



GEOFFREY R. KAISER

gkaiser@kaiserfirm.com

Prior to starting **Kaiser Law Firm, PLLC**, Mr. Kaiser served for nearly ten years with the United States Department of Justice in the Criminal Divisions of the United States Attorney's Offices for the Eastern and Southern Districts of New York, two of the premier prosecuting offices within the Justice Department.

While at the Justice Department, Mr. Kaiser directed a wide array of white collar investigations and prosecutions, including but not limited to those involving health care fraud, securities fraud, tax fraud, mortgage fraud, mail and wire fraud, and bank fraud, as well as money laundering and illegal trafficking in counterfeit goods and marks. A number of those investigations involved major global business organizations.

As Chief of Health Care Fraud Prosecutions and Deputy Chief of Public Integrity in the Eastern District U.S. Attorney's Office, Mr. Kaiser directed investigations of fraud allegations against individuals and corporations made under the False Claims Act, the Anti-Kickback Statute, the HIPAA privacy laws, the Food, Drug and Cosmetic Act, and the Prescription Drug Marketing Act. Mr. Kaiser also exercised oversight responsibilities within the Public Integrity Section and over all health care fraud cases within the Eastern District of New York. Moreover, during his career as a federal prosecutor, Mr. Kaiser directed and advised federal law enforcement agents from numerous agencies, including but not limited to the Federal Bureau of Investigation, Food and Drug Administration, United States Postal Inspection Service, Department of Health and Human Services, Secret Service, Drug Enforcement Administration and Bureau of Alcohol, Tobacco, Firearms and Explosives. Mr. Kaiser has received numerous recognitions and honors for his efforts.

Mr. Kaiser also has served as a Managing Director with Navigant Consulting, an international publicly-held consulting firm, in two of the firm's practice groups: Disputes and Investigations and Healthcare Disputes, Compliance and Investigations. While at Navigant, Mr. Kaiser focused on business intelligence services, internal investigations, integrity monitorships and brand protection services.

Mr. Kaiser also has deep experience in private sector legal practice. As a litigation attorney at preeminent law firms in Manhattan and on Long Island, Mr. Kaiser handled a diverse array of commercial litigation matters involving an assortment of business disputes. Mr. Kaiser has particular experience and expertise in the prosecution of claims brought under the False Claims Act.

After graduating law school, Mr. Kaiser served for two years as law clerk to The Honorable Fritz W. Alexander II (Late), who sat on New York's highest court as an Associate Judge of the New York State Court of Appeals.

Mr. Kaiser holds a Juris Doctor degree from New York University School of Law, and a Bachelor of Arts degree with Honors from the University of Virginia, where he also graduated Phi Beta Kappa.

Mr. Kaiser is an adjunct professor of law at St. John's University School of Law, where he teaches Health Care Fraud.

REPRESENTATIVE MATTERS

Health Care Fraud and The False Claims Act

- Negotiated False Claims Act settlement on behalf of Relator against large New York regional hospice based on allegations that the hospice fraudulently billed Medicare and Medicaid for medically unnecessary levels of care and falsely certified patients as terminally ill, and engaged in a retaliatory discharge of Relator for raising compliance concerns.
- Negotiated False Claims Act settlement on behalf of Relator against a large municipal hospital based on allegations that the hospital (1) fraudulently billed Medicare and Medicaid for podiatry hospital services and professional services in violation of program requirements relating to resident supervision and where some services were performed by residents who lacked legal authorization to participate in a graduate education program, and (2) sought reimbursement of graduation education program costs for a podiatry residency program that violated standard and was operated fraudulently.
- Defended multiple medical providers, individual and corporate, against allegations and government investigations brought under the False Claims Act.
- Investigated Nichols Institute Diagnostics and its parent, laboratory giant Quest Diagnostics, under the False Claims Act and the Food, Drug and Cosmetic Act, based on allegations of quality issues affecting various blood tests, including those used to measure parathyroid hormone levels in dialysis and other patients. Investigation led to a \$302 million global settlement with the federal government, then one of the largest settlements ever obtained by the Department of Justice in a medical device case.

- Investigated Orphan Medical, Inc. and its parent Jazz Pharmaceuticals, Inc. under the False Claims Act and the Food, Drug and Cosmetic Act, based on allegations that Orphan Medical marketed the “date rape” drug GHB, under the brand name “Xyrem,” for medical uses not approved by the U.S. Food and Drug Administration. Negotiated \$20 million global settlement with Jazz Pharmaceuticals.
- Investigated global pharmaceutical manufacturers in relation to fraud allegations indicating possible violations of federal laws, including the Anti-Kickback Statute and Prescription Drug Marketing Act.
- Retained as expert by global device manufacturer to advise regarding impact of Anti-Kickback statute on certain contractual arrangements with physician consultant.
- Investigated and prosecuted multiple health care corporations and medical providers related to allegations of fraudulent billing practices.

Financial Fraud Investigations

- Investigated The Bank of New York for its involvement in the dissemination of fraudulent escrow agreements and failure to report evidence of criminal activity involving those agreements as required under the Bank Secrecy Act. Investigation culminated in landmark agreement mandating sweeping reforms of the bank’s suspicious activity reporting and anti-money laundering procedures, ongoing reviews of the bank’s operations by an independent examiner and payment of \$24 million.
- Investigated a Long Island-based mortgage bank and its employees for their involvement in a conspiracy to defraud the Department of Housing and Urban Development through fraudulent mortgage applications containing falsified employment and income data.
- Part of prosecution team that investigated Symbol Technologies, Inc. for its involvement in a massive accounting fraud. Prosecuted Symbol’s former Director of Finance.
- Prosecuted attorney and multiple brokers for concealing exorbitant commissions earned on the sale of private placements formed to fund Hollywood film ventures.

Publications

[“Federal Government Agrees to Global \\$260M Settlement with Florida Hospital Chain”](#)
(October 10, 2018)

[“OIG: Telehealth Equipment Donation Presents Low Risk of Fraud and Abuse”](#) (September 19, 2018)

[“OIG Report Highlights Telehealth Reimbursement Challenges”](#) (May 10, 2018)

[“OIG Report Reminds PT Service Providers to Review Billing Practices”](#) (April 16, 2018)

“Government Dismissal under the False Claims Act: Policy Change or Much Ado About Nothing?,” *Westlaw Journal White Collar Crime* (March 16, 2018)

[“Exploring Limits Of Anti-Kickback Law Employee Safe Harbor”](#) (March 5, 2018)

[“2018 Bipartisan Budget Act and Stark Law Amendments”](#) (February 21, 2018)

[“Deadline Fast-Approaching for Medicaid Managed Care Participating Providers”](#) (November 7, 2017)

[“OIG Audit Discovers \\$51.6 M in Overpayments to Acute-Care Hospitals”](#) (October 17, 2017)

[“Hidden Risks In Practice Acquisitions And Joint Ventures”](#) (May 25, 2017)

[“OIG Releases Compliance Program Update”](#) (April 18, 2017)

[“OIG Rejects Laboratory’s Offer to Provide Free Labeling to Dialysis Facilities”](#) (March 10, 2017)

[“OIG Adds New Safe Harbor Protections in 2017”](#) (January 24, 2017)

[“Five Essential Questions To Mitigate Corporate Compliance Risk”](#) (November 18, 2016)

[“Safe Harbor, Safe Passage Under the Anti-Kickback Statute”](#) (November 11, 2016)

“False Claims Violations in a Post-Escobar World,” *Corporate Compliance Insights* (August 22, 2016)

[“Health Care Compliance: Tips For A Corporate Body Self-Exam”](#) (July 14, 2016) |

[“Prosecutorial Discretion,” *Nutrition Business Journal in Nutrition Business Journal*](#) (March 7, 2016)

[“Hospital ‘Medical Necessity’ Settlements: An Abuse of the False Claims Act?”](#) (November 23, 2015)

[“The Park Doctrine and the Perils of “Off-Label” Promotion”](#) (September 30, 2015)

[“DOJ Policy Memo Urges Prosecutors to Hold Individuals Accountable for Corporate Misdeeds”](#) (September 17, 2015)

[“Potential Changes to the Stark Exceptions in New CMS Proposed Rule”](#) (July 31, 2015)

[“New Payment Models Bring New Healthcare Data Measurement Requirements”](#) (June 30, 2015)

[“Measuring Compliance Risk in Health Care Transactions”](#) (February 10, 2014)

[“Fool’s Gold: How To Avoid Suspect Business Arrangements in Diagnostic Testing Ventures](#) (November 30, 2013)

[“All That Glitters Is Not Gold: The Importance of Compliance Due Diligence In Assessing Healthcare Transaction Value”](#) (September 30, 2013)

["What does the Second Circuit’s Recent Decision in United States v. Caronia Not Say,"](#) *FDLI Food and Drug Policy Forum* (February 13, 2013)

["Due Diligence On Execs, Board Vital When Sizing Up Companies,"](#) *Fund Director Intelligence* (December 20, 2012)

["Risky business: Rx drugs obtained in the secondary market,"](#) *Drug Topics - Special Report* (October 2012)

["Combating Online Counterfeiting with Help from the Lanham Act,"](#) *Italy-America Chamber of Commerce, Inc.* (December 2011)

["Ensuring Product Integrity and Trust in Your Supply Chain,"](#) *Chief Executive.net* (October 5, 2011)

["Billing for drug overfill: New compliance risk or old prohibition?,"](#) *HCCA Compliance Today*(October 2011)

["When The Government Knows Too Much For Its Own Good,"](#) *Law360* (September 9, 2011).

["Health Care Compliance on a Shoestring,"](#) *HCCA Compliance Today*.

[“Corporate Piracy Efforts: Cost Center or Profit Center?,”](#) *Law 360*.

[“Reforming the Major Credit Rating Agencies: What Hath the SEC Wrought?,”](#) *The Metropolitan Corporate Counsel*.

[“Overfill: A Drug Sample in Sheep’s Clothing?,”](#) *BNA Pharmaceutical Law & Industry Report*.

[“The ‘Tone at the Top’: Can it Mitigate C-Suite Personal Liability?,”](#) *Food and Drug Law Journal*.

[“Healthcare – Lessons From The U.S.,”](#) *Fraud Intelligence*.

[“My Brother’s Keeper: The Rise of Independent Monitors,”](#) *The Early Warning System Report*.

[Federal Government Agrees to Global \\$260M Settlement with Florida Hospital Chain](#) (October 10, 2018)

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[Five Essential Questions To Mitigate Corporate Compliance Risk](#) (November 18, 2016)

[Safe Harbor, Safe Passage Under the Anti-Kickback Statute](#) (November 11, 2016)

False Claims Violations in a Post-Escobar World, Corporate Compliance Insights (August 22, 2016)

[Health Care Compliance: Tips For A Corporate Body Self-Exam](#) (July 14, 2016)

[Prosecutorial Discretion, Nutrition Business Journal in Nutrition Business Journal](#) (March 7, 2016)

[Hospital "Medical Necessity" Settlements: An Abuse of the False Claims Act?](#) (November 23, 2015)

[The Park Doctrine and the Perils of “Off-Label” Promotion](#) (September 30, 2015)

[DOJ Policy Memo Urges Prosecutors to Hold Individuals Accountable for Corporate Misdeeds](#) (September 17, 2015)

[Potential Changes to the Stark Exceptions in New CMS Proposed Rule](#) (July 31, 2015)

[Health Services Alert](#) (July 24, 2015)

[New Payment Models Bring New Healthcare Data Measurement Requirements](#) (June 30, 2015)

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Speaking Engagements

[Panelist at PLI Life Sciences Program](#), Enforcement Trends (September 13, 2019)

Business Owners Seminar Series (August 9, 2019)

[5th Annual Compliance Boot Camp](#) (April 29, 2019)

[Huntington Rotary Club](#), “The Legal Pitfalls of Running a Cash Business” (February 27, 2019)

[Panelist at PLI Life Sciences Program](#), Enforcement Trends (August 30, 2018)

Panelist, “Defending an FCA Allegation: Forewarned Is Forearmed” (April 12, 2018)

Panelist, FCA Defense Seminar (April 5, 2018)

Panelist, “Defending a False Claims Act Allegation” (October 24, 2017)

[Panelist at PLI Life Sciences Program](#), Enforcement Trends (August 17, 2017)

Panelist, [NYSBA Medical Marijuana CLE](#) Program (October 14, 2016)

Panelist, [American Conference Institute’s 4th Annual Legal, Regulatory and Compliance Forum on Dietary Supplements](#) (June 27, 2016)

Panelist, “Nursing Home Compliance Updates: HIPAA and Corporate Responsibility,” Greater

New York Healthcare Facilities Association (November 11, 2015)

Co-Presenter, "Legal Update and Quality Management," Greater New York Healthcare Facilities Association (November 19, 2014)

"Risky Business: How Purchasing, Prescribing and Billing for Discounted Pharmaceuticals and Medical Devices Can Result in Criminal Prosecution," Dean's Hour, Nassau Academy of Law, Nassau County Bar Association (January 16, 2013)

"The False Claims Act and Health Care Enforcement Actions," Nassau County Bar Association, Hospital and Health Committee (December 6, 2012)

"Canal Street To Main Street: The Enforcement Challenges Posed By Product Counterfeiting," The Bar Association of Lehigh County Bench Bar Conference, Allentown, PA (December 3, 2011)

"Protecting Your Brand/Food Safety Risks," The Dairy Practices Council's 42nd Annual Conference, Manchester, NH (November 3, 2011)

"Knock-Offs, the Growing Risk of Fraudulently Manufactured Products Making Their Way Into Your Construction Projects," AGC 2011 Conference on Surety Bonding and Construction Risk Management (February 2011)

"Breakfast Roundtable Discussions: Tactical Considerations For Brand Owners In Combating Piracy," Anti-Counterfeiting and Brand Protection West Coast (January 2011)

"Support Services for Brand Protection Programs," Brand Protection Perspectives and Strategies Conference (October 2010)

"Transforming Your Anti-Piracy Program From A Cost Center Into A Profit Center," Legal IQ's 5th Annual Anti-Counterfeiting & Brand Protection Conference (September 2010)

"Trends in CIAs," 13th Annual Health Care Compliance Forum (October 2009)

"Investigating and Resolving Device Misbranding Cases," American Health Lawyers Association, Life Sciences Law Institute (October 2009)

"Key Compliance Issues Facing Directors and Trustees of Health Care and Life Sciences Companies," National Webcast (September 2009)

"Key Compliance Issues Facing Directors and Trustees of Health Care and Life Sciences Companies," Directors Roundtable (April 2009)

“Medical Device Misbranding and Concealment of Quality Defects,” National Health Care Anti-Fraud Association (April 2009)

“The Prosecution of Insurance Fraud Cases in the United States Attorney’s Office,” Guest Speaker, National Insurance Crime Bureau (March 2009)

“Claims Data: How to Get What You Want and Understand What You Got,” Department of Justice Seminar on Successful Strategies for Navigating Health Care Fraud Cases (January 2009)

“Healthcare From A Corporate Counsel’s Perspective,” Legal Tech Conference (January 2009)

“Emerging (Regulatory and Prosecutorial) Focus on Physicians,” 9th Annual Pharmaceutical Regulatory and Compliance Congress and Best Practices Forum (October 2008)

“Challenges Faced By In-House Counsel in the Pharmaceutical & Healthcare Industry,” Masters Conference (October 2008)

“Litigating Healthcare Case,” 12th Annual Healthcare Compliance Forum (October 2008)

“Demystifying AML and OFAC Compliance Breakfast Briefing” (June 2008)

“Ethical Perils and Challenges of E-discovery,” Federal Bar Association, Criminal Law Conference (June 2008)

“Health Care Law Enforcement Compliance Trends and Issues,” New York City Bar Association (May 2008)

“Federal Pricing Enforcement Update,” American Conference Institute Drug Pricing Conference (March 2008)

“Health Care Law Enforcement Initiatives,” Greater New York Hospital Association (November 2007)

“Federal Pricing Enforcement Update,” 5th Annual In-House Counsel Forum on Government Regulation of Prescription Drug Pricing (March 2007)

“Government Investigations Into Allegations of Off-Label Marketing,” American Bar Association, Section of Litigation, Products Liability Committee, 2006 Pharmaceutical Regional CLE Workshop: Current Issues in Pharmaceutical Litigation and Policy (November 2006)

“When Your Client’s Health Law Problems Become Your Own: Meet The AUSAs,” New York

State Bar Association, Health Law Section (September 2005)

Press

Interview for Healthcare Risk Management Magazine article, "Coding Issues Carry Major Liability, Compliance Risks," (July 3, 2018)

Comments on Supreme Court Decision in *Universal Health Services v. Escobar* for FierceHealthcare (June 23, 2016)

Comments on Supreme Court Decision in *Universal Health Services v. Escobar* for FierceHealthcare (June 23, 2016)

Comments on Supreme Court Decision in *Universal Health Services v. Escobar* for Boston Globe (June 17, 2016)

Comments on Supreme Court Decision in *Universal Health Services v. Escobar* for Bloomberg BNA (June 21, 2016)

Comments for Natural Products Insider regarding USPlabs Indictment (November 30, 2015)

Comments for Nutraingredients on USPlabs Indictment (November 19, 2015)

"Ultimate Impact of Caronia Decision Uncertain, but FDA and Prosecutors Might Be More Careful," Philly.com (December 28, 2012)

"Anderson Kill Nabs Brand Expert For Co-Chair Post," *Law360* (March 18, 2011)

Bar Admissions

New York, United States District Court for the Southern District of New York, United States District Court for the Eastern District of New York

Education

New York University School of Law, 1987, J.D.

University of Virginia, *with honors*, Phi Beta Kappa, 1984, B.A.

Kaiser Law Firm, PLLC offers top-flight Whistleblower Representation and Business Intelligence Services.