

# Raja Sékaran

Partner | San Francisco

rsekaran@nossaman.com

415.438.7205

50 California Street, 34th Floor  
San Francisco, CA 94111



Raja Sékaran is Co-Chair of Nossaman's Healthcare Group, and has practiced in the healthcare industry for twenty-five years. He represents healthcare delivery systems, health plans, hospitals, Federally Qualified Health Centers, dialysis centers, medical groups, medical device companies, other providers, private equity investors, trade associations and a major academic medical center. His practice focuses on corporate structuring and operations, regulatory compliance, government investigations, white collar defense, Medicare, Medicaid and revenue cycle. In addition, he advises health plans and risk-bearing providers on network contracting and matters pertaining to the laws of managed care, including the Knox-Keene Act in California. In that capacity, he serves as outside counsel to the largest independent practice association in Northern California, as well as California's private sector health insurance exchange for employers of under one hundred employees. Additionally, he has been instrumental in guiding healthcare industry clients through the many rapidly evolving regulatory and operational issues associated with the outbreak of COVID-19.

Raja brings a comprehensive perspective to his practice obtained through experience in both the private and public sectors. After beginning his health law career as an Associate at Nossaman, he served as Senior Counsel in the Office of Inspector General (OIG) for the U.S. Department of Health & Human Services, where he undertook False Claims Act investigations, negotiated Corporate Integrity Agreements, brought administrative litigation and authored OIG advisory opinions involving the federal Anti-Kickback Statute. Following his public service career, Raja held a number of corporate leadership positions, including Vice President of Regulatory Affairs of a national, publicly-traded healthcare company, Chief Legal Officer and Compliance Officer (respectively) of two California health plans and Vice President & Associate General Counsel of the nation's fifth largest healthcare delivery system. With this diverse and deep background, Raja represents his clients in transactions, disputes, regulatory matters, government investigations and voluntary compliance activities. As a registered lobbyist, he also advances his clients' interests in federal and state agencies and through proposed legislation.

Raja has significant corporate governance experience both with clients and in his own right. He is a member of the Board of Directors and Chair of the Audit Committee of Elder Care Alliance, an owner and operator of senior living communities. In this role, his committee oversees annual audit and enterprise risk management. He previously served as its Chair of the Corporate Governance and Board Development Committee. As an active leader in various professional settings, Raja is well respected in the legal and healthcare sectors.

Additionally, Raja is the Co-Chair of Nossaman's Minority Affinity Group and a member of the Firm's Diversity, Equity & Inclusion Committee, as well as its Political Action Committee Board.

## EXPERIENCE

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**Health Plan and IPA Merger and Sale.** Co-led a multidisciplinary team to advise a health plan and independent practice association (IPA) based in Northern California on their merger and sale to a population health management company. We guided our client through multiple transactions in order to combine strategic corporate transactional structures while steering clear of significant regulatory risks at both the federal and state levels. We also secured regulatory approval from the California Department of Managed Health Care.

**COVID-19 response.** Represents a variety of clients on pandemic-related issues, including test importation and distribution, clinical regulatory waivers, revenue cycle policy making, political advocacy and white-collar defense of a federal COVID-19 criminal fraud investigation.

**Independent practice associations (IPA).** Serves as outside counsel to two major IPAs serving hundreds of thousands of members in eleven counties of Northern California. Both IPAs also operate Restricted Knox-Keene healthcare service plans.

**Restricted Knox-Keene Plan in a County-Operated Health System (COHS).** Serves as primary business and regulatory counsel to a restricted Knox-Keene health plan contracted with a COHS in Central California.

**Local Health Authority for Managed Medicaid.** Appointed to be outside counsel to a Local Health Authority to administer the county's managed care program for Medi-Cal.

**Nonprofit healthcare system.** Leads the Firm's representation of this system, which spans three states and includes hospitals, clinics and physician groups. Raja handles regulatory matters involving physician transactions and billing of federal health care programs. In doing so, Raja leads privileged audits, investigations, policy formation and, when necessary, self-disclosures to government agencies.

**Academic medical center.** Provides advice and counsel on a range of regulatory issues for a medical school and its affiliated hospitals, including those related to physician transactions and addressing the COVID-19 pandemic in coding, billing and operations.

**Federally Qualified Health Centers (FQHCs).** Serves as counsel for several FQHCs in matters relating to business strategy, government reimbursement, risk contracting and managed care licensing.

**Medtech Regulatory Representation.** Provides both public policy advocacy and legal representation to an optical medtech company in matters involving the Federal Trade Commission (FTC) and the U.S. Food and Drug Administration (FDA).

**Corporate practice of medicine investigations.** Represents telemedicine companies and device manufacturers in investigations brought by professional boards under the Department of Consumer Affairs.

**Other Government investigations.** Represents diverse clients in active investigations at the state and federal levels. Over his career, Raja has been involved in over 100 government investigations, approximately 75 under the False Claims Act.

**False Claims Act DOJ investigations.** Brought to conclusion a False Claims Act investigation against a medical group related to its relationships with a specialty lab. Currently representing a specialty pharmacy in False Claims Act litigation related to Medi-Cal reimbursement.

**Hospital Quality Institute.** Led the Nossaman team in constructing a contracting and data protection model for the client to perform data analyses for up to 380 hospitals, integrating vendors and hospital trade associations. The model was designed to comply with privacy, data security and antitrust laws and required numerous contract types containing regulatory safeguards.

**Medical group mergers and reorganizations.** Represented radiology, gastroenterology and a telemedicine group in their mergers, ownership structure reorganization and relationship to its management services organization.

**Gastroenterology medical group.** Completed a gastroenterology medical group merger including an in-office pathology lab.

**Private equity investors.** Served as regulatory counsel to private equity investors in successful sales and acquisitions of interests in a speech-language pathology group, a clinical trial company and a group of surgery centers.

**Legislative advocacy.** Represents multiple COVID-19 testing companies at both the federal and state levels. Lobbied for a disease advocacy organization to secure continued state funding of its disease registry. Represents a provider in seeking passage of a private bill in Congress to remedy a Medicare reimbursement error.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Private Equity & M&A—What's Happening," The Bridge Group's 2021 Fall Meeting, Nashville, TN, 11.19.2021

Speaker, "Government Enforcement Update," The Bridge Group's 2021 Fall Meeting, Nashville, TN, 11.19.2021

Keynote Speaker, "Regulatory, Enforcement Updates and Hot Topics," HCCA's Virtual Regional Healthcare Compliance Conference, 06.11.2021

Speaker, "Medical Director Roles and Responsibilities," California Ambulatory Surgery Association and Nossaman LLP's Managing the ASC Medical Staff, Los Angeles, CA, 03.05.2020

Moderator, "Reimbursement Strategies," 5th Annual West Coast Ambulatory Surgery Center Seminar, Los Angeles, CA, 03.07.2019

Moderator, "Monitoring Compliance and Physician Relationships," 5th Annual West Coast Ambulatory Surgery Center Seminar, Los Angeles, CA, 03.07.2019

Presenter, "A Day in the Life of a Healthcare Regulatory Lawyer," Hardesty Healthcare Solutions Luncheon Series, 03.09.2018

Moderator, "Opportunities and Limitations for ASCs in a Value-Based Environment," 4th Annual West Coast Ambulatory Surgery Center Seminar, Los Angeles, CA, 03.07.2018

Co-Presenter, "What Keeps You and Your Clients Up at Night? Brainstorming Thorny Fraud and Abuse Issues," American Health Lawyers Association Webinar, 02.2018

Speaker, "Different Sides/Different Perspectives – Review of Topical False Claims Act Healthcare Cases," California Society for Healthcare Attorneys Fall Meeting, Los Angeles, CA, 11.03.2017

Co-Presenter, "When 21st Century Innovations Meet a 20th Century Legal Framework: Issue Spotting for the Healthcare Lawyer," 2017 AHLA Annual Meeting, San Francisco, CA, 06.27.2017

Panelist, "The Future of Individual Liability for Corporate Misconduct," 2016 ACC Annual Meeting, San Francisco, CA, 10.16.2016

Co-Presenter, "Corporate Integrity Agreement Design & Enforcement – How to Mitigate Liability," Health Care Compliance Association, Compliance Institute, 10.2015

### PUBLICATIONS

Co-Author, "What the Bay Area Shelter in Residence Order Means for Your Healthcare Operations," *Nossaman eAlert*, 03.17.2020

Co-Author, "With Every New Year, a New Lookback Period for Medicare Claims Audits," *Compliance Today Magazine*, 06.10.2019

Author, "Jack's Telescope – A Tribute to Jack Knox," *California Health Law News*, 10.01.2017

## HONORS & RECOGNITIONS

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Chosen for individual recognition for Healthcare in California by *Chambers USA*, 2021

Named to the list of "Healthcare Trailblazers" by *The National Law Journal*, 2020

Named a "Top Healthcare Lawyer" by the *Daily Journal*, 2020-2021

Named a "Notable Practitioner" by *Chambers USA*, 2020

## COMMUNITY & PROFESSIONAL

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Law360 Health Editorial Advisory Board, 2019-2020

California Society for Healthcare Attorneys, Past President, 2013-2015

American Health Lawyers Association, Member

Health Care Compliance Association, Member

South Asian Bar Association, Member

## PRACTICES

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Health Law

Government Relations & Regulation

Corporate

Managed Care

Ambulatory Surgery Centers

## INDUSTRIES

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Healthcare

Hospitals, Health Facilities, Medical Staffs & Foundations

Medical Groups

## EDUCATION

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Georgetown University Law Center, LL.M., 1997, *with distinction in Healthcare Law*

Cornell Law School, J.D., 1992

University of California, Berkeley, B.A., 1988, *with distinction*

## ADMISSIONS

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California