



Brandon W. Shirley
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Brandon W. Shirley is a member of the firm's Health Care Practice Group. His practice areas include Medicare and Medicaid compliance, drafting, reviewing, and negotiating transactional agreements, state surveys and corrective action plans, Federal and State pharmacy laws and requirements, and administrative litigation. Mr. Shirley also has specialized experience with Corporate Integrity Agreements, including implementation, policy drafting, and compliance.

Mr. Shirley brings significant experience in the areas of preventive compliance, responding to adverse government agency actions, and transactional work. Mr. Shirley has extensive experience with State and Federal Medicaid laws, regulations, and policies. Mr. Shirley is well acquainted with the internal workings of the State Medicaid program due to his previous position as the Deputy General Counsel of the Family and Social Services Administration. Mr. Shirley regularly advises on issues regarding Medicaid and Medicaid managed care reimbursement, telehealth and telemedicine, Medicaid waiver programs, Medicaid pharmacy laws and requirements, and handles many other related issues and transactions. Mr. Shirley has specific experience with Federal and State opioid prescribing limitations and requirements on providers in Indiana.

Mr. Shirley is well acquainted with matters relating to Medicaid fraud and abuse, including compliance with the Anti-Kickback Statute and Stark physician referral laws and has experience with qui tam litigation involving those laws. Mr. Shirley has significant experience responding to adverse government agency determinations, including government or managed care audits, Medicaid overpayment determinations, Medicaid payment suspensions, and other provider sanctions. Mr. Shirley regularly files and pursues administrative appeals on behalf of affected medical providers, and has experience drafting corrective action plans for submission to the Indiana State Department of Health in response to negative state surveys. Mr. Shirley's transactional work includes drafting and reviewing various types of contracts, operating agreements, or other documents for hospitals, health systems, and independent practice groups.

Mr. Shirley has related experience involving public disclosure requirements, including compliance

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with open door and open record laws. Mr. Shirley is skilled at understanding and drafting statutes or administrative rules published by government agencies. Mr. Shirley regularly reviews and advises on matters relating to State and Federal health care legislation, and assists with submitting comments to State agencies for proposed rule changes.

PRACTICE AND INDUSTRY TEAMS

- Health Care
- Health Care Litigation
- Health Care Reimbursement
- In-House Counsel Services
- Long-Term Care Providers
- Medicaid Strategy and Health Policy
- Pharmacy and Pharmaceutical Law
- Telehealth and Telemedicine

EDUCATION

- Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana (J.D., *Dean's List*, 2010)
 - Vice President, J. Ruben Clark Law Society
 - Participant, Trial Practice Course
 - Participant Staton Intramural Moot Court Competition
- University of Utah, Salt Lake City, Utah (B.A. in English, *magna cum laude*, 2007)

BAR & COURT ADMISSIONS

- Indiana, 2010
- U.S. District Court for the Northern District of Indiana
- U.S. District Court Southern District of Indiana

PUBLICATIONS

- [Co-Author, "Indiana Medicaid Rule Changes to Expect for 2019", Krieg DeVault Health Care Newsletter \(January 2019\)](#)
- [Co-Author, "Medicaid Presumptive Eligibility Moves to Fee-For-Service", Krieg DeVault Health Care Newsletter \(December 2018\)](#)
- [Co-Author, "US Department of Justice Announces Changes to Corporate Investigation Protocol", Krieg DeVault Health Care Newsletter \(December 2018\)](#)
- [Co-Author, "CMS Rule Reducing Medicare Payments for Certain Clinic Visits by Off-Campus PBDs", Krieg DeVault Health Care Newsletter \(December 2018\)](#)
- [Co-Author, "Indiana Medicaid publishes a proposed rule overhauling its Medicaid program integrity requirements", Krieg DeVault Health Care Newsletter \(October 2018\)](#)
- [Co-Author, "Trump Administration Makes Changes to Appointment of Federal Administrative Law Judges", Krieg DeVault Health Care Newsletter \(September 2018\)](#)

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- "US Department of Justice Issues Two Memoranda That Limit False Claims Act Litigation", Indiana Podiatric Medical Association Forward, 2018
- [Co-Author, "HHS OIG Recommends Greater Efforts by Medicaid Managed Care Organizations in Identifying and Addressing Medicaid Fraud and Abuse", Krieg DeVault Health Care Newsletter \(August 2018\)](#)
- [Co-Author, "The Joint Commission to Require Immediate Notification for Loss of Deemed Status", Krieg DeVault Health Care Newsletter \(June 2018\)](#)
- [Co-Author, "Indiana Medicaid Proposes Overhaul of Program Integrity Rules", Krieg DeVault Health Care Newsletter \(June 2018\)](#)
- [Co-Author, "Indiana Medicaid Finalizes Rule Changes Affecting Medicaid Home Health Providers", Krieg DeVault Health Care Newsletter \(May 2018\)](#)
- [Co-Author, "Bipartisan Budget Act Includes Important Changes to Fraud and Abuse Penalties", Krieg DeVault Health Care Newsletter \(May 2018\)](#)
- [Co-Author, "CMS Revises the MLN Telehealth Services Booklet", Krieg DeVault Health Care Newsletter \(March 2018\)](#)
- [Co-Author, "OIG Allows Retail Pharmacy's Discount Program to Include Medicaid and Medicare Beneficiaries", Krieg DeVault Health Care Newsletter \(October 2017\)](#)
- ["United States Senate Narrowly Fails to Advance Health Care Reform Legislation", Krieg DeVault Health Care Newsletter \(July 2017\)](#)
- ["HHS To Review Anti-Discrimination Rule That Applies Protections to Transgender Patients", Krieg DeVault Health Care Newsletter \(July 2017\)](#)
- [Co-Author, "DOJ Releases Guidelines for Evaluating Effective Compliance Programs", Krieg DeVault Health Care Newsletter \(April 2017\)](#)
- ["HHS OIG Publishes New Regulations that Expand its Authority to Exclude Health Care Providers from Participation in the Program", Krieg DeVault Health Care Newsletter \(February 2017\)](#)
- ["HHS OIG Adds New Authorities to the Anti-Kickback Statute and Civil Monetary Penalties Law", Krieg DeVault Health Care Newsletter \(February 2017\)](#)
- "Federal judge temporarily enjoins rule prohibiting discrimination on the basis of gender identity", Krieg DeVault Health Care Newsletter (January 2017)

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