



Heather R. Alleva*

Shareholder

Nashville | 615.726.7358 | halleva@bakerdonelson.com

Heather Alleva represents health systems, hospitals, physician groups, behavioral health facilities, and other health care providers in various types of regulatory and compliance matters, including fraud and abuse analyses, internal investigations and audits, corporate compliance, and self-disclosures. She leverages her broad regulatory experience to help her clients grow their businesses and contribute to providers' transactional and other contractual matters.

Heather counsels health care provider clients on a wide variety of regulatory and compliance matters, including state and federal regulations governing health care providers, state and federal fraud and abuse matters, internal investigations and audits, development and implementation of compliance programs, and corporate practice of medicine, among other operational issues regularly facing providers. She leverages her broad regulatory background to assist health care provider clients in growing their businesses and has experience leading clients from the startup/development phase through various levels of growth, overcoming regulatory hurdles along the way.

Heather advises clients across the health care industry with respect to the development, implementation, and assessment of effective corporate compliance programs. She assists with disclosure of compliance issues to state, federal and commercial payors, as well as internal investigations related to potential compliance concerns (such as federal and state fraud and abuse concerns), and she has helped clients on numerous occasions to prepare, submit, and resolve compliance issues utilizing various federal and state self-disclosure protocols. She also has experience working with corporate integrity agreements (CIAs), having served as counsel to clients subject to CIAs and as an independent review organization (IRO).

In addition, Heather provides extensive support to behavioral health providers, including both for-profit and nonprofit inpatient and outpatient mental health programs, as well as substance abuse treatment providers, in various jurisdictions. As a co-chair of the Firm's Behavioral Health Initiative, she is proficient with regulatory issues facing health care providers, including with respect to state licensing requirements and audits, privacy considerations, reimbursement, and issues of consent.

Heather also applies her broad regulatory knowledge to transactional and contracting matters, advising providers on proper structuring of transactions and other strategic affiliations – including mergers, acquisitions, provider integrations, joint ventures, and management services organization models. She also provides comprehensive regulatory due diligence support to transactional clients and assists with regulatory filings regarding changes of ownership. Heather counsels clients regarding the proper structuring of physician-related arrangements pursuant to corporate practice of medicine restrictions. She also assists with other contractual relationships, including drafting and negotiating clinician employment agreements and other services arrangements.

Heather provides general regulatory support to clients across the health care industry. This includes counseling regarding professional licensing and scope of practice issues. She supports clients in managed care contracting, drafting and negotiating payor agreements, and assisting providers in resolving disputes with payors, including out-of-network payors, regarding reimbursement and overpayments. She also assists clients in establishing telehealth and telemedicine programs, consulting on the licensing, scope of practice, and contractual issues that arise in the context of implementing virtual care programs.

While in law school, Heather served as a law clerk for the University of Pennsylvania Office of the General Counsel and the Children's Hospital of Philadelphia, providing firsthand assistance to in-house health care regulatory counsel regarding various issues affecting hospital compliance, clinician licensure, and more.

Representative Matters

- Led numerous client teams in internally investigating potential violations of the Stark Law, Anti-Kickback Statute, and/or related state laws, preparing corresponding disclosures to CMS, HHS OIG, and state agencies, and negotiating settlements.
- Reviewed the effectiveness of numerous providers' corporate compliance programs in various roles, including with respect to voluntary compliance effectiveness reviews, in the role of IRO where the provider is subject to an OIG CIA, and in the role as compliance counsel to the provider entity subject to the CIA.
- Served as lead attorney or lead associate in various acquisition transactions involving health care providers, including numerous physician practice acquisitions, the sale of five clinical trial sites owned by a clinical research organization, the sale of a large GI specialty physician practice to private equity, and many more.
- Led attorney team in assisting a behavioral health startup with restructuring of business entities to maximize investment opportunities, while maintaining compliance with various state regulatory and licensing requirements.
- Served as lead health care attorney in representing a large, multi-state physician practice in a restructuring plan to comply with both Pennsylvania and New Jersey regulations, as well as the tax code.
- Reviewed and updated a substance abuse facility's billing policies and procedures.
- Represented a behavioral health provider in conducting internal investigations of potential overpayments, non-compliance with fraud and abuse statutes and making appropriate self-disclosures to payers.
- Assisted a client to establish a telehealth program, including the negotiation of service agreements, restructuring of an existing program to avoid the improper practice of medicine across state lines, and mitigating other regulatory and licensure issues around non-physician practitioners.
- Assisted clients in evaluating their ability to withdraw prior disclosures submitted to CMS through the SRDP.
- Drafted expert reports on structuring guidelines to protect entities from piercing the corporate veil and alter ego claims.
- Assisted multiple residential facilities in reviewing their compliance with and ability to receive Psychiatric Residential Treatment Facilities (PRTF) status to provide inpatient psychiatric services to Medicaid-eligible individuals under the age of 21.
- Represented out-of-network health care providers in successfully resolving underpayments and alleged overpayment refund demands by commercial health insurance plans.
- Served as lead associate and assisted in the integration of a specialty hospital with a Pennsylvania multi-hospital health system.
- Led a client team in negotiating a settlement agreement resolving both corporate and compliance issues related to laboratory services.

Professional Honors & Activities

- Listed in *Best Lawyers: Ones to Watch* in America™ for Health Care Law (2023, 2024)
- Member – American Health Law Association (AHLA)
- Chair – AHLA Women's Leadership Council
- Member – Nashville Health Care Council – Leadership Health Care
- Member – Philadelphia Bar Association, Health Law Committee

- Member – Union League of Philadelphia
- Committee Member – Youth Work Foundation of the Legacy Foundation at the Union League of Philadelphia
- Pro Bono Attorney – Homeless Advocacy Project
- Volunteer – Communicare



Publications

- "What to Learn From the Department of Justice Criminal Enforcement Guidance," *MedCity News* (March 2023)
- "HHS to Provide Roadmap for Behavioral Health Integration," *Payment Matters* (November 2022)
- "CY 2023 Medicare PFS Final Rule Relaxes Supervision Requirements for Incident To Behavioral Health Services," *Payment Matters* (November 2022)
- "Health Care Companies Can Mitigate Risks by Ensuring Compliance Effectiveness Based on Recent Department of Justice Criminal Enforcement Guidance" (November 2022)
- "CY 2022 Changes to Split (or Shared) Visit, Critical Care and Teaching Physician Billing," *Payment Matters* (December 2021)
- "What You Need to Know About the Updated Health Care Fraud Self-Disclosure Protocol," republished December 16, 2021, in *Westlaw* (November 2021)
- "Key Telehealth Provisions in the Calendar Year 2022 Physician Fee Schedule Final Rule" (November 2021)
- "New Year, New Career: Five Self-Investment Strategies for Enhancing Your Happiness at Work," *AHLA* (March 2020)
- "Future Data Privacy Penalties May Include Prison Time," *Law360* (March 1, 2019)
- "Which Views Will Win In Debate Over National Privacy Regs?," *Law360* (January 24, 2019)
- "Recent CMS Expansion of Reimbursement Opportunities for Providers of Telehealth Services," *AHLA* (November 2018)



Speaking Engagements

- Co-presenter – "Hidden Risks of Boilerplate Clauses in Healthcare Contracts: Avoiding Unintended Consequences, Implementing Practical Solutions," Strafford Webinar (October 2023)
- Co-presenter – "Advising the Health Care Organization: Examining the Role and Responsibilities of the Board Throughout a Healthcare Transaction," Pennsylvania Bar Association Health Law Institute 2023 (March 2023)
- Co-presenter – "Stark Law, Anti-Kickback Statute Changes: The Impact on Healthcare M&A," Strafford Webinar (June 2, 2022)
- "Overview of the Deal Process: A Roadmap Through the Paper Jungle," *AHLA Podcast* (May 18, 2022)
- Co-presenter – "Healthcare Deals: What's Changing, and What's Staying the Same," New Jersey Medical Group Management Association (May 18, 2022)
- Co-presenter – "Overview of the Deal Process: A Roadmap Through the Paper Jungle," American Health Law Association Health Care Transactions Program (April 25, 2022)
- Co-presenter – "'I Want a Divorce' The Dis-Integration of Healthcare Mergers and Acquisitions: How to Avoid and Anticipate," Pennsylvania Bar Association Health Law Institute 2022 and *AHLA Transactions Conference* (April 2022)
- "Telehealth Across Borders," *HIMSSCast, MobiHealthNews* (October 8, 2021)
- "Moving the Goalpost on Nurse Staffing Requirements," *Health Care Compliance Association* (September 23, 2021)
- "Healthcare M&A and Stark Law, Anti-Kickback Statute Changes: Due Diligence and Regulatory Considerations," Strafford Webinar (April 14, 2021)

- "The Hidden Risks of Boilerplate Clauses in Healthcare Contracts: Avoiding Unintended Consequences and Implementing Practical Solutions," Strafford Webinar (May 28, 2020)
- "Piercing the Corporate Veil and Alter Ego Claims in Healthcare: Structuring Corporate Entities and Joint Ventures to Protect Against Piercing and Alter Ego Claims," Strafford Webinar (October 29, 2019)
- "Overcoming Regulatory Hurdles and Compliance Recommendations for Hospice and Home Care Providers," 2019 Home Care & Hospice Association of New Jersey Annual Conference (June 6, 2019)
- "The Future of Clinically Integrated Networks – Complying with Fraud and Abuse Laws and Upcoming Regulatory Updates," Tandigm Health Presentation (April 25, 2019)
- "Recent Trends and Challenges in Introducing Telehealth Models and the Future of Reimbursement for Virtual Care," American Associate of Healthcare Administrative Management (March 7, 2019)
- "State of the States in PA and NJ Right to Try Laws," Philadelphia Bar Association Health Care Law Committee (December 13, 2018)
- "Fundamentals in Implementing Telehealth Arrangements," Philadelphia Bar Association Business Law Section's Health Care Law Committee (November 8, 2018)
- "Antitrust Issues in Physician Acquisitions," AHLA Webinar (March 14, 2018)



Webinars

- Keeping Your Group Good To Go: Practical Guidance for Ensuring Stark Law Practice Compliance (September 2023)



Education

- University of Pennsylvania Law School, J.D., 2016
- University of Pennsylvania Perelman School of Medicine, M.B.E., 2016
- Pennsylvania State University Schreyer Honors College, B.A., 2013, summa cum laude



Admissions

- Tennessee, Pending
- New Jersey, 2016
- Pennsylvania, 2016

* Baker Donelson professional admitted to the practice of law in Pennsylvania and New Jersey; application pending in Tennessee.