blog Posts

- "CMS to the Rescue for MA and Part D Plans – Rate Announcement Includes Significant Increase in Plan Payments for 2022," January 27, 2021
- "Contract Pharmacies and the 340B Drug Discount Program: New Litigation and an Advisory Opinion Point to Ongoing Skirmishes on the 340B Battlefield," January 8, 2021
- "Analysis of OIG's New and Revised Regulatory Safe Harbors to the Federal Health Care Program Anti-Kickback Statute and Beneficiary Inducement Prohibition." December 22, 2020
- "Forthcoming Medicare Rule Furthers Push for Site Neutrality," December 14, 2020
- "Critical Analysis and Practical Implications of CMS' Changes to the Stark Law's Implementing Regulations," December 11, 2020
- "Big Changes for Health Care Fraud and Abuse: HHS Gifts Providers Updates to the Stark Law and the AKS, Just in Time for the Holidays," November 25, 2020
- "Another Win for Hospitals: Courts Reject HHS' Attempt to Narrow DSH Payment Calculations," November 24, 2020
- "Trump Administration Finalizes The Transparency in Coverage Rule," November 12, 2020
- "Clarity on Reporting and Enforcement: CMS Issues Guidance Regarding Hospital COVID-19 Reporting Requirements," October 26, 2020
- "More Relief on the Way for Healthcare Providers: Provider Relief Fund Payment Opportunities and Flexibility in Repayment Requirements," October 19, 2020
- "CMS Finalizes Medicare Advantage Price Transparency Requirements, Despite Industry Criticism," September 11, 2020
- "The Scope-of-Practice Debate Takes Center Stage: The 2021 Medicare Inpatient Rehabilitation Facility Prospective Payment System Final Rule," August 26, 2020
- "Site-Neutral Payments Stand: D.C. Court of Appeals Overturns Ruling and Allows Lower Payments to Off-Campus Provider-Based Departments," July 23, 2020
- "More Money On the Way in COVID-19 Fight: HHS Announces Additional \$10B for Hospitals in High Impact COVID-19 Areas," July 20, 2020
- "COVID-19: Medical Liability for Expanded Scope of Services," May 8, 2020
- "Nursing Home Liability Waivers and Nursing Home Investigations and Enforcement: A Delicate Balance During the COVID-19 Pandemic," May 6, 2020
- "Data Reporting, Patient Access and Malpractice Liability: Nursing Homes and Long-Term Care Facilities Command Federal and State Attention during the COVID-19 Public Health Emergency," April 27, 2020
- "Even in a Crisis, Stark Law Compliance Demands Attention: CMS Issues Explanatory Guidance on Stark Law Blanket Waivers," April 23, 2020
- "CMS Addresses Nursing Home and Long-Term Care Providers Amidst COVID-19 Pandemic: Best Practices and What's to Come," April 17, 2020
- "HHS Distributes First \$30B of CARES Act Provider Relief Fund – What Providers Need to Know and Do Next," April 13, 2020

- "Increased Expenses and Lost Revenues? CARES Act Funding Opportunities for Health Care Providers and Suppliers," April 9, 2020
- "Summary of Key Provisions of Interim Final Rule: CMS Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency," April 9, 2020
- "Strategies in Responding to COVID-19: Expanding Scope of Practice to Increase Patient Access to Healthcare," March 31, 2020
- "Key Health Care Provisions of the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act")," March 30, 2020
- "Surprise Billing Initiatives Face Not-So-Surprising Resistance," December 13, 2019
- "CMS Issues Long-Awaited Draft Guidance for Hospital Co-Location with Other Hospitals or Healthcare Facilities," May 9, 2019
- "The Military Health Care Fraud and Abuse Prevention Program: The Department of Defense Issues Proposed Regulations regarding TRICARE and Civil Monetary Penalties," May 3, 2019
- "OIG Advisory Opinion No. 19-03: The OIG Puts the Healthcare Benefits of Free In-Home Care and the Risks of Patient Steering in the Balance," March 8, 2019
- "The Eliminating Kickbacks in Recovery Act: An Altered Landscape for Financial Relationships with Clinical Laboratories" January 8, 2019
- "Requirements for MA Plans Offering Additional Telehealth Benefits," November 1, 2018
- "Congress Passes "SUPPORT for Patients and Communities Act" – A Rare Example of Bi-Partisanship," October 12, 2018

## **FDA Law Blog Posts**

- "FDA Announces Facility Fees for OTC Drug Manufacturers," March 29, 2021

## **Government Contracts, Investigations & International Trade Blog Posts**

- "Kickbacks Aren't Illegal Just for Federal Health Care Programs in Recently Enacted SUPPORT Act: New Compliance Concerns for Physician-Owned Laboratories," November 6, 2018

## **Memberships**

Member, American Bar Association

Member, American Health Lawyers Association

Member, Phi Beta Kappa

## **Practices**

Corporate

Healthcare

## Industries

Healthcare

## Education

J.D., University of Maryland Francis King Carey School of Law, 2016, *cum laude*

B.A., Bowling Green State University, 2012, *summa cum laude*

## Admissions

Maryland

District of Columbia