



Stacy C. Gerber Ward

Attorney

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Stacy Gerber Ward is a Shareholder, leader of the Government Enforcement and Corporate Investigations Section, and co-chair of the Health Law Section. As leader of the Government Enforcement and Corporate Investigations Section, Stacy represents clients facing government enforcement matters, conducts internal investigations to respond to government investigations, and litigates government related issues.

In the health care area, Stacy assists clients with an array of health care transactional and operational issues. She is certified in health care compliance by the Compliance Certification Board and helps clients evaluate and respond to compliance related matters, design and implement compliance programs, conduct compliance reviews, and advise on disclosure obligations. Her expertise includes Anti-Kickback Statute and Stark Law compliance, Medicare and Medicaid billing, and Controlled Substances and False Claims Acts.

Stacy has more than 14 years of experience serving as an Assistant United States Attorney for the Eastern District of Wisconsin and served as the Deputy Chief of the Civil Division. In those roles, Stacy investigated and prosecuted individuals and corporations for civil health care fraud and other enforcement matters. Stacy was awarded the Department of Justice's highest honor for superior performance as an Assistant United States Attorney in 2010 and received a Certificate of Commendation for outstanding performance in enforcing civil rights laws in 2009.

Stacy is listed in *The Best Lawyers in America*® in Health Care Law (2021-2022). Her professional memberships include the American Health Lawyers Association (Member, Fraud and Abuse Practice Group), the American Bar Association (Health Law Section), the Health Care Compliance Association, and the State Bar of Wisconsin, and the Eastern District of Wisconsin Bar Association.

Stacy is co-chair of von Briesen's pro bono committee. She also serves on the Board of Directors of the Legal Aid Society of Milwaukee and the Health Section of the State Bar of Wisconsin.

Representative Presentations

- *"Evolving Strategies for Defending Health Care FCA Cases,"* American Bar Association Health Law Summit; December 2018
Stacy moderated a panel of seasoned False Claims Act defense counsel providing practical insights and analysis of current and key issues presented by continuing DOJ enforcement and *qui tam* relator litigation under the FCA and relating to healthcare. Subjects included evolving strategy of joint defense agreements, using DOJ guidance relating to "meritless" cases to convince the government to dismiss prior to intervention, the use of internal investigations to support declinations, defending against medical necessity allegations, and evaluating alternative approaches to calculating damages.
- *"Successful (and Compliant) Physician Compensation Arrangements,"* Wisconsin Rural Health Conference: June 2018
This presentation addressed the current understanding and common misunderstandings of fair market value and commercial reasonableness, as well as lessons learned from the most recent cases pursued and/or settled by the Department of Justice related to physician compensation. Specific topics includes: Understanding the principles of fair market value and commercial reasonableness in the context of physician compensation arrangements and dispelling many common misperceptions in this area; comparing the types of physician compensation agreements found to be non-compliant with the principles of FMV or commercial reasonableness by DOJ to the arrangements within your own organization; and learning to better document key facts and circumstances regarding the FMV and commercial reasonableness in physician compensation arrangements.

Practice Areas:

- Government Enforcement and Internal Investigations
- Health Law
- Compliance
- Billing and Payment
- Long Term Care/Assisted Living
- Fraud & Abuse and Stark
- Life Sciences
- Strategic Risk and Crisis Management

Education:

- University of Notre Dame, J.D., 1993
- Marquette University, B.A., 1990

Bar Admissions:

- Wisconsin
- U.S. District Court, Eastern District of Wisconsin, Northern District of Illinois