



Matthew W. Wolfe

Shareholder

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Matt Wolfe, office managing shareholder for Baker Donelson's Raleigh office, guides clients through the evolving legal and regulatory environment to meet their business needs and the needs of those they serve.

Clients rely on Matt to navigate the ever-changing aspects of health law and policy. He works proactively with clients to ensure compliance and minimize violations. Matt provides counsel to health care clients who are growing, exiting, or otherwise adapting to the increasingly complex health care industry.

When a government agency, private contractor, or other body initiates an investigation, Matt knows how to respond. He represents clients in connection with a broad array of legal and regulatory actions, including Medicaid and Medicare program integrity actions, False Claims Act actions, terminations, denials, post payment reviews, prepayment reviews, payment suspensions, and procurement matters. He also represents providers in matters before licensing boards and other regulatory bodies.

Matt also helps clients resolve disputes with state and federal government entities through administrative, state and federal litigation. He has significant experience filing matters in the North Carolina Office of Administrative Hearings and seeing them through contested case hearings as well as defending favorable decisions on appeal. When necessary, Matt has fought for patients directly so that they could access needed services. His administrative, state, and federal litigation experience extends beyond health care to include other highly regulated fields, including education, energy, security, and transportation.

Matt's health care clients include health systems, acute care hospitals, psychiatric hospitals, physician practices, federally qualified health centers (FQHC) and look-alikes, behavioral health agencies, home health agencies, hospice providers, skilled nursing facilities, adult care homes, durable medical equipment (DME) suppliers, licensed professionals (e.g., physicians, nurses, clinical social workers, respiratory therapists), and health IT and billing vendors.

Matt has a broad range of experience intervening on behalf of clients with government agencies and elected officials. He also provides legal and legislative counsel to trade associations and routinely speaks at national and state conferences on legal and policy issues.

Matt served as a law clerk for the Honorable James C. Dever III, United States District Judge for the Eastern District of North Carolina. While at Duke University School of Law, Matt served as an article editor on the *Duke Law Journal* and was a member of the National Moot Court team and the Mock Trial Board.

Before law school, he taught students with special needs in New Orleans, Louisiana, through Teach for America. He also served as a legislative aide in the British House of Commons.

Representative Matters

- Represented Strategic Behavioral Health in its \$170 million sale of eight psychiatric hospitals to a Tennessee-based behavioral health and addiction treatment center.
- Filed an amicus curiae brief on behalf of national and state provider associations in the North Carolina Supreme Court.

- Prevailed in several administrative hearings relating to significant Medicaid recoupments.
- Obtained injunctions to prevent payment suspensions and closure of providers.
- Successfully challenged home care regulatory changes, allowing thousands of disabled and elderly North Carolinians to continue to receive home care services.
- Prevailed in a federal court challenge of federal hospice regulation.
- Obtained numerous favorable settlements involving Medicaid audits and licensure violations, including several million-dollar-plus recoupments, which were reduced through appeal or settled in litigation for less than one percent of the government's original recoupment request.
- Earned favorable decision and attorney's fee award in representing Medicaid recipient challenging a termination of Medicaid services.
- Assisted with legislation that allows children residing in residential treatment facilities to receive education while receiving psychiatric treatment.
- Represent health systems, hospitals, and other licensed facilities in connection with accreditation (including Joint Commission), Medicare surveys, and state licensure surveys, including advice and counsel during and in preparation for surveys, representation during informal appeals processes, and appeals of licensure penalties, EMTALA civil monetary penalties, suspensions of admission, and licensure revocation.
- Represented a group of state health systems in procurement litigation involving multibillion dollar contracts.
- Represented a dialysis care provider in a lawsuit against a state regarding the applicability of the state's self-referrals statute. Won summary judgment and, following appeal, settled the case on favorable terms which allowed the provider to establish home hemodialysis programs in the state.



Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Health Care Law (2019 – 2024); Administrative / Regulatory Law (2023, 2024)
- Listed in *Chambers USA* as a leading Health Care lawyer in North Carolina (2022, 2023)
- Listed in *North Carolina Super Lawyers*, Rising Stars (2014 – 2018)
- Member – American Health Law Association (AHLA)
 - Vice Chair, Behavioral Health Practice Group (2018 – 2022)
 - Co-Chair, State and Government Subcommittee (2016 – 2018)
- Member – North Carolina Bar Foundation, Board of Directors (2019 – present)
 - Co-Chair – Civic, Education & Community Engagement Committee (2018 – 2019)
 - Middle School Mock Trial Committee (2017 – 2018)
- Member – Federal Bar Association
 - Chair – National Health Law Section (2015 – 2018)
- Member – North Carolina Bar Association
 - Strategic Planning and Emerging Trends Committee
 - Future of the Law Committee
 - Health Law Council, Co-Chair of Legislative and Ethics Committee
 - Health Law and Administrative Law Sections
- Member – Raleigh Chamber of Commerce, Young Professionals Network
 - Leadership Raleigh, Class of 2013 – 2014
- Member – North Carolina Society of Health Care Attorneys, Board of Directors
- Member – Wake County Bar Association
- Member – North Carolina Professional Lobbyists Association
- Recipient – Duke University Justin Miller Citizenship Award (2008)
- Recipient – Duke University Faculty Pro Bono Service Award (2008)
- Recipient – North Carolina State Bar Law School Pro Bono Award (2007)



Publications

- "FY 2024 Hospice Payment Rate Updated Proposed Rule" (May 2023)
- "CMS Proposes Amendment to 60-Day Overpayment Rule that Would Remove "Reasonable Diligence" Standard and Replace with False Claims Act's "Actual Knowledge" Standard," *Payment Matters*, republished March 15, 2023, in *Westlaw Today* (February 2023)
- "HHS to Provide Roadmap for Behavioral Health Integration," *Payment Matters* (November 2022)
- "Second Circuit Affirms that Medicare Beneficiaries Who Are Reclassified by Hospitals from Inpatient to Observation Status Are Entitled Due Process," *Payment Matters* (February 2022)
- "Federal Agencies Announce Enforcement of Vaccine Rules as Supreme Court Prepares to Hear Arguments in Legal Challenges" (December 2021)
- "Fifth Circuit Reversal of Nationwide Stay Leaves Enforcement Status of CMS Vaccine Mandate Uncertain," republished January 7, 2022, in *Westlaw* (December 2021)
- "Federal Courts Pause Enforcement of CMS Vaccine Mandate Nationwide" (December 2021)
- "Ten States Challenge CMS' COVID-19 Vaccine Mandate" (November 2021)
- "What the Fourth Circuit's Recent Rulings Mean for Health Care Providers, Insurers, and the False Claims Act," *Law.com* (July 2020)
- "The Provider's Duty to Protect Patients and Third Parties," *Journal of Health & Life Sciences Law* (June 2019)
- "Pitfalls & Compliance Issues: CMS Offers 'Choice' of Punishment by Restarting Home Health Payment Review Program," *Home Healthcare Now* (January/February 2019)
- "42 C.F.R. Part 2 in Retrospective: The 30-Year Journey of the Alcohol and Drug Abuse Treatment Confidentiality Regulations," *AHLA Member Briefing* (May 2017)
- "Salvaging a Remedy: How Medicaid Providers Can Challenge Rate Cuts in the Wake of *Armstrong v. Exceptional Children's Center*," *Federal Lawyer* (September 2015)



Speaking Engagements

- "Medicaid Audits in North Carolina Managed Care: The Next Episode," Association for Home and Hospice Care of North Carolina (February 2024); Benchmarks NC (April 2024)
- "Emerging Legal and Compliance Trends for Home Health, Hospice, Palliative Care & Home Health Providers," Association for Home and Hospice Care of North Carolina Leadership Conference (October 2023)
- "Medicaid Proposed Rule," The Association for Home and Hospice Care of NC and the Home Care Association of America webinar (May 2023)
- "Emerging from the Emergency: Legal and Regulatory Challenges in the Post-PHE Era," Association For Home & Hospice Care's (AHHHC) 51st Annual Convention & Exposition (April 2023)
- Speaker – "Legal and Regulatory Update," Association for Home and Hospice Care of North Carolina Leadership Conference (September 2022)
- Moderator – "Medicaid Managed Care Panel," North Carolina Society of Health Care Attorneys (September 2022)
- Panelist – "Legal and Regulatory Panel: How the Industry Can Prepare for and Adapt to the Changing Legal and Regulatory Environment," Association for Home & Hospice Care of North Carolina 2022 Annual Convention & Expo (May 2022)
- Panelist – "State of the State," Association for Home & Hospice Care of North Carolina 2022 Annual Convention & Expo (May 2022)
- Keynote Speaker – "North Carolina Medicaid Transformation," North Carolina Bar Association Annual Elder & Special Needs Law Symposium (March 2021)
- "Guidelines for Moving Forward with a Telehealth Program," i2i Center for Integrative Health Webinar (June 2020)

- "Making Sense of Coronavirus-Related Changes for Home-Based Care Providers," Home Health Care News Webinar (April 2020)
- "Legal Trends for Home Health," Home Health Care News Summit (September 2019)
- "Legal & Regulatory Changes," Association for Home & Hospice Care (AHC) of North Carolina Annual Convention & Expo (April 2019)
- "Behavioral Health and Integrated Care in 2019: Legal and Regulatory Considerations" (December 2018)
- "Shining Light on Medicare Recovery Audits (RACs)," AHC of North Carolina (November 2019)
- Panelist – "The Evolution of Medicaid: An In-Depth Panel Discussion on the Future of Medicaid in North Carolina," North Carolina Society of Health Care Attorneys 2017 Annual Meeting (October 2017)
- "Regulatory Risks: The Exposures and Insurance Solutions," American Society for Healthcare Risk Management, North Carolina Chapter (November 2016)



Webinars

- Provider Takeaways: Changes of Note in the 2024 Medicare Advantage and Part D Rule (June 2023)



Education

- Duke University School of Law, J.D., 2008
- Duke University, M.P.P., 2008
- University of Rochester, B.A., 2003, cum laude



Admissions

- North Carolina, 2008