

Olivia Benjamin (King)

Associate

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Olivia Benjamin (King) is an attorney with Foley & Lardner LLP's Government Enforcement, Defense, and Investigation Practice, focusing on representing health care and other regulated industry clients in these matters.

Olivia's work focuses on defending clients with government investigations and enforcement actions, including actions arising out of the False Claims Act (FCA), Anti-Kickback Statute (AKS), and Stark Law, and conducting internal investigations related to concerns of potential fraud. Olivia counsels health care providers including health systems, hospitals, clinician practice groups, durable medical equipment companies, clinical laboratories, and telemedicine companies, and other regulated industry clients. Olivia also assists research institutions with responding to allegations of scientific and research misconduct.

Olivia is an active firm citizen, serving as an editor of the firm's Health Care Law Today blog and a representative of the Boston Office to the firm's Associates Committee, and Olivia is actively involved in the firm's recruiting efforts. As an active citizen within her community, Olivia serves as a Co-Chair of the Boston Health Care for the Homeless Program Emerging Leaders Board, and passionately advocates for pro-bono clients.

Olivia was selected for the inaugural Mayo-Foley Health Law Fellowship, consisting of summer internships with the Mayo Clinic Legal Department in Rochester, Minnesota (2017) and Foley (2018). Prior to joining Foley, Olivia worked at the National Marrow Donor Program, Be the Match, in the payer policy and legislative relations departments.

Representative Experience

- Counseled regulated industry clients responding to subpoenas and civil investigative demands related to FCA, AKS, and other violations of federal law, including representing clients at proffers and government interviews, presenting attorney proffers to Department of Justice (DOJ) attorneys and

federal agents, and negotiating settlements with DOJ and the Department of Health and Human Services.

- Secured dismissal of a non-intervened FCA case by relator with \$0 settlement.
- Settled FCA investigations at a fraction of the government and relators' initial demands.
- Obtained a complete declination of all charges for pharmacies being investigated for alleged COVID-19 fraud with allegations ranging from kickback theories to lack of medical necessity.
- Successfully convinced DOJ not to indict a client in a COVID-19 testing matter, and to drop their investigation of a client following receipt of subpoena in another matter.
- Represented clients in health care fraud sentencing, initial appearance, and change of plea hearings.
- Analyzed and provided counsel on complex health care and other regulated industry arrangements for compliance with fraud and abuse laws, including related to Medicare Advantage reimbursement, COVID-19 testing and vaccination, pharmacy benefit managers and pharmaceutical purchasing, dermatology services, hospital based discount programs, marketing and broker arrangements, durable medical equipment schemes, Medicare recovery audit contractors, E-Verify compliance, and public utility rate reporting.

Community Involvement

- Boston Health Care for the Homeless Program – Emerging Leaders Board Co-Chair & 2024 Boston Marathon Team Member
- American Health Lawyers Association – Early Career Professionals Council Member

Presentations and Publications

- Co-author, “Decentralized Clinical Trials: Research Misconduct Risks & How to Avoid Them,” *Health Care Law Today* (September 30, 2024)
- “Avoiding Risk in Physician Medical Director and Other Referral Source Contracting: Learning from a \$45 Million Case Study” New England Alliance Winter Conference & Annual Meeting (Jan. 11, 2023)
- Co-author, “United States,” *The Healthcare Law Review* (Sept. 7, 2023)
- “HRSA Uninsured Program Covid-19 Services: OIG Audit Finds HRSA Paid for Claims that did not Comply with Federal Requirements” *Health Care Law Today* (July 24, 2023)
- “HRSA Uninsured Program COVID-19 Services: What Were the Standards to Determine Uninsured Status?” *Health Care Law Today* (Aug. 17, 2023)
- “ORI Proposes New Rulemaking for Research Misconduct Regulations” *Health Care Law Today* (Oct. 16, 2023)
- “HRSA Uninsured Program COVID-19 Services: What Were the Standards to Determine Uninsured Status?” *Health Care Law Today* (Aug. 23, 2023)
- “Legal Update” Emerging Laboratory Managers Collaborative Conference (Jan. 20, 2023)
- “DOJ Enforcement of the ADA against SNFs for discrimination related to OUD” New England Alliance Winter Conference & Annual Meeting (Jan. 12, 2023)
- “Fraud & Abuse: Recent Cases Settled,” Association of Corporate Counsel (Feb. 2022)
- “Fraud & Abuse: Recent Cases Settled,” Let’s Talk Compliance Master Class (Jan. 19, 2022)

- “COVID-19 Provider Relief Funds and Waivers: How to Avoid Non-Compliance & What to Expect as Waivers Expire,” New England Alliance Winter Conference & Annual Meeting (Jan. 12-14, 2022)
- Co-author, “COVID-10 At-Home Tests: Do CLIA Requirements Apply and what do Health Care Providers Need to Know?” *Health Care Law Today* (Jan. 4, 2022)
- Co-author, “OIG’s Revised Self-Disclosure Protocol: Top Takeaways,” *Health Care Law Today* (Nov. 8, 2021)
- Co-author, “A Target on Telehealth: Government Action Against Telehealth Fraud in the Wake of COVID-19,” *American Health Law Association* (Jul. 14, 2021)
- Co-author, “Supreme Court Declines to Resolve Circuit Split on FCA “Objective Falsity” Issue,” *Health Care Law Today* (Feb. 23, 2021)
- Co-author, “Challenging Physician Judgment: Is Your Institution Exposed to False Claims Act Liability?,” *Health Care Law Today* (Dec. 10, 2020)
- Co-author, “Protecting Your Institution from False Claims Act Allegations After Receipt of CARES Act Funding,” *American Health Law Association* (Nov. 11, 2020)
- Co-author, “Provider Relief Fund: Protecting Your Institution from False Claims Act Allegations after Receipt of CARES Act Funding,” *Coronavirus Resource Center: Back to Business* (Jul. 6, 2020)
- Co-author, “State and Federal Administrative Agencies Regulating Health Care Providers and Payors,” *Massachusetts Health & Hospital Law Manual* (2020)
- Co-author, “Emergency Medical Treatment and Labor Act,” *Massachusetts Health & Hospital Law Manual* (2020)
- Co-author, “Scientific Misconduct,” *Clinical Research and Compliance Manual* (2020)

Sectors

- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)
- [Racial Justice & Equity](#)
- [Telemedicine & Digital Health](#)

Practice Areas

- [False Claims Act](#)
- [Government Enforcement Defense & Investigations](#)
- [Health Care](#)
- [Litigation](#)

Education

- Boston University School of Public Health (M.P.H., 2020)
- Boston University School of Law (J.D., cum laude, 2019)
 - Concentration in Health Law with Honors
 - Paul J. Liacos Distinguished Scholar
 - Dean’s Award for Health Law



FOLEY & LARDNER LLP

- University of Michigan (B.A., 2015)
 - Distinction in Political Science
 - University Honors
 - James B. Angell Scholar

Admissions

- Massachusetts