

Of Counsel, Washington, D.C.

Life Sciences and Health Care



T: 202.371.7310
greg.luce@skadden.com

Education

J.D., University of Richmond

B.A., University of Virginia
(with distinction)

Bar Admissions

District of Columbia

Virginia

Maryland

U.S. Courts of Appeals for the Fourth, Sixth, Eighth, Ninth, Tenth, Eleventh and D.C. Circuits

U.S. District Courts for Maryland, the District of Columbia, the Eastern District of Virginia and the Northern District of Florida

U.S. Supreme Court

U.S. Court of Federal Claims

Government Service

Assistant Attorney General,
Commonwealth of Virginia

Greg Luce handles civil and criminal litigation and regulatory matters involving the health care industry. For more than 30 years he has represented health systems, pharmaceutical and medical device manufacturers, and other health care providers in litigation involving fraud and abuse enforcement, False Claims Act defense, and Medicare and Medicaid reimbursement.

Mr. Luce focuses on the counseling and defense of health care providers, suppliers, pharmaceutical companies and physicians under state and federal fraud and abuse laws and the False Claims Act, as well as on the design and implementation of compliance programs. In addition, Mr. Luce represents numerous health care providers and corporations in response to civil and criminal investigations under the provisions of the False Claims Act and other statutes. A significant aspect of his practice includes advising clients on voluntary disclosure of statutory and regulatory violations to appropriate government agencies.

Mr. Luce has been recognized as among the top 15 leading lawyers in the U.S. by *Chambers USA: America's Leading Lawyers for Business* (Nationwide — Health Care; District of Columbia — top tier for Health Care) and *The Best Lawyers in America*. He also was named as a BTI Client Service All-Star in 2020 and previously as one of *Law360's* Health MVPs.

Representative Reported Matters

- *United States v. KCI, Inc.* (2019) (motion for summary judgment granted in a 2008 action brought by a whistleblower against Kinetic Concepts, Inc. and KCI USA, Inc.). The *Daily Journal* named this decision one of the Top Defense Verdicts of 2019.
- *United States ex rel. Ruckh v. Salus Rehabilitation, LLC*, 304 F. Supp. 3d 1258 (M.D. Fla. 2018) (reversing a \$350 million jury verdict against defendants).
- *United States ex rel. Godecke v. Kinetic Concepts, Inc.*, No. 2:08-cv-06403-CAS-AGR, ECF No. 283 (C.D. Cal. Aug. 21, 2017) (dismissing False Claims Act *qui tam* suit).
- *United States ex rel. Gravett v. The Methodist Medical Center of Illinois, et al.*, C.D. Ill. (2015) (dismissing False Claims Act *qui tam* suit).
- *United States ex rel. McMullen v. Ascension Health, et al.*, M.D. Tenn. (2013) (dismissing False Claims Act *qui tam* suit).
- *United States ex rel. Baker v. Community Health Systems, Inc., et al.*, D.N.M. (2013) (award of sanctions and attorneys fees against U.S. Dept. of Justice for spoliation of evidence)
- *United States ex rel. Meyer v. Horizon Health Corp.*, 565 F.3d 1195 (9th Cir. 2009) (dismissing for lack of subject matter jurisdiction a *qui tam* action brought under the federal False Claims Act after concluding that the plaintiffs/relators in the action did not qualify as “original sources” of the information underlying their allegations, as required by the False Claims Act).
- *Stalley v. Mountain States Health Alliance, et al.*, 517 F.3d 911 (6th Cir. 2008) (granting attorney’s fees and sanctions following dismissal of plaintiff’s allegations relating to Medicare’s secondary payor law).
- *United States v. Catholic Health Initiatives*, 509 F.3d 517 (8th Cir. 2007) (affirming district court’s dismissal of a *qui tam* complaint for plaintiff’s lack of standing under pertinent Medicare statute and regulations).

- *United States ex rel. King v. Alcon Laboratories, Inc.*, 232 F.R.D. 568 (N.D. Tex. 2005) (dismissing complaint pursuant to F.R.C.P. 9(b) for failure to describe with particularity the alleged fraudulent scheme).
- *Robert Wood Johnson Univ. Hosp., Inc. v. Thompson*, No. 04-CV-142 (JWB), 2004 U.S. Dist. LEXIS 8498 (D. N.J. April 15, 2004) (permanently enjoining the U.S. Department of Health and Human Services' implementation of a hospital Demonstration Project for violating the Civil Monetary Penalties Statute).
- *United States ex rel. King v. Hillcrest Health Center*, 264 F.3d 1271 (10th Cir. 2001) (upholding the district court's judgment dismissing federal False Claims Act action for lack of subject matter jurisdiction).
- *United States ex rel. Cox v. Iowa Health System*, 29 F. Supp.2d 1022 (S.D. Iowa 1998) (granting defendants' motions to dismiss a *qui tam* complaint for failure to state a cause of action and one of the early FCA cases).

Recent Speeches

"A Dialogue With Corporate Counsel: Skadden's Ninth Annual Pharmaceutical and Medical Device Seminar," December 2, 2019

"A Dialogue With Corporate Counsel: Skadden's Eighth Annual Pharmaceutical and Medical Device Seminar," New York, December 11, 2018

"Legal Ethics: Conundrums for Counsel Advising on Compliance Reviews and Voluntary Disclosures – Who and What Must be Reported and How?" American Health Lawyers Association's Physicians and Hospitals Law Institute, Austin, February 8, 2018

"A Dialogue With Corporate Counsel: Skadden's 7th Annual Pharmaceutical and Medical Device Seminar," New York, November 14, 2018

"False Claims Act Developments: What to

Consider When the Government Declines Intervention," (webinar) September 14, 2017

"A Dialogue With Corporate Counsel: Skadden's Sixth Annual Pharmaceutical and Medical Device Seminar," New York, November 15, 2016

"Managing Risk in the Whistleblower Nation," Washington, D.C., April 12, 2016

Associations

Member, ABA Health Law Section

Member of Virginia State Bar Health Law Section (past chair, 1990-1991, and a member of the board of governors, 1988-1991 and 1996-1999)

Board of Directors of the American Health Lawyers Association (1995-2001)

Elected to the inaugural class of Fellows of the American Health Lawyers Association

Selected Publications

"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, 2020

"Insights Conversations: DOJ Enforcement Priorities," *Skadden, Arps, Slate, Meagher & Flom LLP*, September 30, 2020

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

"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

"Trends in Corporate Integrity Agreements Reflect New HHS OIG Guidance on Use of Exclusion Authority," *Westlaw Practitioner Insights For Health*, May 4, 2017

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

"FDA Publications Double Down on Agency's Ability to Prohibit Off-Label Communications, but Narrow Scope of Debate," *Skadden, Arps, Slate, Meagher & Flom LLP*, February 1, 2017

"Inciting Innovation in Drug and Medical Device Development," *Law360*, December 14, 2016

"The 21st Century Cures Act: FDA Reforms Aim to Spur Innovation in the Pharmaceutical, Medical Device and Health Research Sectors," *Skadden, Arps, Slate, Meagher & Flom LLP*, December 13, 2016

"Supreme Court Holds That Violations of the False Claims Act's Seal Requirements Do Not Require Automatic Dismissal," *Skadden, Arps, Slate, Meagher & Flom LLP*, December 7, 2016

"Escobar and the Implied Certification Theory: Initial Cases Raise the Bar on Materiality in False Claims Act Litigation," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 7, 2016

"In Escobar, Supreme Court Upholds False Claims Act's Implied Certification Theory," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 17, 2016