



## Joshua I. Skora

### Partner

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## OVERVIEW

Joshua Skora is a partner and he is a member of the Health Care and FDA practice group. His national practice focuses on representation of public and closely-held health care companies, such as durable medical equipment suppliers and manufacturers, pharmacies, home health and hospice agencies, home infusion providers, ambulatory surgical centers, laboratories, diagnostic testing facilities, telemedicine providers, behavioral health and substance abuse providers, skilled nursing facilities, long term care facilities, and other ancillary health care providers.

Joshua acts as outside general counsel for the majority of his clients, and collaborates with attorneys throughout the firm to address any client need throughout the United States and around the world. Clients trust his advice because he understands business and litigation risk, the health care regulatory landscape, and that regulatory issues are rarely black and white.

He counsels clients on complex corporate and regulatory issues and disputes, including fraud, waste and abuse, compliance, contracting, reimbursement, Medicare/Medicaid enrollment, overpayment audits and appeals, internal investigations, payor disputes, and investigations by federal and state governmental bodies.

Joshua also maintains an active transactional practice, representing clients on acquisitions, sales, corporate reorganizations, and joint ventures.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Joshua was a health care lawyer at a firm with a national practice. In addition, he formerly served as general counsel for a Minneapolis based medical device manufacturer. Joshua was named as one of the “Best Lawyers in Dallas” in 2020 and 2021 by *D Magazine*.

## ACHIEVEMENTS

- Recognized by *Chambers USA* for Healthcare in Texas, 2021

## PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association (ABA)
- American Health Lawyers Association
- Dallas Bar Association
- Secretary, Trustee, The Legacy Senior Communities, Inc.
- District Enrollment Director, Dartmouth College

## SPEAKING ENGAGEMENTS

- "Medtrade Preview: Joshua Skora on Implementing a Payer Playbook," HME News, 15 March 2024
- "Operation Brace Yourself: Lessons Learned from the Trenches and Best Practices to Avoid Investigations Predicated on Third-Party Malfeasance," Medtrade Advisory Board, Atlanta, GA, 22 October 2018

## EDUCATION

- J.D., University of Minnesota Law School, 2006 (*cum laude*)
- B.A., Dartmouth College, 2003

## ADMISSIONS

- Bar of Texas

## THOUGHT LEADERSHIP POWERED BY HUB

- May 2021, May 2021 Accolades
- 8 April 2021, Health Care Transactions Trends in 2021 and Beyond
- 18 December 2020, HHS OGC Weighs in on Sub-Regulatory Guidance in Advisory Opinion: What It Might Mean for False Claims Act Cases After Azar v. Allina Health Services
- 1 May 2020, COVID-19: Labs Beware! – EKRA Expands DOJ's Enforcement Arsenal in the COVID-19 Fraud Battle
- 8 April 2020, COVID-19: CMS Expands Accelerated/Advance Payment Program to Assist Providers Impacted by the Pandemic as AHA and Members of Congress Urge Reductions to Interest Rates
- 24 March 2020, COVID-19: FDA Publishes Enforcement Policies – Ventilator/Respiratory & Remote Patient Monitoring Devices
- 5 September 2019, DOJ's Aggressive Effort to Combat Opioid Crisis Places Everyone in the Crosshairs

- 19 July 2019, The OIG Audits Diagnostic Sleep Studies — How Providers Should Respond
- March 2019, Qui Tam Quarterly - Health Care's New Wilderness: The Intersection of Telehealth & Ancillary Services
- 5 December 2018, Upcoming Changes Regarding the Use of Statistical Sampling for Overpayment Estimation
- 28 March 2018, View from a Federal Prosecutor: Legal Pitfalls to Avoid

## NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 31 March 2023, K&L Gates Recognized on Two Distressed M&A Deal of the Year Awards
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 7 April 2022, Health Care Compliance and Fraud and Abuse Enforcement During COVID-19: What to Expect in 2022
- 24 February 2022, Health Care Compliance and Fraud & Abuse Enforcement during COVID-19: What to Expect in 2022
- 13 July 2021, COVID-19 Government Enforcement Trends and Developments, hosted by Medtrade West
- 13 July 2021, How the Government Uses Data to Hunt Fraud: Audits and FCA, hosted by Medtrade West 2021
- 13 July 2021, COVID-19 Government Enforcement Trends and Developments, hosted by Medtrade West
- 13 July 2021, How the Government Uses Data to Hunt Fraud: Audits and FCA, hosted by Medtrade West 2021
- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 *Chambers USA* Guide
- 2 March 2018, K&L Gates Names 34 New Partners Across Global Platform

## MEDIA MENTIONS

- Quoted, "All OIG Claim Denials From a Vent Audit Are Overturned; OIG National Audit Is Underway," *Report on Medicare Compliance*, 30 January 2023

## AREAS OF FOCUS

- Health Care and FDA
- Appellate Litigation

- Federal, State, and Local False Claims Act
- Food, Drugs, Medical Devices, and Cosmetics (FDA)
- Health Care Payor-Provider Disputes (U.S.)
- White Collar Defense and Investigations

## INDUSTRIES

- Digital Health
- Health Care Sector
- Lab, Pharmacy, and Durable Medical Equipment

## REPRESENTATIVE EXPERIENCE

- Represented React Health Holdings, LLC a holding company whose subsidiaries manufacture and distribute sleep therapy, respiratory therapy and disinfection products in North America in negotiating terms and closing an investment by One Equity Partners.
- Represented React Health Holdings, LLC a holding company whose subsidiaries manufacture and distribute sleep therapy, respiratory therapy and disinfection products in North America, in a merger with Washington-headquartered Ventec Life Systems, Inc., a ventilator manufacturer.
- Represented React Health Holdings, LLC a holding company whose subsidiaries manufacture and distribute sleep therapy, respiratory therapy and disinfection products in North America, in the acquisition of Medi-Lynx Cardiac Monitoring, LLC, a Texas-based remote cardiac monitoring service provider and Medicare-enrolled independent diagnostic testing facility, and in negotiating support and licensing agreements with Medi-Lynx's Polish public parent company, Medicalgorithmics S.A.
- Represented React Health Holdings, LLC a holding company whose subsidiaries manufacture and distribute sleep therapy, respiratory therapy and disinfection products in North America, in the acquisition of Watermark Medical, Inc., a Medicare-enrolled independent diagnostic testing facility. The Medicare-enrolled facility engages in the manufacture and provision of home sleep testing equipment and services and renting or selling of devices to physicians to assist them in the diagnosis of patients with sleep apnea and other sleep disorders.
- Represented React Health Holdings, LLC a holding company whose subsidiaries manufacture and distribute sleep therapy, respiratory therapy and disinfection products in North America, in negotiating terms and closing an investment by Palm Beach Capital.
- Represented Florida-based 3B Medical, a manufacturer of respiratory equipment, in its acquisition of Drive DeVilbiss' sleep division assets. Drive DeVilbiss is a United States-based medical device manufacturer with operations and sales channels in over 80 countries. The purchase price included cash and royalty payments for three years.

- Represented a durable medical equipment supplier against State of Vermont False Claims Act allegations. Successfully settled the dispute and drafted Vermont's first Medicaid Corporate Integrity Agreement.
- Represented medical device manufacturer and durable medical equipment supplier in qui tam lawsuit filed under the federal False Claim Act for alleged fraudulent billing practices in skilled nursing facilities with damages in excess of \$700,000,000. After the DOJ intervened, successfully settled the dispute after discovery and dispositive motions concluded and avoided entering into a Corporate Integrity Agreement with the Department of Health and Human Services.
- Represented a consortium of durable medical equipment suppliers in challenge to Medicare rates for ventilators.
- Represented medical device manufacturers in response to FDA inquiries.
- Represented health care providers and suppliers in response to Department of Justice subpoenas and civil investigative demands. Prepared materials to present to the Department of Justice, Department of Defense, and the Department of Health and Human Services.
- Represented health care providers and suppliers in state Attorney Generals' and professional boards' investigations and disciplinary proceedings.
- Represented a durable medical equipment supplier against a Federal class action lawsuit alleging violations of the Telephone Consumer Protection Act. Successfully obtained summary judgement in client's favor.
- Assist clients in managing and conducting due diligence for prospective transactions and investments.
- Represented durable medical equipment providers in preparation and submission of bids for rounds of the Medicare Competitive Bidding Program.
- Assist clients with corporate governance.
- Represented health care companies (durable medical equipment suppliers, medical device manufacturers, pharmacies, home health agencies, laboratories, skilled nursing facilities, independent diagnostic testing facilities, etc.) in mergers and acquisitions, sales, joint ventures, reorganizations and recapitalizations.
- Represented health care providers and suppliers in conducting internal investigations to identify and quantify overpayments to self-disclose to federal and state regulators.
- Represented health care providers and suppliers in in-network and out-of-network Medicare, Medicaid and commercial payor audits and appeals.
- Represented health care providers and suppliers on Medicare and Medicaid licensure and enrollment issues.
- Represented health care providers and suppliers in response to Medicare, Medicaid and commercial payor payment suspension, revocations, deactivations and terminations.
- Represented health care companies in structuring, forming, and executing telemedicine models.
- Represented health care providers and suppliers in response to HIPAA security breaches and compliance with state and federal reporting obligations.

- Represented health care providers and suppliers in response to Department of Health and Human Services, Office of Inspector General, Office of Audit Services audits.
- Represented health care providers and suppliers in contract negotiations with payors, vendors and other health care companies.
- Represented a durable medical equipment supplier in successful protests of the Department of Veterans Affairs' contract award and subsequent solicitation terms to the Government Accountability Office and the Court of Federal Claims.
- Represented pharmacies in disputes with Pharmacy Benefit Managers for improper audit deficiencies and network terminations. Obtained temporary restraining orders and injunctions enjoining Pharmacy Benefit Managers from terminating contracts.