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MEMBER DISTRICT OF COLUMBIA
FLORIDA AND CONNECTICUT BARS

BOARD CERTIFIED IN HEALTH LAW, FLORIDA BAR
BOARD OF LEGAL SPECIALIZATION AND EDUCATION

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CURRICULUM VITAE

PROFESSIONAL EXPERIENCE

Law Office of Jeffrey A. Lovitky (continuously since 1989)

Epstein Becker & Green, P.C. (1988-1989)

U.S. Department of Justice (1984-1988)

U.S. Army Judge Advocate General's Corps (1981-1983)

Admitted to Bars of Connecticut (1982), Florida (1983), District of Columbia (1987)

Board Certified Health Lawyer, Florida Bar Board of Legal Specialization and Education, effective 2000-present.

LL.M. (Government Procurement Law) George Washington University National Law Center (1988)

Professional emphasis:

Experienced litigator specializing in representing hospitals in connection with Medicare Part A reimbursement issues before federal district and appellate courts, as well as the Medicare Provider Reimbursement Review Board (PRRB).

Primary areas of expertise include litigation of Medicare disproportionate share (DSH) payments, calculation of Medicare prospective payment system (PPS) rates, rural floor, budget neutrality, graduate medical education (GME), bad debt, and other Medicare Part A reimbursement issues.

Special Assistant Attorney General for the State of Washington representing University of Washington Medical Center (2010-2011)

Lead counsel since 2002 for the American Council of the Blind in successful pro bono litigation against the Department of Treasury to mandate production of paper currency that is accessible to the blind and visually impaired.

“AV” Rated by Martindale-Hubbell Legal Directory

EDUCATION

George Washington University National Law Center, LL.M. (1988)
Judge Advocate General's School, U.S. Army, Charlottesville, Virginia
Thomas M. Cooley Law School, J.D., Lansing, Michigan (1980)
University of Michigan, B.A., Ann Arbor, Michigan (1976)

REPRESENTATIVE CASES – REPORTED DECISIONS

Federal Appellate Courts

Loma Linda Univ. Kidney Ctr. v. Azar, 755 F. App'x 7 (D.C. Cir. 2018)
Catholic Healthcare West v. Sebelius, 748 F.3d 351 (D.C. Cir. 2014)
Sebelius v. Auburn Reg'l Med. Ctr., 133 S. Ct. 817 (2013) (amicus)
Metro. Hosp. v. United States HHS, 712 F.3d 248 (6th Cir. 2013) (amicus)
Univ. of Wash. Med. Ctr. v. Sebelius, 634 F.3d 1029 (9th Cir. 2011)
Gundersen Lutheran Med. Ctr., Inc. v. Sebelius, 666 F.3d 1335 (D.C. Cir. 2011)
Cooper Univ. Hosp. v. Sebelius, 636 F.3d 44 (3d Cir. 2011) (amicus)
Baptist Mem'l Hosp. v. Sebelius, 566 F.3d 226 (D.C. Cir. 2009) (amicus)
St. Joseph Hosp. v. Leavitt, 334 Fed. Appx. 57 (9th Cir. 2008)
Chippewa Dialysis Servs. v. Leavitt, 511 F.3d 172 (D.C. Cir. 2007)

Federal District Courts

Baptist Med. Ctr. v. Burwell, 2019 U.S. Dist. LEXIS 31931(D.D.C. 2019)
Loma Linda Kidney Ctr. v. Azar, 2018 U.S. Dist. LEXIS 27807 (D.D.C. 2018)
St. Vincent's Med. Ctr. v. Burwell, 222 F. Supp. 3d 17 (D.D.C. 2016)
Empire Health Found. v. Burwell, 209 F. Supp. 3d 261 (D.D.C. 2016)
Loma Linda Univ. Kidney Ctr. v. Burwell, 185 F. Supp. 3d 196 (D.D.C. 2016)
Baptist Med. Ctr. v. Burwell, 2015 U.S. Dist. LEXIS 194085 (D.D.C. 2015)
Catholic Healthcare W. v. Sebelius, 919 F. Supp. 2d 34 (D.D.C. 2013)
Loma Linda Univ. Kidney Ctr. v. Sebelius, 2011 U.S. Dist. LEXIS 158964 (D.D.C. 2011)

Gundersen Lutheran Med. Ctr., Inc. v. Johnson, 2009 U.S. Dist. LEXIS 21816 (D.D.C. 2009)

Alpena Dialysis Servs. v. Leavitt, 2006 U.S. Dist. LEXIS 83059 (D.D.C. 2006)

Rush Presbyterian-St. Luke's Med. Ctr. v. Thompson, 362 F. Supp. 2d 25 (D.D.C. 2005)

U.S. Department Of Health And Human Services Provider Reimbursement Review Board

Loma Linda University Medical Center v. Noridian Healthcare Solutions, U.S. Department of Health & Human Services Provider Reimbursement Review Board, Decision No. 2015-D18, September 1, 2015

Alpena Dialysis Service v. Wisconsin Physicians Service, U.S. Department of Health & Human Services Provider Reimbursement Review Board, Decision No. 2013-D17, May 14, 2013

Dartmouth Medical Center v. Anthem Health Plans of New Hampshire, U.S. Department of Health & Human Services Provider Reimbursement Review Board, Decision No. 2006-D26, June 2, 2006

UMass Memorial Medical Center v. Blue Cross Blue Shield Association, U.S. Department of Health & Human Services Provider Reimbursement Review Board, Decision No. 2005-D45, June 14, 2005

Alpena Dialysis Services v. Blue Cross Blue Shield Association, U.S. Department of Health & Human Services Provider Reimbursement Review Board, Decision No. 2004-D6, Dec. 22, 2003

Howard Young Medical Center v. Blue Cross Blue Shield United of Wisconsin, U.S. Department of Health & Human Services Provider Reimbursement Review Board, Case No. 95-0113

PRO BONO LEGAL REPRESENTATION – REPORTED DECISIONS

Federal Appellate Courts

Am. Council of the Blind v. Mnuchin, 878 F.3d 360 (D.C. Cir. 2017)

Am. Council of the Blind v. Paulson, 525 F.3d 1256 (D.C. Cir. 2008)

Federal District Courts

Am. Council of the Blind v. Mnuchin, 2019 U.S. Dist. LEXIS 142925 (D.D.C. 2019)

Am. Council of the Blind v. Mnuchin, 2019 U.S. Dist. LEXIS 34222 (D.D.C. 2019)

Am. Council of the Blind v. Lew, 2017 U.S. Dist. LEXIS 220995 (D.D.C. 2017)

Am. Council of the Blind v. Paulson, 581 F. Supp. 2d 1 (D.D.C. 2008)

Am. Council of the Blind v. Paulson, 463 F. Supp. 2d 51 (D.D.C. 2006)

Am. Council of the Blind v. Snow, 311 F. Supp. 2d 86 (D.D.C. 2004)

PUBLICATIONS

The Appellate Implications of *Sebelius v. Auburn Regional Medical Center*, *JURIST - Sidebar*, Feb. 14, 2012, <http://jurist.org/sidebar/2013/02/jeffrey-lovitky-sebelius-auburn.php>

“Recent Cases Interpreting the Medicare Anti-Kickback Act,” *Health Care Law Monthly*, October 2006.

“The Privacy of Health Information: Consents and Authorizations under HIPAA,” *Florida Bar Journal*, May 2002

“OIG Model Compliance Programs,” *Healthcare Financial Management*, March 2002

“The Medicare Anti-Kickback Statute: Understanding the Intent Requirement,” *Health Care Law Monthly*, May 2001

“The National Practitioner Data Bank: Coping with the Uncertainties,” *Journal of Health Law*, Spring 2000

“White-Collar Crime: Most false-claims actions arise in the context of fraud against various federal health-care programs,” *California Law Business*, May 24, 1999

“Designing Compliance Programs That Foster Ethical Behavior,” *Healthcare Financial Management*, March 1999

“Qui Tam Litigation: A Practical Primer,” *Journal of the Association of Trial Lawyers of America*, January 1999

“Health Care Fraud: A Growing Problem,” *Nursing Management*, November 1997

“Medicare/Medicaid Fraud: A Growing Area Of Concern For Health Care Providers,” *Michigan Bar Journal*, March 1997

“Medicare Fraud & Podiatrists,” *Podiatry Management Magazine*, November 1996

“Shutting Down the Federal Government,” *Legal Times of Washington*, July 8, 1996

“Dispute Resolution Procedures Under Federal Contracts,” *The Florida Bar Journal*, Vol. LXIX, No. 11, December 1995

“Procurement Integrity Returns: An Analysis of the Impact of Section 27 of the OFPP Act on the Federal Procurement Community,” *Washington Legal Foundation, Critical Legal Issues, Working Paper Series No. 47*, September 1991

“Key Problems in Attaining 8(a) Certification,” *Minority Business Journal*, Vol. 5, No. 6, September-October 1990

“New Lobbying Requirements Imposed on Federal Grantees,” *Nonprofit World*, Vol. 8, No. 5, September-October 1990

“New Anti-Lobbying Law Will Have Major Impact,” *The Los Angeles Daily Journal*, Vol. 103, No. 121, June 18, 1990

“Congress Tightens Noose on Lobbying by Federal Grantees,” *The Taft Nonprofit Executive*, Volume IX, Number 9, May 1990

“New Realities in Pricing Government Contracts,” *Federal Acquisition Report*, May 1990

Unisys v. United States: Federal Circuit Ushers New Uncertainties into Defective Pricing Cases,” *Public Contract Newsletter*, Volume 25, Number 3, Spring, 1990

“Procurement Integrity Law Deserved Suspension,” *Legal Times of Washington*, March 19, 1990

“Applying the Exemptions to Cost or Pricing Data,” *Volume 18, Number 1, Public Contract Law Journal*, November 1989

“Current Issues in Defective Pricing Cases,” *Public Contract Newsletter*, Volume 24, Number 4, Summer 1989

“A Review of the Byrd Amendment: What are its Implications for the Grantee Community?” *Grants Magazine*, Vol. 12, No. 2, June 1989

“Understanding Causation and Determining the Price Adjustment in Defective Pricing Cases,” *17 Public Contract Law Journal* 407 (1988)

“The Defense of Fraud Proceedings Cost Principle, Government Contract Costs,” *Pricing & Accounting Report*, November 1988

“Fact Versus Judgment in Defining Cost or Pricing Data,” *Contract Management Magazine*, September 1988

“Certification of Government Contract Claims Under the Contract Disputes Act,” *16 Public Contract Law Journal* 551 (1987)

“Cost or Pricing Data Defined: An Analysis of Disclosure Requirements Pursuant to Truth-in-Negotiations,” *National Contract Management Journal*, Winter, 1987

“Understanding the Submission Requirement for Cost or Pricing Data,” *National Contract Management Journal*, Summer, 1987

“Privatization and OMB A-76: The Case For Contracting-Out,” *Contract Management Magazine*, November 1986

“Problems of Government Contracting for Consulting Services,” *14 Public Contract Law Journal* 332 (1984)

“An Analysis of General Accounting Office Decisions Pertaining to Unbalanced Bidding,” *14 Public Contract Law Journal* 178 (1983)

“Torncello & Soledad Enterprises, Inc., v. United States: A Return to the Common Law,” *The Army Lawyer*, January 1983