



Alissa D. Fleming

Shareholder

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Health care providers call upon Alissa Fleming for her unique perspective as a former nurse to help them navigate matters involving regulatory compliance and litigation.

As both an attorney and a registered nurse, Ms. Fleming uses her first-hand experience to understand and strategically address her clients' most significant challenges.

Ms. Fleming represents large hospital systems, skilled nursing facilities, home health agencies, hospice providers, behavioral health providers, assisted living facilities, physicians, and health care professionals. She focuses her practice on regulatory compliance; operations and risk management; Medicare and Medicaid reimbursement; Medicare and Medicaid audits and appeals; payor disputes and litigation; post-payment reviews; voluntary repayments; investigations and disclosures under the Centers for Medicare & Medicaid Services (CMS) and Office of Inspector General (OIG) self-disclosure protocols involving potential violations of the False Claims Act (FCA), Anti-Kickback Statute, and Stark Law; internal investigations involving allegations of health care fraud and retaliation under the FCA; disciplinary proceedings and peer review; confidentiality of medical information; facility licensing; certification of need; scope of practice; and wrongful death, professional negligence, professional licensing, and other health care issues involving state and federal law.

When clients need assistance with litigation, Ms. Fleming offers counsel at the trial and appellate levels, including jury and non-jury trials and hearings on behalf of hospitals, physicians, long term care facilities, home health and hospice providers, pharmacies, and other health care professionals in claims ranging from medical malpractice to disciplinary proceedings, repayment, and qui tam whistleblower actions.

Ms. Fleming also advises health care providers in matters involving employment law, including matters involving discrimination and retaliation in violation of Title VII of the Civil Rights Act, Age Discrimination in Employment Act (ADEA), Family Medical Leave Act (FMLA), American with Disabilities Act (ADA), and state employment laws.

Professional Honors & Activities

- Listed in *Charleston Business Magazine's* Legal Elite for Health Care and Labor & Employment (2020 – present)
- Listed in *South Carolina Super Lawyers* as a Rising Star in Health Care and General Litigation (2013 – 2015)
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Member – American Health Lawyers Association (AHLA)
- Member – Charleston County Bar
- Member – DRI (formerly Defense Research Institute)
- Council Member – South Carolina Bar, Health Care Law Section
- Member – American Association of Nurse Attorneys

Publications

- "Baker's Dozen: Negotiated Risk Agreements in the Assisted Living Community Setting" (September 2022)



Speaking Engagements

- Moderator – "Regulatory Pressure Points in a New World: A Post-Pandemic Preview," 2022 Baker Donelson Long Term Care Symposium (November 2022)
- "The Post-Emergency Horizon: Navigating Through The Termination Of Covid-19 Public Health Emergency (PHE) And Other Emergency Declarations," South Carolina Primary Care Association (October 2022)
- "Quality of Care/Resident Abuse & Neglect in Long Term Care," North Carolina Health Care Facilities Association (NCHCFA) (October 2022)
- "Liability and Long-Term Care," AHLA Annual Meeting 2022 (June 2022)
- "No Surprises Act and Good Faith Estimates," Association Of South Carolina Oncology Managers (ASCOM) (May 2022)
- "Update on CARES Act Provider Relief Fund," ASCOM (May 2021)
- "The Use of Telemedicine in Home Health and Hospice," South Carolina Home Care and Hospice Association (SCHCHA) webinar (December 2020)
- "Enhanced Enforcement Actions Against Long-Term Care Facilities, State Survey, and Recent Interim Final Rule Making," Health Care Compliance Association (HCCA) webinar (September 2020)
- "Telehealth Services, Fraud, and Abuse – Emerging Issues," Palmetto Care Connections (February 2020)
- "Legal Issues Impacting Home Care & Hospice Professionals," SCHCHA 2019 Annual Conference and Expo (December 2019)
- "Employers Beware: A Speed Round of Trending Topics," South Carolina Chapter of the Association of Corporate Counsel (ACC) CLE Seminar (June 2019)
- "Legal Quick Hit: Compliance, Ethics & Government — A Healthcare Perspective: The Role of Outside Counsel in Internal Investigations and Considerations Toward Protecting the Attorney Client Privilege," ACC webinar (June 2018)
- "Risk Management," South Carolina Department of Mental Health (SCDMH) panel (2013)
- "HIPAA Uses and Disclosures," Trident Technical College: Medical Law & Ethics Course (2010)



Education

- University of Miami School of Law, J.D., 2005
- University of Virginia, B.S.N., 2000, with distinction



Admissions

- South Carolina, 2005
- District of Columbia, 2017
- Virginia, 2017
- U.S. District Court of Appeals, Fourth Circuit
- U.S. District Court, South Carolina