



Gary S. Qualls

Partner

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OVERVIEW

Gary Qualls is the co-leader of the global Health Care and FDA practice group. He focuses his practice on representing health care clients. He litigates, arbitrates, and mediates healthcare disputes, including disputes involving the following issues: certificate of need; licensing and certification; payment and reimbursement; HIPAA; contracts of all types; medical staff privileges; EMTALA; and civil monetary penalties. He provides a broad range of legal services to the following types of providers: hospital systems; nursing facilities; adult care facilities; continuing care retirement facilities; home health and hospice agencies; dialysis providers; clinical laboratories; physician groups; and other health care providers.

ACHIEVEMENTS

- *Chambers USA Healthcare* - North Carolina (Band 1) 2021
- *Best Lawyers in America* – 2015 Lawyer of the Year, Health Care Law, Morrisville
- *Best Lawyers in America* – Health Care Law, 2003 – Present
- North Carolina Super Lawyers list for Health Care Law, 2007 – 2019
- *Chambers USA Healthcare* - North Carolina (Band 2) 2014

PROFESSIONAL / CIVIC ACTIVITIES

- Member of American Arbitration Association's roster of neutrals (Certified for Healthcare Arbitrator Panel and Commercial Arbitrator Panel)
- Member of American Health Law Association roster of neutrals (Approved Arbitrator and Mediator)
- Member of American Health Law Association since 1991
- Member of North Carolina Society of Health Care Attorneys (Past President and Past Board Member)
- North Carolina Bar Association, Administrative Law Section (prior special committee appointments pertaining to contested case hearings)

- Co-organizer for Southeastern Health Planning Symposia since 2007
- Member of the Wake County Bar Association
- Member of the Federal Bar Association since 2015
- Chair of American Health Law Association Dispute Resolution Service Council

SPEAKING ENGAGEMENTS

- *Triage: K&L Gates Webinar Series on Reference-Based Pricing* -- Published on K&L Gates Hub, February 2017
- *Reference-Based Pricing -- NCHA Webinar Series*, November 1, 2016
- *Tips for Providers in Negotiating and Enforcing Payor Contracts* -- Leading Age PA, February 16, 2016
- *Certificate of Need Reform and Related Issues, Medicaid and CON in the 2015 North Carolina Legislature*, October 22, 2015
- *Practical Arbitration Tips (When to Do it and How to Plan for It)* - K&L Gates Triangle Litigation CLE, February 6, 2014
- *North Carolina CON Law Update* – Third Southeastern Health Planning Symposium, March, 2010
- *North Carolina CON Law Update* – Second Southeastern Health Planning Symposium, March, 2008
- *North Carolina CON Law, Health Planning and Administrative Appeals* – Southeastern Health Planning Symposium, October 9, 2007

ADDITIONAL BACKGROUND

ALTERNATIVE DISPUTE RESOLUTION TRAINING

- Completed North Carolina Mediator Training Program through Mediation, Inc., 2015
- AHLA Health Care Arbitration and Peer Review Hearings, 2014
- Enough Already! Striking the Right Balance of Discovery in Arbitration, 2014
- AAA Managing a Successful Arbitration, 2013
- AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2011
- AAA Payor Provider Orientation, 2011
- ADR Taskforce of the American Health Law Association, Arbitration Training for Advocates and Arbitrators, 2010

EDUCATION

- J.D., Duke University School of Law, 1989 (*Womble Scholarship Recipient*)
- B.S., University of North Carolina at Asheville, 1986 (*magna cum laude, Mortimer Kahn Scholarship Recipient, Mills Foundation Scholarship Recipient*)

ADMISSIONS

- Bar of North Carolina
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Western District of North Carolina

THOUGHT LEADERSHIP POWERED BY HUB

- 23 August 2022, Litigation Minute: When the Federal No Surprises Act's Dispute Resolution Process Does Not Apply: Exempt Payors or State Law
- 16 August 2022, Litigation Minute: When the Federal No Surprises Act's Dispute Resolution Process Does Not Apply: No "Surprise Billing"
- 30 March 2022, Navigating the Independent Dispute Resolution Process Under the No Surprises Act
- 10 February 2022, Navigating the Federal Independent Dispute Resolution Process Within the No Surprises Act: Eight Traps for Unwary Providers
- 28 October 2021, Agencies Propose Rules to Implement No Surprises Act Federal IDR Process
- 12 February 2021, The Federal No Surprises Act and Its Arbitration Provisions
- 22 December 2020, 340B Update: Recent Supreme Court Ruling May Curtail 340B Program Discriminatory Pricing
- 6 August 2020, K&L Gates Triage: Michael P. v. BCBS of Texas
- 16 April 2020, COVID-19: Impact on Hospitals of the Temporary Elimination of the 2% Medicare Sequestration Cuts
- 9 March 2020, COVID-19: Coronavirus' Impact on Healthcare Provider Payment Relationships
- 5 March 2020, K&L Gates Triage: Health Care Provider v. Payor Disputes Simplified: Getting Around ERISA Preemption
- 7 January 2020, Health Care Provider v. Payor Disputes Simplified: Getting Around ERISA Preemption

- 27 June 2019, K&L Gates Triage: Recent Developments in Provider v. Payer Litigation - *Encompass v. Blue Cross*
- 7 February 2019, K&L Gates Triage: Important Takeaways from Omega Hospital, LLC v. United Healthcare Services, Inc.
- 26 July 2018, K&L Gates Triage: Recent Developments in Provider v. Payer Litigation -- Medicare Advantage Disputes
- 5 June 2018, Expanded Option to Settle Medicare Appeals
- 21 May 2018, OMHA to Host Call on Expanded Settlement Conference Facilitation on May 22, 2018
- 17 August 2017, Recent 11th Circuit Decision Is a Victory for Health Care Providers Challenging Insurer Reimbursement Decisions and a Reminder of the Importance of Carefully-Drafted Assignment of Benefits Clauses
- 12 May 2017, Termination of the Affordable Care Act's Cost Sharing Reduction Subsidies
- 22 February 2017, K&L Gates Triage: Reference-Based Pricing: Potential Causes of Action
- 15 February 2017, K&L Gates Triage: Reference-Based Pricing: Case Study & Discussion
- 8 February 2017, K&L Gates Triage: Reference-Based Pricing: Terminology & Theory
- 26 February 2016, North Carolina Court of Appeals Confirms Peer Review Privilege
- 11 February 2016, Federal Appeals Court Rejects Challenge to Virginia's Certificate of Need Law
- 22 October 2015, 340B Orphan Drug Interpretive Rule Struck Down by D.C. District Court: HHS and HRSA Lose In Second Round of Litigation Over 340B Orphan Drug Rules

OTHER PUBLICATIONS

- "Agencies Propose Rules to Implement No Surprises Act Federal IDR Process," *Employee Benefit Plan Review*, January 2022

NEWS & EVENTS

- 17 August 2023, Nearly 400 K&L Gates Lawyers Named Among 2024 Best Lawyers in America, Ones to Watch
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide

- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 Chambers USA Guide
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

MEDIA MENTIONS

- Mentioned, "HIMSSCast: The entangled legal battle over the No Surprises Act," *Healthcare Finance News*, 3 February 2023

AREAS OF FOCUS

- Health Care and FDA
- Appellate Litigation
- Commercial Disputes
- Health Care Payor-Provider Disputes (U.S.)
- International Arbitration