



Mary Beth F. Johnston

Partner

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OVERVIEW

Mary Beth Johnston concentrates her practice exclusively in health law, representing major academic medical centers, hospital and health systems, accountable care organizations and provider networks, and pharmacy and clinical laboratory providers.

As a result of this diversified practice, her proficiency extends to federal and state regulatory compliance matters, Medicare and Medicaid reimbursement, FCA and internal investigations, faculty practice plan and other physician compensation models, provider network development and managed care, and health care corporate governance matters. She likewise maintains an active transactional practice, representing clients on hospital acquisitions and joint ventures, as well as health system development and reorganizations. She is an active author and speaker on critical issues affecting the health care industry.

ACHIEVEMENTS

- *Best Lawyers' Health Care Lawyer of the Year Raleigh/RTP Area* – 2011 and 2016
- *Chambers USA Healthcare* - North Carolina (Band 1), 2017-2021
- *American Bar Association Foundation Fellow*
- *Best Lawyers in America*, Health Care Law, 1998-2020
- North Carolina Super Lawyers, Health Care Law, 2006, 2008-2020
- *Nightingale Healthcare News' Outstanding Hospital Lawyer*, 2009
- 2006 Woman Extraordinaire, *Business Leader Magazine*

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association (Health Law Section's eHealth and Privacy Interest Group, Vice-Chair 2000-2003)
- HIPAA Implementation Planning Task Force (North Carolina Healthcare Information and Communications Alliance, Inc., 2001-2002)

- North Carolina Bar Association (Health Law Section Former Council Member)
- North Carolina Society of Health Care Attorneys (Past President)
- Wake County Bar Association, Voluntary Lawyers Program, 1990 and 1994 Pro Bono Award

SPEAKING ENGAGEMENTS

- “DOJ’s Fraud Initiatives as a Result of COVID-19 and How Health Care Providers Should Prepare,” K&L Gates Town Hall, 24 August 2020
- “COVID-19: Health Law Disruption,” AHLA special webinar mini-series, 2020
- “Strategic Approaches to the 340B Program in a Dynamic Regulatory Environment,” Consero Healthcare General Counsel Forum, October 2017
- “Hot Topics in Health Care Law,” K&L Gates Webinar, February 2017
- “After Anthem: Cybersecurity, Data Privacy, and Cyber-Resilience for the Health Care Sector,” seminar and webinar, May 2015
- “Navigating the Maze of Ownership Changes – Emphasis on Medicare and Medicaid Enrollment Strategies,” American Health Lawyers Association, Healthcare Transactions Program, April 2013 & 2014
- “Sunshine Act Compliance,” medical device client webinars, May and June 2013
- “Medical/Legal Update,” 37th Annual Emery C. Miller Medical Symposium, Wake Forest University School of Medicine, August 2008
- “Legal, Ethical & Compliance Issues in Palliative Care,” The Carolinas Center for Hospice and End of Life Care, December 2007
- “Stark II and Anti-Kickback Law Update,” Health Care Compliance Association, Southeastern Division, May 2005
- “Hot Legal Issues,” 54th Annual Meeting, North Carolina Health Information and Management Association, May 2004
- “HIPAA Update,” American Bar Association, Health Law Section, Washington, D.C., November 2003
- “Hot Legal Issues,” Hospital Leaders Institute, North Carolina Hospital Association, April 2003
- “HIPAA,” CED Healthcare Entrepreneurial Roundtable, September 2002

EDUCATION

- J.D., Campbell University, Norman Adrian Wiggins School of Law, 1983 (*cum laude*, *Campbell Law Review*, *Membership Editor*, *Phi Kappa Phi*; *Omicron Delta Kappa*)
- B.A., University of North Carolina, 1980

ADMISSIONS

- Bar of North Carolina

THOUGHT LEADERSHIP *POWERED BY HUB*

- December 2022, December 2022 Accolades - Part 1
- 26 February 2021, What to Expect in Health Care in 2021
- 22 February 2021, The False Claims Act and Health Care: 2020 Recoveries and 2021 Outlook
- 4 September 2020, COVID-19: K&L Gates Triage: COVID-19 and Social Determinants of Health -- A Closer Look at the Disparate Impact of COVID-19 on Ethnic and Racial Minorities
- August 2020, The Future of Health Care in the Wake of COVID-19: COVID-19 Impact On Supply Chain Management Technology
- August 2020, The Future of Health Care in the Wake of COVID-19: Telehealth Privacy And Security Considerations For Providers During The COVID-19 Crisis
- August 2020, The Future of Health Care in the Wake of COVID-19: COVID-19 Impact On Technology and Health Care Delivery
- August 2020, The Future of Health Care in the Wake of COVID-19: Cyber Attack Risks For Telehealth Providers During COVID-19
- 8 May 2020, COVID-19: Health Care In Transition: Re-Opening for Non-COVID-19 Related Care
- 2 April 2020, COVID-19: K&L Gates Triage: COVID-19 Stark Waivers
- 27 February 2020, The False Claims Act & Health Care: 2019 Recoveries and 2020 Outlook
- 20 February 2019, The False Claims Act & Health Care: 2018 Recoveries and 2019 Outlook
- 2 July 2018, CMS Requests Public Comments on the Stark Law to Facilitate Care Coordination
- 31 January 2018, K&L Gates Triage: Triage in 2018: Health Care Topics to Watch in the New Year
- 22 March 2017, K&L Gates Triage: CMS 60-Day Overpayment Rule
- 3 January 2017, K&L Gates Triage: Introduction and Overview
- 2 September 2015, The Affordable Care Act After *King v. Burwell*: With Chaos Avoided in the Near Term, What Does the Future Hold For Health Reform?
- 31 July 2015, The "Cross-Your-Fingers-And-Hope-It-Goes-Away" School of Statutory Interpretation": Recent D.C. Circuit Opinion Orders HHS To Reconsider Stark Law Ban On "Per-Click" Lease Payments
- 24 July 2015, Non-Stark Law Proposed Changes to Policies and Payments under the Physician Fee Schedule for CY 2016

OTHER PUBLICATIONS

- "Complicated Kickback Arrangements Between Vendors and Providers for Items and Services Paid for by Federal Health Care Programs," *Journal of Health & Life Sciences Law Vol. 11, No. 3*, June 2018
- Co-author, Health Care Institutions: Chapter 87, Business and Commercial Litigation in Federal Courts, Fourth Edition, December 2016
- "Real Estate Industry Appraisal Practice versus Federal Health Care Regulations," *co-authored, Journal of Health & Life Sciences Law Vol. 9, No. 2*, February 2016
- "Hurdles to Health Care Reform," *co-authored, National Law Journal*, September 2009
- "Human Subject Research," Chapter 13, *The North Carolina Patient and Provider Rights Guide*, North Carolina Hospital Association, 4th Edition, 2006
- "HIPAA – Backwards and Forwards," *Corporate Counsel, North Carolina Bar Association*, June 2004
- "Developments in Long Term Care," *Prognosis, NCBA Health Section and North Carolina Society of Healthcare Attorneys*, June 2004
- "Electronic Health Records," *Health Information and Technology Practice Guide*, 2nd Edition, American Health Lawyers Association, April 2003
- "HIPAA Administrative Simplification," *The Health Lawyer*, January 2002

NEWS & EVENTS

- 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
- 3 May 2022, K&L Gates Strengthens Health Care Practice with Addition of Another Former U.S. Attorney
- 31 March 2022, K&L Gates Bolsters Litigation Practice with Addition of Former Federal Prosecutor
- 10 February 2022, K&L Gates Deepens Real Estate Group with Addition of Nashville Trio
- 16 December 2021, K&L Gates Continues Strengthening Health Care Practice with Nashville Partner Addition
- 25 August 2021, K&L Gates Partner Mary Beth Johnston Recognized as 2021 MCCA Rainmaker
- 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

- 4 May 2021, K&L Gates Bolsters Investigations Practice with Hire of Former U.S. Attorney as Research Triangle Park Partner
- 26 April 2021, K&L Gates Further Bolsters Health Care Practice with Austin Partner Addition
- 18 March 2021, K&L Gates Adds Health Care Partner, Additional Associates to New Nashville Office
- 3 February 2021, K&L Gates Launches Nashville Office with Hire of 25+ Lawyers
- 24 August 2020, K&L Gates Hosts Town Hall Featuring DOJ's Fraud Initiatives as a Result of COVID-19 and How Health Care Providers Should Prepare
- August 2020, K&L Gates Lawyers Provide Insights on Impact of COVID-19 Across Various Industries
- 7 July 2020, K&L Gates Continues Health Care Practice Growth with Washington, D.C., Partner Addition
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 6 November 2019, K&L Gates Boosts Health Care Practice with Senior In-House Counsel Hires in Dallas and Research Triangle Park
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 15 January 2019, K&L Gates Welcomes Health Care Partner to Research Triangle Park Office
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 10 June 2015, K&L Gates Boosts Public Policy Practice with Addition of Former OMB Associate Director in Washington, D.C., Office
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

AREAS OF FOCUS

- Health Care and FDA
- Academic Medical Centers (AMCs)
- Debt Capital Markets
- Federal, State, and Local False Claims Act
- Health Care Fraud and Abuse (U.S.)
- Hospitals and Health Systems
- Public Finance

INDUSTRIES

- Consumer Products

- Digital Health
- Health Care Sector
- Higher Education Institutions