

## Olivia Benjamin (King)

### Associate

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Boston

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Olivia Benjamin (King) is an attorney with Foley & Lardner LLP's Government Enforcement, Defense, and Investigation Practice, focusing on representing health care and other regulated industry clients in these matters.

Olivia counsels health care providers including health systems, hospitals, clinician practice groups, durable medical equipment companies, clinical laboratories, and telemedicine companies, and other regulated industry clients. Olivia's work focuses on conducting internal investigations and defending clients with government investigations and enforcement actions, including actions arising out of the False Claims Act (FCA), Anti-Kickback Statute (AKS), and Stark Law. Olivia also assists research institutions with responding to allegations of scientific and research misconduct.

Olivia is an active firm citizen, serving as an editor of the firm's Health Care Law Today blog and a representative of the Boston Office to the firm's Associates Committee, and Olivia is actively involved in the firm's recruiting efforts. As an active citizen within her community, Olivia serves as a Co-Chair of the Boston Health Care for the Homeless Program Emerging Leaders Board, and passionately advocates for pro-bono clients.

Olivia was selected for the inaugural Mayo-Foley Health Law Fellowship, consisting of summer internships with the Mayo Clinic Legal Department in Rochester, Minnesota (2017) and Foley (2018). Prior to joining Foley, Olivia worked at the National Marrow Donor Program, Be the Match, in the payer policy and legislative relations departments.

### Representative Experience

- Counseled regulated industry clients responding to subpoenas and civil investigative demands related to FCA, AKS, and other violations of federal law, including negotiating settlements with the Department of Justice and Department of Health and Human Services.

- Represented health care clients responding to FCA cases, including a Medicare Part C plan participant, a Medicare Recovery Audit Contractor, a durable medical equipment provider, and other health care industry clients.
- Represented clients charged with criminal health care fraud and successfully minimized punishment.
- Assisted health care providers with investigating and disclosing instances of noncompliance with the federal FCA, AKS, and Stark Law using the Department of Health and Human Services, Office of Inspector General and Centers for Medicare & Medicaid Services self-disclosure protocols.
- Advised research institutions and pharmaceutical companies on alleged scientific misconduct.
- Advised health care industry clients on compliance advice and strategy related to receipt of federal funding through various COVID-19 relief programs, compliance with Medicare and Medicaid regulations, repayment of identified overpayments, and state regulatory issues.

### **Community Involvement**

- Boston Health Care for the Homeless Program – Emerging Leaders Board Member
- American Health Lawyers Association – Early Career Professionals Council Member

### **Presentations and Publications**

- “Avoiding Risk in Physician Medical Director and Other Referral Source Contracting: Learning from a \$45 Million Case Study” New England Alliance Winter Conference & Annual Meeting (Jan. 11, 2023)
- Co-author, “United States,” *The Healthcare Law Review* (Sept. 7, 2023)
- “HRSA Uninsured Program Covid-19 Services: OIG Audit Finds HRSA Paid for Claims that did not Comply with Federal Requirements” *Health Care Law Today* (July 24, 2023)
- “HRSA Uninsured Program COVID-19 Services: What Were the Standards to Determine Uninsured Status?” *Health Care Law Today* (Aug. 17, 2023)
- “ORI Proposes New Rulemaking for Research Misconduct Regulations” *Health Care Law Today* (Oct. 16, 2023)
- “HRSA Uninsured Program COVID-19 Services: What Were the Standards to Determine Uninsured Status?” *Health Care Law Today* (Aug. 23, 2023)
- “Legal Update” Emerging Laboratory Managers Collaborative Conference (Jan. 20, 2023)
- “DOJ Enforcement of the ADA against SNFs for discrimination related to OUD” New England Alliance Winter Conference & Annual Meeting (Jan. 12, 2023)
- “Fraud & Abuse: Recent Cases Settled,” Association of Corporate Counsel (Feb. 2022)
- “Fraud & Abuse: Recent Cases Settled,” Let’s Talk Compliance Master Class (Jan. 19, 2022)
- “COVID-19 Provider Relief Funds and Waivers: How to Avoid Non-Compliance & What to Expect as Waivers Expire,” New England Alliance Winter Conference & Annual Meeting (Jan. 12-14, 2022)
- Co-author, “COVID-10 At-Home Tests: Do CLIA Requirements Apply and what do Health Care Providers Need to Know?” *Health Care Law Today* (Jan. 4, 2022)
- Co-author, “OIG’s Revised Self-Disclosure Protocol: Top Takeaways,” *Health Care Law Today* (Nov. 8, 2021)

- Co-author, “A Target on Telehealth: Government Action Against Telehealth Fraud in the Wake of COVID-19,” *American Health Law Association* (Jul. 14, 2021)
- Co-author, “Supreme Court Declines to Resolve Circuit Split on FCA “Objective Falsity” Issue,” *Health Care Law Today* (Feb. 23, 2021)
- Co-author, “Challenging Physician Judgment: Is Your Institution Exposed to False Claims Act Liability?,” *Health Care Law Today* (Dec. 10, 2020)
- Co-author, “Protecting Your Institution from False Claims Act Allegations After Receipt of CARES Act Funding,” *American Health Law Association* (Nov. 11, 2020)
- Co-author, “Provider Relief Fund: Protecting Your Institution from False Claims Act Allegations after Receipt of CARES Act Funding,” *Coronavirus Resource Center: Back to Business* (Jul. 6, 2020)
- Co-author, “State and Federal Administrative Agencies Regulating Health Care Providers and Payors,” *Massachusetts Health & Hospital Law Manual* (2020)
- Co-author, “Emergency Medical Treatment and Labor Act,” *Massachusetts Health & Hospital Law Manual* (2020)
- Co-author, “Scientific Misconduct,” *Clinical Research and Compliance Manual* (2020)

## Sectors

- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)
- [Racial Justice & Equity](#)
- [Telemedicine & Digital Health](#)

## Practice Areas

- [False Claims Act](#)
- [Government Enforcement Defense & Investigations](#)
- [Health Care](#)
- [Litigation](#)

## Education

- Boston University School of Public Health (M.P.H., 2020)
- Boston University School of Law (J.D., cum laude, 2019)
  - Concentration in Health Law with Honors
  - Paul J. Liacos Distinguished Scholar
  - Dean’s Award for Health Law
- University of Michigan (B.A., 2015)
  - Distinction in Political Science
  - University Honors
  - James B. Angell Scholar

## Admissions

- Massachusetts