

# Raja Sékaran

Partner | San Francisco

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Raja Sékaran has practiced in the healthcare industry for more than twenty-five years and serves as co-chair of Nossaman's Healthcare Group. Raja represents healthcare delivery systems, health plans, hospitals, Federally Qualified Health Centers, medical groups, medical technology companies, other providers, private equity investors, healthcare trade associations, a major academic medical center and California's private insurance exchange for small group employers.

Raja's practice focuses on corporate structuring and operations, regulatory compliance, government and internal 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 the board-appointed counsel to the largest independent practice association in Northern California.

Additionally, Raja has been instrumental in guiding healthcare industry clients through the many rapidly evolving regulatory and operational issues associated with the outbreak of COVID-19. This covers numerous areas including the operational and software licensing aspects of moving providers to video visits, as well as the revenue cycle and billing implications of COVID testing under the CARES Act, and including lobbying government agencies for acceptance of new testing modalities. Further, Raja represents a cooperating witness in the U.S. Department of Justice's first prosecution under its COVID-19 Fraud Task Force.

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 serves as 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 Racially & Ethnically Diverse 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's Cybersecurity Breach.** For an existing client, Raja led the internal investigation into an elaborate cybersecurity breach involving spear phishing and identity theft leading to the loss of nearly a million dollars. Raja's investigation included forensic tracking to identify the hacker's location. The FBI used his investigative report to open a grand jury proceeding into an identified suspect. Additionally, Raja and his team were able to recover most of the stolen funds through both insurance claims and a settlement with one of the hacker's banks.

**Outside General Counsel to Independent Practice Association.** Raja serves as lead outside counsel to this Independent Practice Association (IPA) comprised of more than 4,500 physicians throughout Northern California. (An IPA is a managed care contracting entity formed to enter into agreements to assume responsibility for the healthcare of members of insurers and health plans without violating antitrust and other regulatory laws.) His legal responsibilities and representation range from corporate governance to regulatory compliance to policy formation to payer negotiations and physician disciplinary proceedings.

**County Local Health Authority.** Raja is lead counsel for this public entity in its effort to establish a new health plan to offer a single-plan Medi-Cal managed care program for this California county. This involves a complex regulatory process involving the Department of Managed Health Care, the Department of Health Care Services, and the Centers for Medicare & Medicaid Services.

**Major Academic Medical Center.** Raja serves as lead counsel for Nossaman to a leading research and teaching institution in Southern California that comprises multiple hospitals and affiliates in the Los Angeles Metropolitan Area. As such, it is at the cutting edge of not only medical science but also the conjoining of law and medicine to drive innovation and growth. In this environment, Raja provides advice and transactional support in a fast-paced environment across numerous business units on a variety of regulatory matters. This work includes advice and counsel on issues related to physician transactions and addressing the COVID-19 pandemic in coding, billing and operations.

**Hospital Quality Institute (HQI).** Raja serves as lead counsel for HQI, which is a joint venture between the California Hospital Association, Hospital Association of Southern California, the Hospital Association of San Diego and Imperial Counties, and the Hospital Council of Northern & Central California. As such, HQI is the primary, shared organization providing patient safety and quality data analytics for the hospitals of California. Raja has assisted HQI with designing and building a data analytics program to comply with privacy, data security and antitrust laws. Currently, he is working with HQI to contract with hospitals to enroll them in the program.

**Health Plan and IPA Merger and Sale.** Raja 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.

**Restricted Knox-Keene Plan in a County-Operated Health System (COHS).** Raja 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.** Raja serves as outside counsel to a Local Health Authority to administer the county's managed care program for Medi-Cal.

**Nonprofit Healthcare System.** Raja leads the Firm's representation of this system, which spans three states and includes hospitals, clinics and physician groups. He 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.

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

**Medtech Regulatory Representation.** Raja 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).

**Specialty Pharmacy.** Raja secured a stay of the suspension of Medicaid program payments to a specialty pharmacy that dispenses and distributes HIV/AIDS medication to vulnerable and low-income populations. The pharmacy had received a notice of payment and provider-number suspension. If permitted to proceed, the suspension would have caused immediate hardship and care interruptions for hundreds of Medicaid beneficiaries. Before it went into effect, the Medicaid agency indefinitely stayed the suspension after we advocated for a stay and demonstrated the devastating effect it would have on vulnerable populations. The resulting stay represented a successful outcome for both the client and the Medicaid beneficiaries it serves.

**Corporate Practice of Medicine Investigations.** Raja represents telemedicine companies and device manufacturers in investigations brought by professional boards under the Department of Consumer Affairs.

**Other Government Investigations.** Raja 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.** Raja brought to conclusion a False Claims Act investigation against a medical group related to its relationships with a specialty lab. He is currently representing a specialty pharmacy in False Claims Act litigation related to Medi-Cal reimbursement. He also represents an electronic health record company in responding to a government subpoena related to physician transactions.

**Medical Group Mergers and Reorganizations.** Raja has represented a radiology, gastroenterology and telemedicine group in their mergers, ownership structure reorganization and relationship to its management services organization.

**Private Equity Investors.** Raja 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.** Raja represents multiple COVID-19 testing companies at both the federal and state levels. He lobbied for a disease advocacy organization to secure continued state funding of its disease registry. He 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, "DMHC and DHCS Fine L.A. Care \$55 Million in Enforcement Actions," *Nossaman eAlert*, 03.10.2022

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*, 2021-2022

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

Named a "Top Healthcare Lawyer" by the *Daily Journal*, 2020-2022

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

Managed Care

Healthcare Fraud & Abuse

Governmental Advocacy

HIPAA

Medicare/Medi-Cal Compliance & Payments

Government Relations & Regulation

Corporate

Ambulatory Surgery Centers

Corporate Governance

## INDUSTRIES

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Healthcare

Hospitals, Health Facilities, Medical Staffs & Foundations

Professional Societies & Associations

Medical Groups

Government & Public Sector

## 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