

Harvey Yampolsky

Harvey Yampolsky has been practicing law in the health field for more than 30 years. Much of his practice involves compliance with the many Medicare and Medicaid statutes and regulations which relate to billing, coding and reimbursement issues or to marketing, innovative delivery systems and business relationships among healthcare providers. Yampolsky is currently chair of the Arent Fox Medical Device Committee.

Client Work

Yampolsky represents a variety of healthcare providers, including physicians, physician practice management companies, clinical laboratories, ambulance companies, hospitals, dialysis companies, medical supply companies and pharmaceutical and device manufacturers.

Yampolsky provides regulatory advice to assist healthcare businesses and practitioners to develop business and marketing practices, billing and coding policies and internal controls that assure compliance with all applicable laws and regulations. He has helped many healthcare providers develop corporate compliance programs, and has performed comprehensive legal audits as part of that effort. He has also conducted regulatory due diligence in connection with significant acquisitions by healthcare companies or investment firms. Finally, Harvey assists clients who are the subject of an audit or a federal or state health care investigation. He has conducted internal corporate investigations, defended companies before law enforcement agencies and negotiated corporate integrity agreements. Two of his most significant cases were National Health Laboratories (NHL) and National Medical Care (NMC). The NHL case set a record when it settled for \$110 million in 1992 and the NMC case set a record when it settled for \$486 million in 2000.

Previous Work

Yampolsky joined Arent Fox in 1990, after having served for 11 years as Chief Counsel to the Inspector General at the Department of Health and Human Services (HHS). In that capacity, he was responsible for supervising a staff of 20 attorneys who provided legal advice to approximately 1,000 auditors and investigators in Washington and throughout the country. Most of Yampolsky's responsibilities involved the operations of the Medicare and

Medicaid programs. He was particularly noted for his role in the enforcement of the Medicare anti-kickback law and the development of the safe harbor regulations under that law. In addition, he worked closely with members of Congress on the development of physician referral legislation (the "Stark Law"). He received several awards from the Inspector General and the HHS General Counsel for his government service.

Prior to his service with the executive branch of government, Yampolsky was Special Assistant to Congressman John Brademas (D-Indiana) and worked in the Leadership Office of the U.S. House of Representatives, was Special Counsel at the Urban Institute and provided community-based legal services in New York City.

Professional Activities

Yampolsky holds membership in the American Health Lawyers Association and the American Bar Association.

Publications/Presentations/Recognitions

Yampolsky lectures frequently on these subjects and is often cited in articles and the news media as a nationally recognized expert in his field. Most recently, his articles have appeared in the BNA Medicare Reports and he has co-chaired or spoken at several conferences on pharmaceuticals and medical devices sponsored by the American Conference Institute (ACI).

Bar and Court Admissions

District of Columbia Bar

New York Bar

Education

New York University, LL.M. 1971

University of Chicago, J.D. 1969

University of Rochester, A.B. 1966