

John T. Bentivoglio

Skadden

Partner, Washington, D.C.

Government Enforcement and White Collar Crime; Life Sciences and Health Care



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Education

J.D., Georgetown University
Law Center

B.A., University of California, Berkeley

Bar Admissions

District of Columbia
Maryland

Government Service

U.S. Department of Justice: Associate
Deputy Attorney General (1998-2000);
Counsel to the Deputy Attorney
General & Special Counsel for Health
Care Fraud (1997-1998); Trial Attorney,
Criminal Division (1996-1997)

Committee on the Judiciary, U.S.
Senate: Professional Staff Member
(1988-1992); Legislative Assistant
(1986-1988)

John Bentivoglio focuses his practice in representing health care, life sciences, technology and other companies in criminal and civil investigations; compliance program development, implementation and oversight; and regulatory compliance issues. Mr. Bentivoglio has successfully resolved investigations by the U.S. Department of Justice (DOJ), state attorneys general and regulatory agencies. Additionally, he frequently advises boards of directors and senior executives on compliance program and regulatory risk management issues. He also is active in Skadden's *pro bono* program, where he handles guardian *ad litem* and other matters. Mr. Bentivoglio repeatedly has been selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* and *The Best Lawyers in America*, and was recognized as a 2018 BTI Client Service All-Star by The BTI Consulting Group.

Earlier in his career, Mr. Bentivoglio served (at different times) as an associate deputy attorney general, the special counsel for health care fraud and the chief privacy officer at the DOJ in the Office of the Deputy Attorney General. His stint in the Deputy's Office followed his appointment as special assistant to the assistant attorney general for the Department's Criminal Division. At the DOJ, Mr. Bentivoglio handled health care, cybercrime, privacy and international crime matters and was a staff contributor to the president's International Crime Control Strategy.

In November 2020, Mr. Bentivoglio was named a volunteer member of President-elect Joe Biden's presidential transition Agency Review Team for the Department of the Treasury, focusing on national security and regulatory enforcement matters. From 1986 through 1992, he served as a legislative assistant and later as professional staff member for Mr. Biden during his term as chairman of the Senate Committee on the Judiciary.

For more than 30 years, Mr. Bentivoglio has served as an active volunteer firefighter, EMT and board officer for the Bethesda-Chevy Chase Rescue Squad.

Speeches

"10th Annual Pharmaceutical and Medical Device Webinar Series | Part Two: HHS-OIG: A Review of Recent Developments," Skadden webinar series, December 14, 2020

"Introduction to HIPAA and Practical Considerations for Life Sciences Companies," Skadden webinar series, June 2 and 9, 2020

"Pharmaceutical, Medical Device and Biotech Enforcement and Litigation Updates 2020," Skadden webinar series, May 2020

"2019 Year in Review: An Increase in DOJ Life Sciences Settlements and Trends to Look for in 2020," Skadden webinar, January 28, 2020

"Reducing Anti-Kickback Risks Associated With Medical Products," Skadden webinar, October 3, 2019

"FDLI Annual Conference: Exploring Advanced Topics in Food and Drug Law," (panelist), Washington, D.C., May 2-3, 2019

"19th Annual Pharmaceutical and Medical Device Compliance Congress," (moderator), Washington, D.C., November 7-9, 2018

Selected Publications

“Joint Promotional Programs With Physicians Raise Compliance Risks,” *Skadden, Arps, Slate, Meagher & Flom LLP*, May 19, 2021

“DOJ and FDA Target Companies That Undermine FDA Oversight,” *Skadden, Arps, Slate, Meagher & Flom LLP*, May 11, 2021

“Navigating Relationships With Practice Support and Other Tech Vendors,” *Skadden, Arps, Slate, Meagher & Flom LLP*, May 4, 2021

“DOJ’s Evolving Enforcement Approach to Off-Label Promotion,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 27, 2021

“DOJ Introduces Novel Theories of Liability and Requires Unprecedented Controls in Speaker Program Settlement,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 21, 2021

“HHS-OIG Year in Review: Despite Challenges Posed by the Pandemic, 2020 Saw an Uptick in Enforcement Action,” *Skadden, Arps, Slate, Meagher & Flom LLP*, February 10, 2021

“HHS-OIG Signals Increasing Skepticism of Speaker Programs, Identifies Practices That Raise Compliance Red Flags,” *Skadden, Arps, Slate, Meagher & Flom LLP*, November 23, 2021

“Novartis’ \$678 Million Settlement Sets Guideposts for Life Sciences Industry Speaker Programs,” *Skadden, Arps, Slate, Meagher & Flom LLP*, August 24, 2020

“Lessons From Novartis’ \$678M Speaker Program Settlement,” *Law360*, August 5, 2020

“FDA Announces That Domestic Inspections Will Resume,” *Skadden, Arps, Slate, Meagher & Flom LLP*, July 13, 2020

“FDA Issues Guidance on Prescription Drug Sample Distribution During COVID-19,” *Skadden, Arps, Slate, Meagher & Flom LLP*, June 10, 2020

“Skadden Discusses Prosecutions of Medical Technology Companies,” *The CLS Blue Sky Blog*, June 3, 2020

“Prosecutors Are Taking Aim At Medical Technology Companies. Here Are the Biggest Risk Areas,” *Skadden, Arps, Slate, Meagher & Flom LLP*, May 29, 2020

“Enforcement Spotlight: US Prosecutors Continue To Target Medical Technology Companies,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 28, 2020

“Coronavirus/COVID-19 Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 4, 2020

“Drug and Device Manufacturers Remain in DOJ’s Crosshairs,” *The National Law Journal*, January 31, 2020

“Inside DOJ’s Recent Charitable Copay Foundation Settlements,” *Law360*, April 22, 2019

“The Responsible Corporate Officer Doctrine: Protections are Needed Despite DOJ’s Cautious Approach,” *Food and Drug Law Institute’s Update*, December 2018

“10 Steps to Modernizing Corporate Integrity Agreements,” *Law360*, June 20, 2018

“3 New Settlements Highlight DOJ Scrutiny of Device Makers,” *Law360*, April 4, 2018

“Enforcement and Litigation Strategies: Skadden’s Eighth Annual Pharmaceutical, Biotechnology and Medical Device Seminar,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 29, 2018

“Health Care Investigation Trends: Corporate Integrity Agreements No Longer a Given,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 26, 2018

“As Congress Struggles With ACA Repeal, Trump Administration Moves Forward With Regulatory Reform,” *Wolters Kluwer’s Health Law Daily*, February 7, 2018

“As Congress Struggles With ACA Repeal, Trump Administration Moves Forward With Regulatory Reform,” *Skadden’s 2017 Insights*, January 23, 2018

“Will Life Sciences Companies Face More Scrutiny in 2018?” *Law360*, January 9, 2018

“A Dialogue With Corporate Counsel: Skadden’s Seventh Annual Pharmaceutical and Medical Device Seminar,” *Skadden, Arps, Slate, Meagher & Flom LLP*, December 5, 2017

“Aegerion Settles Criminal and Civil Probe of Promotional Practices, REMS and HIPAA Compliance, and Patient Assistance Programs,” *Skadden, Arps, Slate, Meagher & Flom LLP*, September 28, 2017

“Recent Settlements Suggest Off-Label Cases Aren’t Extinct,” *Law360*, August 30, 2017

“Trends in Corporate Integrity Agreements Reflect New HHS OIG Guidance on Use of Exclusion Authority,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 13, 2017

“Republicans Chart New Course For U.S. Health Care System,” *Westlaw Journal Insurance Coverage*, March 3, 2017