



→ Danielle Vrabie

Partner
30 Rockefeller Plaza
New York, NY 10112

T: +1.212.634.3081
F: +1.917.438.6162
dvrabie@sheppardmullin.com

Danielle Vrabie is a partner in the Business Trial Practice Group in the firm's New York office and a member of the firm's healthcare practice team.

Areas of Practice

Danielle represents corporate clients and individuals in complex commercial litigation and government investigations throughout the country. A substantial portion of Danielle's practice is dedicated to serving healthcare and life sciences clients, including hospitals and health systems, physician and specialty practice groups, managed care organizations, pharmaceutical companies, long-term care providers, and medical device companies. She has experience representing these clients in a variety of contexts, including commercial disputes and litigation, enforcement actions, and government investigations. She also has significant experience defending against investigations and litigation involving allegations under the False Claims Act, Stark Law, Anti-Kickback Statute, and similar anti-fraud statutes. In this context, she also assists companies in conducting internal investigations regarding allegations of fraud, employee misconduct, and whistleblower complaints and developing cost-effective and practical compliance and risk management programs.

Danielle helped establish and co-leads the firm's Women in Healthcare Leadership Collaborative, whose goal is to promote the advancement of women in the healthcare industry by bringing them together in a supportive community and providing them with targeted education focused on complex legal issues, healthcare innovation, and other critical issues.

Danielle's general litigation practice includes representing clients in the financial services, aerospace, technology, and manufacturing industries in cases involving breach of contract, fraud, trade secrets, non-competition and non-solicitation agreements, trade libel, and allegations of unfair trade practices.

Danielle also maintains an active pro bono practice. She has been recognized for three consecutive years by The Legal Aid Society for her outstanding pro bono service. In 2020, Danielle was honored with the firm's third annual Bob Williams Award, which recognizes Sheppard Mullin attorneys and staff who provide exceptional service for the betterment of the firm and the community.

While in law school, Danielle was named an Alexander Fellow, allowing her the opportunity to serve as a student judicial clerk to the Honorable Kimba M. Wood, Chief Judge of the Southern District of New York. She also served as a judicial intern to the Honorable Dora L. Irizarry in the Eastern District of New York.

Honors

Notable Woman in Law, *Crain's New York Business*, 2023

Pro Bono Publico Award, Legal Aid Society, 2013-2015

Experience

False Claims Act

- Represented long-term home care provider in FCA suit filed by a former employee alleging that services were provided to patients without proper physician approvals.
- Defended a national in-home managed care provider in investigation by the DOJ concerning allegations that providers were artificially inflating patients' RAF scores to increase reimbursement.
- Represented medical equipment supplier in *qui tam* suit filed by former employee alleging violations of CMS guidelines governing DME suppliers; district court dismissed all claims pre-discovery.
- Defended multiple physician-investors against allegations that their investment in a Intensity-Modulated Radiation Therapy (IMRT) center violated both the Anti-Kickback and Stark Laws.
- Represented leading aerospace manufacturing company in FCA suit relating to parts certification for airplanes flown by the Department of Defense; district court dismissed all claims pre-discovery and decision was affirmed on appeal.
- Secured a voluntary dismissal on behalf of medical director defendants in connection with an FCA suit brought by a former employee regarding allegations of upcoding and physician compensation that exceeded the fair market value of the services.

Internal Investigations & Government Investigations

- Conducted internal investigation for provider of Chronic Care Management (CCM) services in connection with involving potential FCA exposure related to allegations of improper billing and scope of practice issues.
- Represented Board of Directors for a large ambulatory surgery center in connection with an investigation of potential FCA exposure related to physician compensation.
- Successfully resolved New York Attorney General's investigation into potential overpayments for large managed care organization.
- Represented several large physician practices in multi-state investigation by the DOJ and HHS Office of Inspector General in connection with clinical laboratory arrangements resulting in non-prosecution.

Complex Commercial Litigation & Arbitration

- Represented Independent Practice Association (IPA) in an arbitration brought by former physician-members regarding surplus payments received by health plans.
- Secured \$40 million arbitral award for large international pharmaceutical company in an arbitration related to breaches of investor rights and stockholder purchase agreements by a health system.
- Represented international distributor of medical devices in an arbitration brought against device manufacturer for breach of contract and breach of warranty claims.
- Secured complete dismissal on a motion to dismiss for a leading specialty pharmacy in connection with a shareholder derivative action brought by a competitor alleging, among other things, theft of trade secrets.

- Represented global healthcare company in Federal suit and parallel arbitration proceedings in which former employees sought change-in-control benefits exceeding \$15 million.

Articles

- Women in Big Law: Progress, Challenges and the Road Ahead
New York Law Journal, 03.08.2024
- ChristianaCare Settlement Reveals FCA Pitfalls For Hospitals
Law360, 02.14.2024
- Sheppard Mullin's Top 10 Takeaways from HLTH 2023
10.18.2023
- Access to Abortion Pill on the Precipice
Chicago Medicine Magazine, 07.2023
- Making The Granston Memo Work For FCA Defendants
Law360, 03.04.2019
- Co-author of the "Health Care Fraud and Abuse 2016 Update" chapter in *Health Law Handbook*, Twenty-Ninth Edition (2017), WestGroup, a Thomson Company.
- Co-author of the "Excuses Doctrine" chapter in *Commercial Contracts: Strategies for Drafting and Negotiating*, Second Edition (2015), Wolters Kluwer.

Coronavirus Oversight and Enforcement Posts

- "Big Data: The Next Frontier In Cares Act Fraud Detection," September 15, 2020

Government Contracts & Investigations Blog Posts

- "Kickbacks Aren't Illegal Just for Federal Health Care Programs in Recently Enacted SUPPORT Act: New Compliance Concerns for Physician-Owned Laboratories," November 6, 2018

Healthcare Law Blog Posts

- "Increased Scrutiny into Agents & Brokers in the Medicare Advantage Space," April 15, 2024
- "Sheppard Mullin's Top 10 Takeaways from HLTH 2023," October 18, 2023
- "At HLTH 2023: The Digital Health Symphony, A Care Coordination Orchestra with No Maestro," October 10, 2023
- "At HLTH 2023: General Catalyst's HATCo Introduces a Radically Ambitious and Transformative Model for Healthcare," October 9, 2023
- "Fifth Circuit Rules to Reinstate Abortion Pill Restrictions," August 17, 2023
- "Access to Abortion Pill on the Precipice: A Deep Dive into the Federal Court Rulings that will Decide the Fate of Mifepristone," June 15, 2023
- "Access to Abortion Pill in Limbo: Navigating the Intricacies of Conflicting Federal Court Rulings in Texas and Washington State," April 14, 2023

- "DOJ Releases Guidance on Evaluation of Corporate Compliance Program Concerning Compensation and Employee Use of Personal Devices and Personal Messaging Applications," March 21, 2023
- "Recent Developments in Telehealth Enforcement," December 12, 2022
- "Sutter Health Settles Medicare Fraud Case For \$90 Million: The Largest Settlement For Medicare Advantage Fraud," September 13, 2021
- "Compliance Risk Alert: Opioid Warning Letters issued by the U.S. Department of Justice Target Prescribers," February 6, 2019

Finance & Bankruptcy Law Blog Posts

- "Precautionary and Prudency Measures for Boards Addressing COVID-19 Business Uncertainties," April 10, 2020

Media Mentions

Rising focus on False Claims puts skilled nursing providers in crosshairs, attorneys warn
McKnights Long-Term Care News, 08.09.2023

Speaking Engagements

Speaker, "Managed Care False Claims Act Risk," American Bar Association ("ABA") Managed Care Institute, December 14, 2022

Speaker, "Impact of Chart Reviews and HRAs on MA Payments: The OIG's Findings and the Landscape Ahead," *American Health Law Association*, April 14, 2022

Speaker, "Fraud and Abuse & Managed Care: Key Issues and 2021 Updates," *American Health Law Association*, November 4, 2021

Moderator, "Ethically Handling FCA Investigations, Litigation, and Whistleblowers," *False Claims Act and Qui Tam Trial Institute 2019*, June 19, 2019

Events

Discussion of How Home Health Agencies, Skilled Nursing Facilities Face Increased False Claims Act Enforcement Risk
Webinar, 08.02.2023

WHLC Dobbs Series Part 1
Where are we now? Join us for a primer on state law post-Dobbs and recent developments.
Webinar, 07.12.2022

The Sweeping Landscape of Potential Liability For Risk Adjustment Activities: Providers and Vendors Beware, It's Not Just a 'Health Plan Issue' Anymore
10.14.2021

Strategies for Navigating Stress: A Series for Healthcare Leaders
via Zoom, 05.20.2021, 06.17.2021, 07.09.2021

WHLC and NAWL Present: Stark, AKS & Value-Based Care under the Biden Administration
02.25.2021

Women in Healthcare Leadership Collaborative (WHLC) Presents: A View from the Capitol
2020 Healthcare Policy, Legal and Regulatory Predictions
Sheppard Mullin, New York and Sheppard Mullin, San Francisco, 01.23.2020

Podcasts & Webinars

Home Health Agencies, Skilled Nursing Facilities Face Increased False Claims Act Enforcement Risk
08.02.2023

The Sweeping Landscape of Potential Liability For Risk Adjustment Activities: Providers and Vendors Beware,
It's Not Just a 'Health Plan Issue' Anymore
10.14.2021

WHLC and NAWL's Webinar - Stuck on Stark: Where do HHS' New Rules on Value-Based Care Stand under the
Biden Administration, and What does that Mean for Collaboration in the Industry?
02.25.2021

Nota Bene Episode 67: Challenges and Opportunities Facing Women in the Healthcare Industry with Amanda
Zablocki and Danielle Vrabie
01.29.2020

Practices

Litigation

Healthcare

Governmental Practice

False Claims Act

White Collar Defense and Corporate Investigations

Digital Health

Women in Healthcare Leadership Collaborative

Industries

Healthcare

Life Sciences

Education

J.D., Benjamin Cardozo Law School, Yeshiva University, 2009

B.S., The College of New Jersey, 2006, *magna cum laude*

Admissions

New York

U.S. District Court for the Southern and Eastern Districts of New York

U.S. Court of Appeals, Fifth Circuit

Languages

Russian