



## David S. Schumacher

### Partner

### Co-Chair, Fraud & Abuse Practice

### Managing Partner, Boston Office

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#### CAPABILITIES

Compliance

False Claims Act

Fraud and Abuse, Stark, Anti-Kickback Counseling and Defense

Government Investigations

Medicare, Medicaid, Other Governmental Reimbursement and Payment

#### EDUCATION

University of Virginia School of Law, J.D., William Minor Lyle Moot Court Semifinalist, Bracewell & Patterson Award for Outstanding Oral Advocacy, Journal of Law and Politics editorial staff, 2000

Syracuse University, B.A., Political Science and Journalism, *magna cum laude*, Phi Beta Kappa, 1993

#### BAR ADMISSIONS

Massachusetts, 2001

"A government investigation or enforcement action is a scary event for a provider. As a former health care fraud prosecutor, I guide clients through each step of the process. Clients need to understand what to be concerned about and what not to be, and how to avoid similar issues in the future. Above all, I am a fierce advocate for them."

For health care providers and other health care industry clients that find themselves in the crosshairs of a government investigation, David Schumacher's knowledge, advocacy, and guidance are invaluable. His extensive background in prosecuting and defending health care investigations and enforcement actions facilitates his robust and strategic representation and his ability to provide his clients with a clear path forward.

David's practice focuses on health care investigations of all types, including criminal investigations, False Claims Act lawsuits, and internal investigations. David's hands-on approach is designed to minimize business disruption or avoid financial ruin and maximize the likelihood of an outcome that spares clients from financial, operational, or reputational damage.

During his eight-year tenure as deputy chief of the Health Care Fraud Unit in the U.S. Attorney's Office for the District of Massachusetts, David investigated some of the largest and most complicated health care fraud and abuse cases in the country involving pharmaceutical and medical device companies, home health care organizations, medical equipment companies, laboratories, physicians, and other health care providers. He routinely pursued cases involving violations of the Stark Law, False Claims Act, Anti-Kickback Law, HIPAA, and the Food, Drug, and Cosmetic Act, obtaining multiple convictions and recovering hundreds of millions of dollars on behalf of the government.

Through this experience, David gained a deep knowledge of how the government investigates a health care case. He also works with clients on proactive compliance measures to ameliorate conduct that could raise red flags if detected by the government; to stop a problem before it starts.

David has earned a reputation among government attorneys for his substantive knowledge, professionalism, and candor. This helps him find workable and favorable resolutions with attorneys from the Department of

Justice, the Department of Health and Human Services Office of the Inspector General, the Centers for Medicare and Medicaid Services, state attorneys general, and other agencies.

David also has extensive experience litigating qui tam whistleblower actions and conducting internal investigations and uses his prosecutorial and defense insights to help develop proactive compliance programs and strategies.

*Chambers USA* notes that David attracts praise for his representation of health care providers in DOJ investigations and regulatory compliance matters. One client stated, “He has excellent negotiation skills and the ability to anticipate the moves of his opponent.” Another stated, “David is a great resource regarding healthcare enforcement and the Anti-Kickback statute in particular.”

## **Representative Matters**

### *False Claims Act (“FCA”) Experience*

- Represented long-term care provider in FCA investigation; obtained declination and closure of investigation
- Represented New England-based hospital system in FCA investigation involving alleged kickbacks; obtained declination and closure of investigation
- Represented hospital system in FCA investigation involving allegations of fraudulent billing for clinical trials and kickbacks; obtained declination
- Represented New England-based hospital system in FCA investigation involving allegations of Stark Law and Anti-Kickback Law violations
- Represented medical supplier in FCA investigation; obtained favorable settlement
- Represented long-term care provider in Massachusetts Attorney General investigation
- Represented telehealth company in FCA investigation
- Represented provider of electronic health records in federal FCA investigation
- Represented consultant to the pharmaceutical industry in DOJ and U.S. Senate investigation
- Represented owner of home health companies in FCA investigation
- Represented former employees of a pharmaceutical company in FCA/kickbacks investigation
- Represented network of ophthalmology practices in FCA investigation
- Represented witness in FCA investigation involving kickbacks and potential patient harm
- Represented physician/“speaker” for a pharmaceutical company in FCA/kickbacks investigation

### *Criminal Experience*

- Represented owner of hospices in federal criminal investigation
- Represented owner of home health companies in federal criminal investigation
- Represented owner of pharmacy and psychology center in investigation involving allegations of fraud/overbilling
- Represented principal of native American tribe in federal fraud investigation
- Represented substance abuse provider in DOJ investigation
- Represented executive director of surgery center indicted for alleged health care fraud
- Represented chiropractor indicted by a state Attorney General for alleged fraud

### *Other Experience*

- Represented medical device company in state investigations related to allegations of overbilling and misbranding
- Represented chain of substance abuse providers in civil litigation against large insurance company
- Represented an individual before the Massachusetts Securities Division involving allegations of fraud and failure to register as a securities broker/adviser
- Counsel for Massachusetts Senior Care Association; advise on fraud & abuse issues

## Recognition

- Chambers USA, Top Healthcare Lawyer: Massachusetts, 2023, 2024
- Best Lawyers, Criminal Defense: White Collar and Health Care Law, 2023, 2024
- Super Lawyers, Massachusetts, Criminal Defense: White Collar, 2018-2023
- Boston Magazine, Top Lawyer - Criminal Defense White Collar, 2022-2023

## Professional Affiliations

- Boston Bar Association

## Community

- Dana Farber Cancer Institute
- Waltham Little League

## News

- David Schumacher is Quoted in the Boston Globe
- Legal 500 Ranks HLB as a Top Healthcare Service Provider in the United States for 2024
- Chambers 2024 Once Again Ranks Massachusetts Office Plus Three Partners
- Hooper, Lundy & Bookman Again Ranked Among Top Health Law Firms In The United States By Chambers USA
- Podcast: David Schumacher on HHS OIG's General Compliance Program Guidance
- David Schumacher, Paul Garcia and Sheryl Xavier Published in Thomson Reuters Westlaw Today
- David Schumacher is Quoted in Bloomberg Law's, "Once-Renowned US Health Fraud Unit in Boston Gets an Inside Edge"
- Boston Magazine Announces its 2023 Top Lawyers
- HLB's 2023 Massachusetts Super Lawyers and Rising Stars
- David Schumacher was interviewed in Part Two of Law360's three-part retrospective on the "Varsity Blues" Case
- David Schumacher Profiled in Law360 Article, "As 'Varsity Blues' Winds Down, Attys Recall A Wild Beginning"
- Twenty-One HLB Attorneys Have Been Named "Best Lawyers in America 2024" and Five HLB Attorneys as "Ones to Watch"
- David Schumacher Quoted in WBUR News Article, "In Mass., frustration mounts as Purdue's bankruptcy drags on"
- Hooper, Lundy & Bookman Again Ranked Among Top Health Law Firms In The United States By Chambers USA
- David Schumacher quoted in Law360
- David Schumacher quoted in Boston Globe
- David Schumacher quoted in Law360
- David Schumacher quoted in Becker's Hospital Review
- David Schumacher quoted in Becker's Hospital Review
- David Schumacher quoted in Fierce Healthcare
- David Schumacher quoted in The Boston Globe
- David Schumacher recognized in Boston Magazine Top Lawyers List
- David Schumacher quoted in Law360 article
- Twenty-Four HLB attorneys have been named "Best Lawyers in America 2023" and "Ones to Watch"
- Hooper, Lundy & Bookman Celebrates 35 Years!

- Hooper, Lundy & Bookman Congratulates 2021 Massachusetts Super Lawyers
- HLB Attorneys Author False Claims in Healthcare
- Chambers USA 2021 Ranks Hooper Lundy & Bookman Among the Top Firms in Healthcare in Massachusetts
- Hooper, Lundy & Bookman Elevates Eight Partners
- Hooper, Lundy & Bookman Congratulates 2020 Boston Super Lawyers
- Hooper, Lundy & Bookman Ranked in the 2020 Edition of US News/Best Lawyers in America Best Law Firms
- Super Lawyers Recognizes HLB Boston Attorneys
- Hooper, Lundy & Bookman Named To American Bar Association's Health Law Top 10 List
- Top Patent Litigator Drew Woodmansee Joins Hooper, Lundy & Bookman as Head of IP Practice
- Hooper, Lundy & Bookman Launches Webinar Series with Focused Discussions on Post-Acute Care Partnerships
- Hooper Lundy & Bookman Recognized Among the Top Health Law Firms in the United States by Chambers USA
- Survey Reveals Expectations of Sweeping Changes Coming to U.S. Health Care in the Next Two Years

## Insights

- Appellate Court Issues Important FCA/AKS Decision Requiring Whistleblowers to Show That Defendants Acted with Knowledge of Unlawful Action
- HHS-OIG Releases New Compliance Guidance for Healthcare Providers
- David Schumacher Published in Massachusetts Lawyers Weekly
- OIG is Circling the Telehealth Industry
- DOJ Announces Far-Reaching Guidance on Corporate Criminal Enforcement
- HHS Fraud Alert Is A Major Warning To Telehealth Industry
- New Year Brings New Health Care Legislation in Massachusetts
- From Coast to Coast, SNFs Face Criminal Investigations for COVID-19 Response
- Dealing With Prior DOJ Health Investigations During COVID-19
- First Reports of Coronavirus Fraud and Abuse Emerging
- COVID-19 Response: HLB Resource Page, California State of Emergency and Guidance, and CMS Survey Guidance
- MOB Leases With Unusual Terms Withstand Appraiser Whistleblower Claims
- Health Law Perspectives, February 2019
- More Than Just Paperwork: Prior Authorizations, the Latest Enforcement Risk
- Hooper, Lundy & Bookman Opens Boston Office

## Events

- David Schumacher is a Moderator at MHA's Healthcare Legal Compliance Forum
- David Schumacher is a Moderator at the BBA's 2024 White-Collar Conference
- David Schumacher Moderates Boston Bar Association's "Hot Topics in Life Sciences Enforcement – Virtual"
- David Schumacher Presents Health & Hospital Law: Health Care Fraud & Abuse
- AHLA's Fraud and Compliance Forum
- Boston Bar Association's White-Collar Crime Conference
- Massachusetts Senior Care Association Webinar
- David Schumacher Speaks at the National Association of Medicaid Fraud Control Units Directors Symposium
- David Schumacher Speaks at Massachusetts Senior Care Association
- David Schumacher and Jeremy Sherer Speak at MHA's Healthcare Legal Compliance Forum
- 20th Annual Hospital & Health Law Conference 2019

- HCCA's 23rd Annual Compliance Institute
- The National Symposium on Health Law and Policy
- Massachusetts Hospice Association Annual Meeting
- HCCA 4th Annual Healthcare Enforcement Compliance Conference
- CLE Healthcare Fraud & Abuse
- New England Home Health & Hospice Conference and Trade Show
- American Conference Institute 5th Advanced Forum on False Claims & Qui Tam Enforcement Conference
- White Collar Crime Conference
- BHC 2017 Annual Conference on Current Healthcare Developments
- Hooper, Lundy & Bookman, P.C. and FTI Consulting, Inc. Present: 2017 Health Care Fraud & Abuse Update Seminar