



## Elizabeth-Ann Foley

PRACTICE AREA: HEALTH LAW

Elizabeth-Ann S. Foley is a partner in the firm's Health Law practice, where she brings over twenty-five years of specialized experience in health care corporate and litigation actions involving healthcare fraud, waste and abuse, Medicare, Medicaid and third-party payer billing and coding audits, white-collar civil and criminal investigations, physician and other health care practitioner disciplinary matters and corporate compliance. Elizabeth served as an assistant attorney general in various prosecutorial and managerial roles in the Commonwealth of Massachusetts Office of the Attorney General for over ten years. She also held the position of senior counsel in Blue Cross Blue Shield of Massachusetts, Inc.'s Fraud Investigation and Prevention Unit.

Elizabeth has a wide range of experience handling complex employment and health care fraud matters before the trial courts throughout the Commonwealth of Massachusetts. She counsels hospitals, physician practices, health care practitioners, and skilled nursing facilities with issues involving employment, billing and coding, data security breaches, the Health Insurance Portability and Accountability Act, the Affordable Care Act, the Anti-Kickback Statute, and state and federal false claims acts, among others. Elizabeth has expertise in advising healthcare practitioners with licensing and/or disciplinary actions before various professional boards, such as the Massachusetts Board of Registration in Medicine. She also guides clients through all phases of state and federal governmental inquiries and investigations, including responding to subpoenas and civil investigative demands, the rendering of grand jury testimony, and the execution of search warrants.

### PROFESSIONAL BACKGROUND

Senior Counsel, Blue Cross Blue Shield of Massachusetts, Inc., Boston

Assistant Attorney General, Medicaid Fraud Control Unit, Office of the Attorney General, Commonwealth of Massachusetts, Boston

Dean of Students, Suffolk University Law School, Boston

Chief, Assistant Attorney General, Division of Employment and Training, Office of the Attorney General, Commonwealth of Massachusetts, Boston

Managing Attorney, Assistant Attorney General, Fair Labor and Business Practices Division, Office of the Attorney General, Commonwealth of Massachusetts, Boston

Assistant Attorney General, Division of Employment and Training, Criminal Bureau, Office of the Attorney General, Commonwealth of Massachusetts, Boston

Associate, Burns & Farrey, Worcester, MA

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# Elizabeth-Ann Foley

## EDUCATION

Suffolk University Law School, J.D., cum laude, 1990  
College of the Holy Cross, B.A., Psychology, 1984

## COURT / BAR ADMISSIONS

Massachusetts  
U.S. District Court for the District of Massachusetts  
United States Court of Appeals for the First Circuit

## SERVICE AREAS

Healthcare fraud, waste, and abuse; Billing and coding; Corporate compliance; Governmental inquiries and investigations; Employment matters

## INDUSTRIES

Academic Medical Centers; Allied Health professionals; Ambulatory Surgery Centers; Ancillary providers; Community Hospitals; Independent & Assisted Living; Managed Care/Behavioral Health; Physicians; Psychiatric providers; Rehabilitation; Skilled Nursing

## PUBLICATIONS & PRESENTATIONS

Presenter, “Dental Billing & Coding Audits and Investigations”, Yankee Dental Congress, CE, January 2016  
Moderator, “Practicing before the Massachusetts Board of Registration in Medicine”, Boston Bar Association, CLE, September 2015  
Presenter, “Payer Audits and Payment Recoupments”, Massachusetts Medical Society, CME, May 2015  
Co-author, “Practice Tips for Handling Overpayments, Payer Audits & Demands for Payment Recoupments”, Massachusetts Medical Society, April 2015  
Presenter, “Medical Billing & Coding Audits and Investigations”, Massachusetts Academy of Dermatology 2015 Spring Meeting, CME, April 2015  
Presenter, “Medical Billing & Coding Audits and Investigations, Massachusetts Medical Society, Interspecialty Committee, June 2014

## PROFESSIONAL MEMBERSHIPS

American Health Lawyers Association  
Boston Bar Association  
Health Care Compliance Association  
Women’s Bar Association



## Elizabeth-Ann Foley

### REPRESENTATIVE MATTERS

- represent and defend healthcare providers in complex government and commercial payor audits and criminal investigations; navigate clients through the audit, recoupment, appeals and settlement processes
- represent providers in investigative and disciplinary matters before professional licensing authorities, such as the Board of Registration in Medicine, Board of Registration in Nursing, and the Division of Health Professions Licensure
- conduct internal investigations and navigate health care clients through employment and civil rights complaints filed with state and federal authorities, including the Office for Civil Rights and the Massachusetts Commission against Discrimination
- identify areas of vulnerability and develop comprehensive compliance plans specific to the unique needs of health care facilities and large physician organizations to ensure compliance with state and federal rules and regulations
- advise clients on all aspects of Medicare, Medicaid, and third-party payor billings and fraud, waste and abuse compliance
- defend health care providers and facilities in complex contractual disputes involving allegations of wrongful termination, discrimination, and violations of the Massachusetts health care whistleblower statute
- successfully defended a community based, acute care facility in an Office for Civil Rights (OCR) review of alleged violations of the Privacy and Breach Notification Rules
- successfully negotiated an 80% reduction of a demand issued by a health plan against a physician, with no additional compliance obligations imposed
- successfully defended a physician in a Medicaid proceeding that sought the immediate suspension of the physician from the Medicaid program
- counseled and advised national client in responding to multiple subpoenas issued by the federal government in several jurisdictions; identified and coordinated the production of responsive documents which included a vast array of electronic records