



## Gary S. Qualls

### Partner

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## OVERVIEW

Gary Qualls 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

- *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* – Health Care Law, 2007 – Present
- *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 Lawyers Association roster of neutrals (Approved Arbitrator and Mediator)
- Member of American Health Lawyers 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

## 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 Lawyers 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

- 6 August 2020, K&L Gates Triage: Michael P. v. BCBS of Texas (*Research Surveys*)
- 16 April 2020, COVID-19: Impact on Hospitals of the Temporary Elimination of the 2% Medicare Sequestration Cuts (*Alerts/Updates*)
- 9 March 2020, COVID-19: Coronavirus' Impact on Healthcare Provider Payment Relationships (*Alerts/Updates*)
- 5 March 2020, K&L Gates Triage: Health Care Provider v. Payor Disputes Simplified: Getting Around ERISA Preemption (*Research Surveys*)
- 7 January 2020, Health Care Provider v. Payor Disputes Simplified: Getting Around ERISA Preemption (*Alerts/Updates*)
- 27 June 2019, K&L Gates Triage: Recent Developments in Provider v. Payer Litigation - *Encompass v. Blue Cross* (*Research Surveys*)
- 7 February 2019, K&L Gates Triage: Important Takeaways from Omega Hospital, LLC v. United Healthcare Services, Inc. (*Research Surveys*)
- 26 July 2018, K&L Gates Triage: Recent Developments in Provider v. Payer Litigation -- Medicare Advantage Disputes (*Research Surveys*)
- 5 June 2018, Expanded Option to Settle Medicare Appeals (*Alerts/Updates*)
- 21 May 2018, OMHA to Host Call on Expanded Settlement Conference Facilitation on May 22, 2018 (*Alerts/Updates*)
- 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 (*Alerts/Updates*)

- 12 May 2017, Termination of the Affordable Care Act's Cost Sharing Reduction Subsidies (*Alerts/Updates*)
- 22 February 2017, K&L Gates Triage: Reference-Based Pricing: Potential Causes of Action (*Research Surveys*)
- 15 February 2017, K&L Gates Triage: Reference-Based Pricing: Case Study & Discussion (*Research Surveys*)
- 8 February 2017, K&L Gates Triage: Reference-Based Pricing: Terminology & Theory (*Research Surveys*)
- 26 February 2016, North Carolina Court of Appeals Confirms Peer Review Privilege (*Alerts/Updates*)
- 11 February 2016, Federal Appeals Court Rejects Challenge to Virginia's Certificate of Need Law (*Alerts/Updates*)
- 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 (*Alerts/Updates*)

## NEWS & EVENTS

- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders (*Press Release*)
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide (*Press Release*)
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders (*Press Release*)

## AREAS OF FOCUS

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