

Jason D. Popp

Partner

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Jason Popp is a partner in Alston & Bird's Litigation & Trial Practice Group, and co-chair of the Health Care Litigation and False Claims Act Teams. Jason is also a member of the firm's White Collar, Government & Internal Investigations Team.

Jason focuses his practice on defending clients in government investigations and qui tam litigation, with a particular emphasis in the health care and higher education industries. He routinely represents clients in proceedings before the Department of Justice, HHS Office of Inspector General, Securities and Exchange Commission, Department of Education, and various consumer protection offices and congressional committees. Jason also represents clients in voluntary disclosures arising under the False Claims Act and Foreign Corrupt Practices Act. In addition to his litigation and investigations practice, Jason assists companies in creating and improving their compliance programs.

Jason is a seasoned litigator and appellate lawyer. He has argued before several federal courts of appeals and has represented clients in litigation and arbitrations throughout the country in complex matters involving the FCA, federal and state health care regulations, and commercial disputes. Jason is recognized by *The Best Lawyers in America*® in Health Care Law for 2022.

Representative Experience

- Defended a hospice company in a government investigation and follow-on False Claims Act litigation, raising theories of improper admissions, medical necessity, and violations of the Anti-Kickback Statute and hospice regulations. After persuading the government against intervention, obtained partial dismissal of the complaint, before winning summary judgment on all claims against four qui tam relators in a closely watched case that traveled up to the U.S. Supreme Court and back.
- Representing hospitals and health care systems, academic medical centers, and post-acute and ancillary services providers in government investigations and False Claims Act litigation throughout the country.
- Awarded summary judgment in multiple FCA cases involving health care and accreditation fraud theories.
- Obtained dismissal of FCA complaints against hospitals, home health care providers, and hospice providers in various federal jurisdictions.
- Representing a Fortune 100 company in a criminal HIPAA investigation; obtained declination of prosecution.
- Representing one of the country's largest postsecondary education providers in FCA litigation.
- Representing multiple clients in voluntary disclosures under the HHS-OIG Self-Disclosure Protocol.
- Representing retailers and restaurant groups in investigations and FCA litigation arising under unclaimed property laws.
- Representing an individual in a Senate Judiciary Committee hearing related to the alleged firing of U.S. attorneys and political hiring at the Department of Justice.

- Representing a publicly traded health care company in a congressional investigation into alleged billing fraud.
- Developing compliance programs for clients in the health care and technology space, with emphasis on compliance under the FCA and FCPA.

Publications & Presentations

Publications

- *Georgia Appellate Practice Handbook*, 7th ed., 2012.
- “Mitigating FCPA Risks in Clinical Trials Conducted Abroad,” *Pharmaceutical Compliance Monitor*, November 26, 2012.

Presentations

- “Hot Topics in False Claims Act Litigation,” Advanced Health Law Seminar, State Bar of Georgia Health Law Section, Atlanta, GA, November 8, 2019.
- “Health Care Fraud Enforcement – The Final Frontier,” 2019 Southeastern White Collar Crime Institute, American Bar Association White Collar Crime Committee and Criminal Justice Section, Braselton, GA, September 4-6, 2019.
- “Compliance, Risk Management, and Litigation Strategies,” The 9th Annual Forum on Long-Term Care & Senior Care, Miami, FL, January 23-25, 2019.
- “Steps to Take When a Fraud, Waste, or Abuse Issue Is Discovered,” Healthcare Fraud Investigations and False Claims Act Litigation: From Inception to Resolution, webinar, November 1, 2018.
- “Health Care 2018: Dealmaking, Strategy, and Compliance in Light of Increasing Enforcement and Investigations,” Atlanta, GA, March 6, 2018.

Education

- Georgetown University (J.D., 2008)
- Vanderbilt University (B.A., 2005)

Admitted to Practice

- Georgia

Related Services

Commercial | White Collar, Government & Internal Investigations | Health Care Litigation | Litigation | State Attorneys General Practice Team | A/E/C Industry Investigations and Enforcement Team | Foreign Corrupt Practices Act (FCPA) Violations | False Claims Act