



Courtney G. Tito

Member

West Palm Beach

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Practice Focus

- Healthcare
- Government compliance, investigations, and white collar defense

Courtney counsels and represents clients in the health law industry, including, federal and private payor audits and disputes, reimbursement, contract, corporate, enrollment revocations, payment suspensions, internal investigations, compliance and regulatory, and in responding to federal subpoenas and civil investigative demands. She advises clients in both federal and state matters.

Courtney has counseled clients on regulatory licensing, compliance, reimbursement, corporate, CLIA standards, state and federal fraud and abuse rules and regulations and telehealth matters. Courtney has also advised clients regarding direct to consumer issues.

Prior to joining the firm, Courtney served as a staff attorney for the Public International Law and Policy Group from 2006 to 2007 in Baghdad, Iraq. She worked with legislators and the Federal Supreme Court advising senior ranking officials on drafting implementing legislation, amending current legislation and amending the Constitution.

Courtney received an M.A. from American University, School of International Service, in 2004. She earned her J.D., *cum laude*, from American University Washington College of Law in 2003, and a B.A. from James Madison University in 1997.

Admissions - State

- District of Columbia
- Florida

Education

- American University Washington College of Law
- American University School of International Service
- James Madison University

Professional Membership

Courtney Tito

- District of Columbia Bar Association
- Florida Bar Association
- Florida Bar Health Section
- American Health Lawyers Association
- 2017-2018 AHLA Leadership Development Program, Health Care Liability and Litigation Practice Group
- 2018-2019 AHLA Health Care Liability and Litigation Practice Group, Social Media Coordinator

Public Service and Volunteerism

- Volunteer, Big Dog Ranch Rescue
- Volunteer, Boca Raton Rugby Football Club – Men’s team

Alerts

- CMS issues CLIA guidance during COVID-19 public health emergency
- CARES Act: Provisions designed to aid healthcare providers in response to COVID-19
- OIG issues policy statement and fact sheet on COVID-19 telehealth cost sharing waivers
- UPDATE: Texas District Court holds CMS may not commence recoupment until ALJ hearing occurs
- CMS aims to combat criminal behavior through enrollment process
- OIG focusing on laboratories involved in genetic testing scams
- UPDATE: Florida district court denies preliminary injunction preventing CMS from recouping overpayments until an ALJ has heard and rendered a decision
- UPDATE: Texas District Court issues preliminary injunction preventing CMS from recouping overpayments until an ALJ has heard and rendered a decision
- Texas District Court issues temporary injunction preventing CMS from recouping overpayments
- Federal and commercial payor medical record requests are important – Don’t dismiss them!
- Medicare claims for outpatient physical therapy services often fail to comply with requirements
- CMS finalizes coverage for Next Generation Sequencing tests for patients with advanced cancer
- 2018 maximum charges for copies of medical records in Michigan
- New OIG report recommends Medicare contractors recover more than \$66M in improper payments
- CMS’s Targeted Probe and Educate (“TPE”) Program – Get Counsel Involved Early!
- UPDATE: Labs may rely on ordering physician’s determination that a test is medically necessary
- Referral sources may be a protected legitimate business interest in Florida
- Labs have independent duty to certify tests billed to Medicare are medically necessary
- 2017 update on maximum charges for copies of medical records in Illinois
- 2017 update on maximum charges for copies of medical records in Michigan
- 2017 update on maximum charges for copies of medical records in Florida

Blog Posts

- CMS expands accelerated and advanced payments to offer additional financial relief for providers during the COVID-19 emergency period
- CMS issues guidance on payments for state medicaid telehealth services provided during COVID-19

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pandemic

- OCR announces penalty waivers for telehealth COVID-19 emergency and other treatment
- CMS updates regarding coronavirus lab tests
- Medicare, Medicaid and CHIP Enrollment: Prepare for Affiliation Disclosure Obligations
- UPDATE: OIG work plan targets Medicare Part B lab services
- CMS Office of Audit Services to begin review of Medicare Part B UDT Services
- Claiming punitive damages in fraud cases
- CMS completely revamps Medicaid Program Integrity Manual
- Medicare enrollment can be denied due to outstanding overpayments
- CMS wins temporary reprieve in battle to solve appeal backlog
- Employing foreign physicians and researchers during the Trump years
- The impact of "Buy American and Hire American" Executive Order No. 13788
- 3 federal fraud and abuse laws explained
- 60 Day Rule: Avoid reverse false claims liability
- Medicare appeals process
- ALJ Delays: Appellants win latest battle against CMS
- 3 recent decisions affecting businesses seeking to enforce restrictive covenants
- Best practices for effective electronic communication

News

- Battersby, Masterson, Smith and Tito elected to membership of McDonald Hopkins LLC
- "West Palm lawyer recalls 'best' job in Iraq -- she faced bullets and found love"
- Courtney G. Tito appointed to American Health Lawyers Association's leadership advancement program

External Publications

- "New DOJ Task Force Centralizes the Federal Government's Fight Against Opioids" American Health Lawyers Association Bulletin, March 2018
- "Why are Medical Record Requests So Important?" Florida Bar Health Law Section Newsletter, Winter 2017

Events

- Payor Disputes and Audits: Observations and Strategies | Friday, January 31, 2020
- What Lab Leaders Need to Know to Prepare for 2020: Bracing for Aggressive Payor Audits, Rigid Enforcement of Fraud and Abuse Laws, and More | Wednesday, November 20, 2019
- Clinical Laboratories and Payer Scrutiny: Increased Audits, Recoupment Actions, Litigation | Tuesday, October 1, 2019

Speaking Engagements

- Presenter, "Payor Disputes and Audits: Updates, Preparations & Best Practices," American Pathology Foundation 2019 Distance Learning Leadership Science Series, October 2019
- Presenter, "Payor Disputes & Audits: Observations and Strategies," 1st Health Compliance, October 2019

Courtney Tito

- Co-Presenter, "Clinical Laboratories and Payer Scrutiny: Increased Audits, Recoupment Actions, Litigation," Strafford Webinar, October 2019
- Presenter, "Payor Disputes & Audits: Observations and Strategies," American Pathology Foundation Coding and Practice Seminar, April 2019
- Presenter, "Payor Audits: Preparing Your Lab," Cardinal Health, February 2019
- Presenter, "Opioids and the Law: Trends in Federal and State Enforcement Initiatives," American Health Lawyers Association, September 2018
- Co-Presenter, "Clinical Laboratories and Payer Scrutiny," Strafford Webinar, February 2018
- Co-Presenter, "EMTALA Turned 30: Enforcement Trends and how to ensure compliance in 30 Minutes," AHLA Health Care Liability and Litigation Practice Group, January 2018
- International Expert/Panelist, "Federal Supreme Court," United Nations Multi-Part Dialogue on "Mapping out a New Federal Judicial System for Iraq," Cairo, Egypt, January 2007
- Presenter, "Sovereignty, Self-Determination & Terrorism," International Law Students Annual Meeting, Washington, DC, April 2003
- Participant in International Roundtable on Comparative Analysis of American Law and Russian Law, The Russian Federation, June 2001