



Matthew W. Wolfe

Partner

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t 919.835.4647



Matt Wolfe guides clients through the evolving legal and regulatory environment to meet their business needs and the needs of those they serve. Clients have relied on him to navigate federal and state health reform, Medicaid and Medicare changes, and a broad variety of health law and policy. He works proactively with clients to ensure compliance and minimize violations. Matt provides counsel to health care clients who are growing, exiting, or otherwise adapting to the increasingly complex health care industry.

When a government agency, private contractor, or other body initiates an investigation, Matt knows how to respond. He defends clients from a variety of regulatory challenges, including Medicaid and Medicare program integrity actions, False Claims Act actions, terminations, denials, postpayment reviews, prepayment reviews, and payment suspensions. He also represents providers in matters before licensing boards and other regulatory bodies.

Matt also helps clients resolve disputes with state government entities through administrative litigation. He has significant experience filing matters in the Office of Administrative Hearings and seeing them through contested case hearings and defending favorable decisions on appeal. Matt has also fought for patients directly so that they could access needed services. Matt's administrative, state, and federal litigation experience extends beyond health care to include other highly regulated fields such as education, energy, security, and transportation.

Matt's health care clients include health systems, acute care hospitals, psychiatric hospitals, physician practices, home health agencies, federally qualified health centers and look-alikes, hospice providers, behavioral health agencies, skilled nursing facilities, adult care homes, durable medical equipment suppliers, licensed professionals (e.g., physicians, nurses, licensed clinical social workers, respiratory therapists), and health IT and billing vendors.

Matt has a broad range of experience intervening on behalf of clients with government agencies and elected officials. Matt also provides legal and legislative counsel to trade associations and routinely speaks at national and state conferences on legal and policy issues.

Prior to joining Parker Poe, Matt served as a law clerk for the Honorable James C. Dever III, United States District Judge for the Eastern District of



RALEIGH OFFICE



PRACTICE AREAS

Government & Public Policy
Government Relations & Lobbying
Administrative Law



EDUCATION

Duke University
JD, 2008
Duke University
MPP, 2008
University of Rochester
BA, *cum laude*, 2003



ADMISSIONS

North Carolina, 2008



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North Carolina. While at Duke University School of Law, Matt served as an article editor on the *Duke Law Journal* and was a member of the National Moot Court team and the Mock Trial Board.

Before law school, he taught students with special needs in New Orleans, Louisiana, through Teach for America. He also served as a legislative aide in the British House of Commons. He served as assistant finance director for the campaign of former Representative Tom Reynolds (R-NY). He then worked in the Communications Section of the National Republican Congressional Committee under former Representative Tom Davis (R-VA).

REPRESENTATIVE EXPERIENCE

- Counsels health care providers on legal matters, including powers of attorney, consent and capacity issues, and mental illness and substance abuse commitment and treatment.
- Advises clients on confidentiality and privacy issues, including HIPAA compliance, fraud and abuse laws, licensure and certification issues, and risk management.
- Represents clients in Medicaid and Medicare audits, including negotiations, informal and formal hearings, and appeals.
- Advises clients on Medicaid, Medicare, and third-party reimbursements.
- Conducts internal investigations.
- Represents clients in professional licensing and facility licensure matters and litigation.
- Negotiates contracts relating to health care and related services.
- Represents clients in connection with agency rule-making and regulation with particular experience before the United States and North Carolina Department of Health and Human Services.
- Provides advice and strategic guidance relating to legislative and regulatory developments affecting the health care industry.
- Represents clients as a registered lobbyist before the North Carolina General Assembly.
- Assists clients with procurement proceedings and government contracts.



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- Routinely speaks at conferences on cutting-edge issues in health care and administrative law.
- Filed an amici curiae brief on behalf of national and state provider associations in the North Carolina Supreme Court.
- Prevailed in several administrative hearings relating to significant Medicaid recoupments.
- Obtained injunctions to prevent payment suspensions and closure of providers.
- Assisted in litigation, including several appeals, that successfully challenged home care regulatory changes, allowing thousands of disabled and elderly North Carolinians to continue to receive home care services.
- Prevailed in a federal court challenge of federal hospice regulation.
- Obtained numerous favorable settlements involving Medicaid audits and licensure violations, including several million-dollar-plus recoupments, which were reduced through appeal or settled in litigation for less than 1 percent of the government's original recoupment request.
- Earned favorable decision and attorney's fee award in representing Medicaid recipient challenging a termination of Medicaid services.
- Assisted with legislation that allows children residing in residential treatment facilities to receive education while receiving psychiatric treatment.

CLIENT ALERTS

- "How North Carolina Law Is Changing for Behavioral Health Providers," September 2018
- "What Home Health Agencies Need to Know as Federal Government Restarts Burdensome Pre-Claim Review, Offering 'Choice' of Punishment," June 2018
- "Appeals Court Win Gives Providers Another Way to Challenge Medicare Appeals Backlog," April 2018
- "North Carolina's New Plan for Mental Health," February 2018



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- "CMS Rolls Back Mandatory Bundled Payment Programs," December 2017
- "As Medicare Audit Season Approaches, an Update on the Appeals Backlog," November 2017
- "Oct. 3 Webinar on Recruiting and Retaining Top Talent: A Noncompete Law Update," September 2017
- "Building an Effective Compliance Program," July 2017
- "How Medicaid Affects Behavioral Health: Coverage, Expansion and Reform," May 2017
- "Webcast Replay Available: Reviewing Significant Employment Law Issues Facing Medical Practices Today," March 2017
- "Federal Health Care Leaders Write Governors About New Direction for Medicaid," March 2017
- "March 22 Webcast: Employer's Risk & Responsibility in Preventing Violence in the Workplace," March 2017
- "Providing Insight on March 30: ACA-Related Litigation and Impact of New Administration at AHLA Institute on Medicare and Medicaid Payment Issues," March 2017
- "Caution About Fake Phone Calls from Health Care Agencies," March 2017
- "Feb. 21 Webcast: Reviewing Significant Employment Law Issues Facing Medical Practices Today (free)," February 2017
- "Feb. 27 Webcast: The 60 Day Rule & What It Means for Your Home Health & Hospice Agency," February 2017
- "First Episode of Parker Poe Rapid Response: CMS Final Rule on Nursing Home Arbitration Agreements," September 2016
- "CMS Finalizes Rule on Reporting and Returning Medicare Overpayments," May 2016
- "Supreme Court Holds that Medicaid Providers Do Not Have Right to Challenge Medicaid Reimbursement Rates under Supremacy Clause," April 2015



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- "Supreme Court Case Does Not Directly Challenge Obamacare, But Could Lead to Its Implosion.," March 2015
- "When the Auditors Come Knockin'," October 2014

PUBLICATIONS

- "The Provider's Duty to Protect Patients and Third Parties," Journal of Health & Life Sciences Law, June 2019
- "Pitfalls & Compliance Issues: CMS Offers 'Choice' of Punishment by Restarting Home Health Payment Review Program," Home Healthcare Now, January/February 2019
- "42 C.F.R. Part 2 in Retrospective: The 30-Year Journey of the Alcohol and Drug Abuse Treatment Confidentiality Regulations," AHLA Member Briefing, May 2017
- "Salvaging a Remedy: How Medicaid Providers Can Challenge Rate Cuts in the Wake of *Armstrong v. Exceptional Children's Center*," Federal Lawyer, September 2015
- "Medicaid & Medicare Audits: An Emerging Threat to Providers," Prognosis, July 2012
- "Punitive Damages," January 2009
- "Fairness Through Guidance: Jury Instruction on Punitive Damages After *Phillip Morris v. Williams*," Charleston Law Review, January 2008
- "The Shadows of Future Generations," Duke Law Journal, January 2008
- "Mother and Child: A Multi-Determinant Model for Maternal and Infant Health Outcomes in Urban, Low-Income Communities and the Effectiveness of Prenatal Care and Other Interventions," Journal of Public and International Affairs, March 2006

SPEAKING ENGAGEMENTS

- "Legal Trends for Home Health," Home Health Care News Summit, September 2019



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- "Legal & Regulatory Changes," Association for Home & Hospice Care of North Carolina (AHHC) Annual Convention & Expo, April 2019
- "Panelist at THRIVE Program for Minority Students," Parker Poe's Raleigh Office, February 2019
- "Behavioral Health and Integrated Care in 2019: Legal and Regulatory Considerations," i2i Center for Integrative Health, December 2018
- "What's Ahead for Medicaid in North Carolina and South Carolina?," Moderator, Parker Poe Health Care Law and Policy Symposium, November 2017
- "Shining Light on Medicare Recovery Audits (RACs)," Association for Home & Hospice Care of N.C., November 2017
- "The Evolution of Medicaid: An In-Depth Panel Discussion on the Future of Medicaid in North Carolina," N.C. Society of Health Care Attorneys 2017 Annual Meeting, October 2017
- "Regulatory Risks: The Exposures and Insurance Solutions," American Society for Healthcare Risk Management, N.C. Chapter, November 2016
- "A Culture of Compliance in the Age of Audits," Behavioral Health Client Annual Conference, December 2012
- "Legal Update for Home Health, Home Care, and Hospice Providers," Association for Home & Hospice Care of N.C. Leadership Conference, October 2014
- "Legislative Update and Regulatory Reform Efforts," North Carolina Bar Association Administrative Law Section Annual Meeting, April 2014
- "Medicaid and Medicare Audits: How a 6K Audit Finding Becomes a 6M Recoupment! What Every Provider Should Know," Association for Home & Hospice Care of N.C. Annual Meeting, April 2012
- "Medicaid Audits: It's a Jungle Out There," North Carolina Association of Long Term Care Facilities, September 2014
- "Medicaid Audits: What Auditors Are Doing – How Providers Can Respond," Benchmarks NC CABHA Meeting, October 2011
- "Procedure for Involuntary Commitments and Voluntary Admissions of Minors and Incompetent Adults," Hospital Client, July 2014



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- "Regulatory Pitfalls for Home Care Providers and How to Avoid Them: Postpayment Reviews, Licensure Surveys, and the Top 5 Wage and Hour Mistakes," SembraCare Webinar, November 2014
- "Secure, Enterprise ready Text Messaging for Care Coordination & Collaboration," IQMAX Webinar, December 2013 and January 2014
- "Supreme Court's Affordable Care Act Decision," Supreme Court's Affordable Care Act Decision, July 2012
- "The Ever-Evolving Landscape of Healthcare: Federal and State Changes and Their Impact on Providers," Association for Home & Hospice Care of NC Annual Meeting, April 2013
- "To Accountability and Beyond: Accountable Care Organizations and Home Care," Association for Home & Hospice Care of NC Annual Meeting, May 2011

HONORS

- *The Best Lawyers in America* in Health Care Law, 2019-2020
- *North Carolina Super Lawyers* Rising Star, 2014-2018
- North Carolina State Bar Law School Pro Bono Award
- Duke University Justin Miller Citizenship Award
- Duke University Faculty Pro Bono Service Award

MEMBERSHIPS

- Federal Bar Association, National Health Law Section, Chair
- American Health Lawyers Association, Behavioral Health Task Force, Vice Chair, 2018-2020, State & Government Subcommittee, Co-Chair, 2016-2018
- North Carolina Bar Foundation, Civic Education & Community Engagement Committee, Co-Chair, 2018-2019; Middle School Mock Trial Committee, 2017-2018



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- Greater Raleigh Chamber of Commerce, Young Professionals Network; Leadership Raleigh, Class of 2013-2014
- North Carolina Bar Association, Strategic Planning and Emerging Trends Committee, Future of the Law Committee, Member of Health Law and Administrative Law Sections
- North Carolina Society of Health Care Attorneys
- Wake County Bar Association
- North Carolina Professional Lobbyists Association

