



## Jordan Kearney

(her)

### Partner

San Francisco: 415.875.8497

[jkearney@hooperlundy.com](mailto:jkearney@hooperlundy.com)

#### CAPABILITIES

Administrative Law

COVID-19 / Public Health  
Emergencies

False Claims Act

Government Investigations

Litigation, Mediation,  
Arbitration

Medicare, Medicaid, Other  
Governmental  
Reimbursement and  
Payment

Medicare and Medicaid  
Audits, Appeals, and  
Reimbursement Litigation

Ambulance Providers

Behavioral Health Providers

Community-Based Clinics  
Counties, Health Districts,  
and Public Agencies

Hospice

Hospitals and Health  
Systems

Skilled Nursing Facilities  
(SNFs) and Long-Term Care  
Providers

#### EDUCATION

Emory University School of  
Law, J.D., *with high honors*,  
Order of the Coif, 2013

Duke University, B.A., *magna  
cum laude*, 2010

#### BAR ADMISSIONS

California, 2015

Georgia, 2013

“My job is to get my clients back to their job: Taking care of patients. I am clearing hurdles – thinking through tricky problems, fixing regulatory noncompliance, resolving disputes, and advising on systems to prevent future issues – so that my clients can get their important work done. I help the helpers.”

Jordan Kearney represents a wide range of hospital and health systems and other health care providers in litigation of novel and complex cases of first impression. Jordan is a problem-solver who is energized by thorny issues and can wade through sticky situations to reach resolution.

Jordan has extensive experience litigating and advising clients in connection with fraud and abuse matters. This includes litigating False Claims Act cases in federal courts throughout the country and California False Claims Act and Insurance Fraud Prevention Act suits in California Superior Courts. Jordan has defended a wide variety of health care providers – hospitals, hospices, counties, behavioral health providers, FQHCs, SNFs, remote monitoring companies, and others – facing a range of allegations, including overutilization, insufficient supervision, regulatory noncompliance, upcoding, kickbacks, and provision of worthless services. Her experience includes managing government investigations for FCA violations, formulating overall litigation strategy in FCA cases, and mediating FCA disputes.

Almost daily, Jordan advises on internal investigations involving compliance with the 60-Day Rule. Her regulatory background allows her to guide her clients to determine whether the rule is triggered and how to manage the process. Jordan founded the firm’s Medicare Audits and Appeals Practice Group and leads the defense of clients in connection with audits and ensuing appeals process, including Unified Program Integrity Contractors (UPIC), Targeted Probe and Educate (TPE), and Recovery Audit Contractor (RAC) audits.

Jordan has specific expertise and experience in representing California counties in defending their EMS networks from challenges to their exclusivity under the Emergency Medical Services Act, as well as assisting counties in complying with the intricacies of the Act to protect against subsequent

attacks.

Raised by two behavioral health professionals, Jordan has a personal passion for behavioral health providers and the individuals they serve. She has extensive experience in this field, including managing payment disputes, advising on compliance and remediating noncompliance, and managing audits and inquiries by state agencies, federal DOJ, and patient advocacy organizations.

### Representative Matters

- *City of Oxnard v. Cnty. of Ventura*, 71 Cal. App. 5th 1010, 1013, (2021), as modified on denial of reh'g (Dec. 14, 2021), review denied (Mar. 9, 2022). Successfully represented county in defeating effort by city to establish its own emergency ambulance service and leave the countywide system. Litigation involved important issues under the California Emergency Medical Services Act.
- *Integra Med Analytics LLC v. Providence Health & Servs.*, 854 F. App'x 840, 841 (9th Cir. 2021). Successfully obtained dismissal of significant False Claims Act litigation for a large nonprofit hospital system. Court rejects novel theory that statistical analysis can be the principal basis for an FCA claim.

### Professional Affiliations

- American Health Lawyers Association
- American Bar Association
- California Society for Healthcare Attorneys

### News

- Hooper, Lundy & Bookman Elevates Five Partners and One Office Managing Partner
- Pat Hooper and Jordan Kearney Published in The Daily Journal, "Supreme Court clarifies mental state requirement for fraudulent drug prescription charges"
- Jordan Kearney Quoted in AIS Health's "Supreme Court Removes 'Potent' Defense Option for Health Care Firms Accused of Fraud"
- Jordan Kearney Interviewed by Revcycle Intelligence, "Back to the Basics, Other Payment Integrity Strategies Post-PHE"
- Jordan Kearney Quoted in Law360's "Thomas Burnishes False Claims Act Crown with 9-0 Decree"

### Insights

- California's Health Care Quality and Affordability Act
- Administration Turns Focus to Long-Term Care Industry
- AseraCare Court Confirms that Difference of Reasonable Clinical Opinion Cannot Alone Establish Objective Falsity in False Claims Cases
- MOB Leases With Unusual Terms Withstand Appraiser Whistleblower Claims

### Events

- ABA 28th Annual National Institute on Health Care Fraud