

## Jana L. Kolarik

### Partner

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Jana's practice focuses on health law issues, including fraud and abuse issues such as anti-kickback and self-referral law compliance; enrollment, coverage and payment issues; licensure issues; and health regulatory due diligence and risks related to acquisitions of health care companies.

Jana has worked with the spectrum of health care entities from academic medical centers (AMCs) to device and pharmaceutical manufacturers. She currently works with AMCs, health systems, community hospitals, large physician groups, physician and midlevel management and staffing companies, DME suppliers, orthotics suppliers, imaging companies, device manufacturers and distributors, as well as investors in health care entities. Jana is a member of the Health Care and Government Enforcement Defense & Investigations Practice Groups.

### Representative Experience

- Counsels clients on fraud and abuse issues, including Federal and State anti-kickback statute and Stark Law compliance.
- Counsels clients on compliance with Medicare coverage and payment rules.
- Acted as Legal Independent Review Organization (Legal IRO) for a hospital pursuant to its OIG corporate integrity agreement (CIA).
- Acts as Compliance Expert to a clinical laboratory pursuant to its OIG CIA.
- Assists providers and suppliers in the development of health care compliance programs, including compliance training materials, policies and procedures.
- Advises clients regarding disclosing matters pursuant to the CMS Self-Referral Disclosure Protocol and the OIG Provider Self-Disclosure Protocol.

### Awards and Recognition

- Peer review rated as AV Preeminent®, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™ system
- Selected by her peers for inclusion in *The Best Lawyers in America*® in the field of Health Care Law (2018 – 2024)
- Named the Best Lawyers® Health Care Law “Lawyer of the Year” in Jacksonville (2022, 2024)
- Voted by her peers and selected as a member of *Florida Trend’s* Florida Legal Elite™ group (2020)

### Affiliations

- Hope Haven (board of directors)
- Member, American Health Lawyers Association
- Member, Health and Business Law Sections of the American Bar Association
- Member, District of Columbia Bar Association and the Florida Bar Association

### Presentations and Publications

- Author, “CMS Changes Medicare Advantage and Part D Plans’ Agent/Broker/TPMO Compensation Landscape,” *Health Care Law Today* (April 22, 2024)
- Author, “Let’s Talk Compliance’: Hot Topics in Compliance,” *Health Care Law Today* (February 16, 2024)
- Author, “Medicare Advantage and Part D Final Rule Affects Marketing and Sales Landscape for Not Only MA Plans and PD Sponsors, but also TPMOs and FDRs” *Health Care Law Today* (April 25, 2023)
- Moderator, 5th Annual “Let’s Talk Compliance” Foley & PYA Virtual Conference (January 19-20, 2023)
- Co-Presenter, “State of the Health Care Industry – Compliance and Enforcement,” 5th Annual “Let’s Talk Compliance” Foley & PYA Virtual Conference (January 19, 2023)
- Interviewee, “Speaking of Health Law” American Health Law Association Podcast regarding the impact of billing rules on fair market value (December 13, 2022)
- “Let’s Talk Compliance” Event – Stark Law Changes and Impact on Physician Compensation Part 2, Foley & PYA Webinar (September 13, 2022)
- Author, “Stark Law Changes: Hospitals Need to Revisit Physician Compensation Arrangements” *Health Care Law Today* (September 6, 2022)
- Author, “Regulatory Compliance & Physician Compensation Arrangements, Part II” Bloomberg Law Today (August 3, 2022)
- Co-author, “OIG Special Fraud Alert on Arrangements with Telemedicine Companies” *Health Care Law Today* (July 20, 2022)
- “Let’s Talk Compliance” Event – Recent Regulatory Changes Require Fresh Look at Physician Compensation, Foley & PYA Webinar (June 9, 2022)
- Author, “Regulatory Compliance & Physician Compensation Arrangements” Bloomberg Law (June 8, 2022)
- Co-author, “Health Care & Life Sciences Sector Top Trends for 2022” *Health Care Law Today* (May 4, 2022)

- Co-author, “Let’s [Virtually] Talk Compliance | A Foley & PYA Master Class” *Health Care Law Today* (February 13, 2022)
- Co-author, “Let’s Talk Compliance Recap: The Telemedicine Cliff,” *Health Care Law Today* (November 10, 2021)
- Author, “Episode 17: Let’s Talk Compliance (Again!) – An Update on Fair Market Value & Commercial Reasonableness” *Health Care Law Today* (August 19, 2021)
- “Everything You Always Wanted to Know About Sales Practices – the Dos, the Maybes, and the Don’ts-But Have Been Afraid to Ask,” ACC Health Law Network Webinar (July 1, 2021)
- Co-author, “Let’s Talk Compliance | HIPAA Breach & Penalties,” *Health Care Law Today* (May 10, 2021)
- “Stark Law & Anti-Kickback Statute Regulatory Changes 2021,” ACC Health Law Network Webinar (May 4, 2021)
- Co-author, “Bipartisan Leadership of House Committee of Energy and Commerce and its Health Subcommittee Urge HHS Secretary Becerra to Vigorously Enforce Compliance with the Hospital Price Transparency Rule,” *Health Care Law Today* (April 21, 2021)
- Co-author, “Let’s [Virtually] Talk Compliance | A Foley & PYA Master Class,” *Health Care Law Today* (February 10, 2021)
- Quoted, “Stark Law Revisions Take Effect for Hospice, Other Health Care Providers,” *Hospice News* (February 3, 2021)
- “Physician Compensation: Hot Topics,” Let’s Talk Compliance Master Class (January 22, 2021)
- Author, “Key Takeaways from the Revised and Clarified Stark Law Regulations – Part 2,” *Health Care Law Today* (January 22, 2021)
- Author, “Key Takeaways from the Revised and Clarified Stark Law Regulations – Part 1,” *Health Care Law Today* (January 21, 2021)
- “Physician Contracts and the Stark Law/Anti-kickback Backdrop,” APSMA Physician Compensation Mini Conference (November 10, 2020)
- “Bad Facts and Qui Tam: FMV and CR in the Eye of the Beholder,” American Bar Association’s Physicians Legal Issues: Healthcare Delivery & Innovation (September 21-25, 2020)
- “Physician Contracts and the Stark Law/Anti-kickback Backdrop,” APSMA Physician Compensation Mini Conference (November 10, 2020)
- Co-author, “Key Takeaways from Executive Order on Surprise Billing,” *Health Care Law Today* (October 6, 2020)
- “Bad Facts and Qui Tam: FMV and CR in the Eye of the Beholder,” American Bar Association’s Physicians Legal Issues: Healthcare Delivery & Innovation (September 21 – 25, 2020)
- “HHS OIG Enforcement Issues (Statutes, Penalties, CIAs),” Foley & Lardner LLP Health Care Practice Group Training Webinar (September 1, 2020)
- “FMV and Commercial Reasonableness Challenges,” Strafford CLE Webinar (August 4, 2020)
- “Surprise Billing – Not the Kind of Surprise You Want!,” Association of Corporate Counsel Health Law Network Legal Quick Hit (August 4, 2020)
- Author, “Welcome Changes to Florida’s Patient Brokering Act,” *Health Care Law Today* (July 7, 2020)

- Author, “EKRA and Florida’s Patient Brokering Act: Clarification Needed Amid Uncertainty,” *Health Care Law Today* (February 18, 2020)
- Author, “Compliance: Top Takeaways from Foley and PYA’s Annual “Let’s Talk Compliance” Event,” *Health Care Law Today* (February 11, 2020)
- “CMP, Stark and Anti-kickback Basics/Refresher,” Foley & Lardner LLP Institute (February 7, 2020)
- “Navigating Overpayments,” Florida Hospital Association’s 2020 Health Care Corporate Compliance Roundtable Event (February 6, 2020)
- “Let’s Talk Compliance” Event – Overpayments Presentation, Foley & PYA Event in Orlando (January 24, 2020)
- Author, “Episode 3: Let’s Talk Compliance: Breaking Down Fair Market Value and Commercial Reasonableness,” *Health Care Law Today* (October 9, 2019)
- Co-author, “Health Care MarketTrends | September 2019, Issue 2,” *Health Care Law Today* (September 16, 2019)
- Co-author, “Florida: Changes to the State Patient Brokering Act,” *Health Care Law Today* (August 16, 2019)
- “Best Practice Scenarios for Internal Investigations and Audits,” Florida Hospital Association’s 16th Annual Health Care Corporate Compliance Education Retreat (June 13, 2019)
- “Fair Market Value and Commercial Reasonableness – Stark Law & Regulatory Risks,” Florida Institute of CPAs (April 26, 2019)
- “The Anatomy of Incident-to and Split/Shared Billing,” AHLA Physicians & Hospitals Law Institute (February 4-6, 2019)
- “Let’s Talk Compliance” Event – Overpayments and Internal Audit/Investigation Presentations, Foley & PYA Event in Jacksonville (January 25, 2019)
- Co-author, “The Importance of Diligence in Orthopedic Recapitalization Transactions,” *Health Care Law Today* (January 4, 2019)
- “Law and Order: HCU (Healthcare Compliance Unit),” Association for Corporate Counsel (ACC) Annual Meeting (October 23, 2018)
- “CMS 60-Day Rule: Reporting and Refunding Overpayments, Enforcement, Compliance, Self-Disclosure,” Strafford CLE Webinar (September 13, 2018)
- Author, “Florida’s New Law Changes Physician Responsibilities for Opioid Dispensing,” *Health Care Law Today* (June 12, 2018)
- “Fair Market Value & Commercial Reasonableness in Health Care Transactions,” Association for Corporate Counsel (ACC) QuikHit Webinar (February 6, 2018)
- Quoted, “Fraud: House Panel’s July 19 Hearing Will Review Medicare Fraud Controls,” *Bloomberg BNA’s Healthcare Daily Report* (July 17, 2017)
- “CMS 60-Day Rule: Reporting and Refunding Overpayments for Providers and Suppliers One Year Later,” Strafford CLE Webinar (April 5, 2017)
- Co-author, “New Attorney General Issues Guidance on Corporate Compliance Programs,” *Legal News: Government Enforcement, Compliance & White Collar Defense* (March 2, 2017)

- Co-author, “OIG Rings in the New Year With New Anti-Kickback Statute Safe Harbors,” *Health Care Law Today* (January 12, 2017)
- “I Care, You Care, We all Care about Medicare: A Year in the Mirror and Through the Looking Glass,” (Final CMS 60-day Rule and Stark Law Changes), Association for Corporate Counsel (ACC) Annual Meeting (October 17, 2016)

## Sectors

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

## Practice Areas

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

## Education

- University of Maryland School of Law (J.D., with honors, 2000)
  - Certificate program in health law
  - Editor-in-Chief, *The Business Lawyer*, a joint publication with the American Bar Association’s Section of Business Law
- College of William and Mary (B.A., 1992)
  - International Relations

## Admissions

- Florida
- District of Columbia