

## Jason Mehta

### Partner

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Jason Mehta is an experienced, *Chambers*-ranked trial lawyer who zealously fights for his clients. Jason is co-chair of the Health Care Litigation Area of Focus within the firm's Health Care & Life Sciences Sector. He is the current chair of the Florida Bar Health Law Section, the chair of the Federal Bar Association, Tampa Chapter criminal law section, and a member of multiple advisory committees. In the past two years, Jason has (a) first-chaired a six-week federal health care criminal trial resulting in an acquittal on every count for his client, (b) first-chaired a successful month-long federal civil trial in which his client prevailed on every count involving claims in excess of US\$60 million, (c) recovered more than US\$20 million in suspended payment funds for a client, and (d) handled more than 60 matters across the country. He is a partner in the firm's Government Enforcement Defense & Investigations Practice.

The *Wall Street Journal* has described Jason as an "attorney who has prosecuted and defended dozens of federal fraud cases." His skills include helping clients navigate their most challenging criminal and civil fraud cases, internal investigations, and bet-the-company litigation.

## Representative Experience

### Criminal Fraud Representation

Jason has extensive experience in complex cases involving allegations of fraud and malfeasance. He is often asked to handle these matters across the country. Leveraging his experience as a long-time prosecutor and defense attorney, Jason is successful at closing investigations, dismissing criminal charges, minimizing punishments, and — when all else fails — successfully trying criminal cases to juries.

Some recent examples include:

- First-chairing a complex multimillion-dollar federal health care fraud trial in New York in which the jury returned acquittals on every count for which they could return a verdict.

- Obtaining a complete declination of all charges for pharmacies being investigated for alleged COVID OTC-kit fraud with allegations ranging from kickback theories to lack of medical necessity.
- Lead counsel representing multiple clients in cancer/genetic testing industry in criminal proceedings throughout the United States. Among other achievements, representation for some clients has involved successfully convincing the Department of Justice to decline further investigations into reference laboratories and marketing organizations.
- Obtaining a non-custodial sentence in Kentucky for a pharmacist who pled guilty to Anti-Kickback Statute and Healthcare Fraud violations. The pharmacist's recommended guideline sentence was more than 36 months in prison.
- Obtaining a complete declination in Florida of all charges for a pharmacy in which the government executed a search warrant on the theory that the pharmacy improperly dispensed more medication than actually ordered from wholesalers.
- Obtaining a non-custodial sentence of two years' probation for two owners of a Durable Medical Equipment company in Southern Florida. The clients were facing recommended sentences of more than 40 months in prison.

### **False Claims Act Defense**

Jason also handles complex civil fraud cases. As a civil False Claims Act prosecutor, he was one of the most prolific and successful prosecutors in the country. He now defends companies, individuals, and organizations facing allegations by whistleblowers and the government.

Some recent examples include:

- Lead counsel representing Medicare Part C plan participant in multiple False Claims Act cases. Work has resulted in dismissal of multiple cases, as well as declination of all cases by DOJ.
- Lead counsel representing academic hospital in investigation by Department of Justice related to Medicaid financing arrangements. Work resulted in complete declination by DOJ and subsequential successful dismissal by district court.
- Lead counsel representing nation's largest telemedicine operator in False Claims Act investigation resulting in a low-dollar settlement with the Department of Justice. The ultimate settlement was a fraction of the government's opening demand.
- Lead counsel in representing government contractor in a False Claims Act suit alleging misrepresentations with affiliation status. Representation resulted in declination by the Department of Justice and subsequent dismissal by relator.
- Counsel in multiple national pharmaceutical False Claims Act cases in Massachusetts, Washington, and Pennsylvania alleging massive kickback schemes related to "white coat marketing" arrangements. Successfully petitioned the Department of Justice to dismiss cases following declination.
- Lead counsel representing a group of neurosurgeons being investigated by the Department of Justice for alleged kickbacks. Representation resulted in no criminal charges and a confidential six-figure settlement reflecting a fraction of the physicians' payment from the company for whom the physicians

were providing services.

### **Bet-the-Company Litigation**

Apart from his government defense practice, Jason also handles a number of bet-the-company civil litigation matters. When companies need skilled civil litigation representation, they turn to Jason.

Some recent examples include:

- Led defense of multiple False Claims Act retaliation suits brought by former employees resulting in dismissal of cases by employees.
- First-chaired the successful prosecution of a nationwide securities fraud case in which dozens of investors alleged that they were defrauded by securities representation. Prosecution led to successful recovery and resolution for plaintiffs.
- First-chaired multi-week trial resulting in complete verdict for client and shifting of fees in favor of client.
- Served as lead counsel for all Florida-based litigation by national hospital organization. Litigation included multiple trials and multi-week hearings in state and federal court.
- First-chaired the successful defense of an employment non-compete and trade secret case in which plaintiff agreed to a walk-away and complete dismissal of all claims.

### **Compliance Advice**

Jason also serves as a skilled representative in helping clients navigate problems before they emerge. Jason offers compliance advice and strategy on a number of regulated areas.

Some recent examples include:

- Served as outside general counsel to telecommunications client participating in Federal Communication Commission's (FCC) Affordable Connectivity Program (ACP), providing regulatory and statutory risk assessments.
- Served as outside general counsel to large, publicly traded health care company and advised on risks associated with potential receipt of hundreds of millions of dollars in CARES Act health care provider funds.
- Advised numerous corporations on risks and best practices in applying for, and utilizing, Small Business Administration (SBA) Paycheck Protection Program loans.
- Outside general counsel representing multistate ambulance provider in a variety of government investigations, civil disputes, and employment/corporate matters.

### **Awards and Recognition**

- *Best Lawyers in America* (2023)
- *Chambers USA* (2022 – 2023)
- Department of Justice Director's Award (2017)
- Department of Health and Human Service's Exceptional Achievement Award (2016)

- Special Commendation, Defense Health Agency (2016)
- United States Attorney's Office, Middle District of Florida, Jacksonville Division, Civil Case of the Year (2013, 2014, 2015, 2016)
- State of Florida Attorney General's "Fraud Fighter of the Year" Award (2015)
- Department of State Meritorious Honor Award Recipient (2012)
- Harvard Law School, Burling Grant (2006)

## Presentations and Publications

- Quoted in *Analysis of CMS Data Raises Alarm on Potential Genetic Testing Fraud*, 360Dx, December 8, 2022.
- "Medicare Advantage Providers Be Aware: Choppy Enforcement Waters Ahead," Brad Robertson and Matt Bedan, March 3, 2021.
- "Telehealth Enforcement: Is It the Next Big Thing," Law Journal Newsletters' *Business Crimes Bulletin*, March 2021, with Ty Howard, Gene Besen, and Scarlett Nokes.
- Quoted in Report on *Medicare Compliance*, November 23, 2020.
- Quoted in *GenomeWeb* regarding Genetic Testing Fraud, January 29, 2020.
- Quoted in *Healthcare Risk Management* regarding DOJ's new corporate compliance guidance, July 1, 2019.
- Quoted in *Health Leaders* regarding provisions to the False Claims Act, May 15, 2019.
- Quoted in *FierceHealthcare* regarding how physician practices can protect against healthcare fraud allegations, April 9, 2019.
- Quoted in *Healthcare Risk Management* on liability of electronic health record companies, March 2019.
- "Doctors, beware, the federal government is back in business," *Tampa Bay Times*, Letter to the Editor, with Lee Bentley, February 1, 2019.
- Quoted in *Compliance Portal* regarding technology risks for health systems, February 2019.
- Quoted in *Bloomberg Law* regarding health care fraud sentencing, January 30, 2019.
- "Seizure of hackers' website is reminder to safeguard yourself on-line," *Tampa Bay Times*, Letter to the Editor, January 30, 2019.
- Quoted in *Tampa Bay Times* regarding shutdown of xDedic dark website, January 30, 2019.

## Sectors

- [Health Care & Life Sciences](#)
- [Health Tech & Genomics](#)
- [Innovative Technology](#)
- [Payor Provider Convergence](#)
- [Pharmaceuticals](#)
- [Telemedicine & Digital Health](#)

## Practice Areas

- [False Claims Act](#)



FOLEY & LARDNER LLP

- [Government Enforcement Defense & Investigations](#)
- [Litigation](#)

## Education

- Harvard Law School (J.D., magna cum laude, 2007)
  - Editor, *Harvard Journal on Legislation*
- University of California, Berkeley (B.A., high honors, 2003)

## Admissions

- Florida
- District of Columbia
- Arkansas