

# Kristi V. Kung

**Counsel, Sheppard Mullin Richter & Hampton LLP**  
Email: KKung@sheppardmullin.com; Phone: (202) 747-2671

## **EDUCATION:**

### **Emory University School of Law, Atlanta, GA**

Juris Doctor, May 2008

- Activities:*
- Health Law Society
  - Legal Association of Women Students, *Philanthropy Chair*
  - Alternate Dispute Resolution Society and Competition Team

### **Michigan State University, East Lansing, MI**

Bachelor of Science, May 2005

- Major:* Interdisciplinary Studies—Law and Society; Specialization in Bioethics
- Honors:* Academic Scholars Program

## **WORK EXPERIENCE:**

### **Sheppard Mullin Richter & Hampton LLP – Counsel, Washington, DC**

June 2016 - Present

- Regulatory healthcare compliance counseling – Fraud and abuse, Medicare provider and supplier compliance, licensing/accreditation/certification/enrollment, 340B Program compliance
- Telehealth/Mobile Health/Data Analytics
- Healthcare privacy and security compliance
- Healthcare mergers and acquisitions, financing, lending, and insolvency/restructuring
- Compliance Program development and implementation

### **Pillsbury Winthrop Shaw Pittman – Counsel, Washington, DC**

September 2013 – June 2016

- Regulatory healthcare compliance counseling – Fraud and abuse, Medicare provider and supplier compliance, licensing/accreditation/certification/enrollment, 340B Program compliance
- Telehealth/Mobile Health/Data Analytics
- Healthcare privacy and security compliance
- Healthcare mergers and acquisitions, financing, lending, and insolvency/restructuring
- Compliance Program development and implementation
- Government Investigations – Federal *qui tam* actions, responding to Civil Investigative Demands, Medicare and Medicaid contractor audits

### **Nelson Mullins Riley Scarborough, LLP – Associate Attorney - Raleigh, NC and Washington, DC**

August 2011 – August 2013

- Regulatory healthcare compliance counseling – Fraud and Abuse, Medicare/Medicaid enrollment and reimbursement, licensing/accreditation, scope of practice, 340B Program compliance
- Telehealth
- Healthcare privacy and security compliance
- Compliance Program development and implementation
- Healthcare litigation – RAC and ZPIC audits; False Claims Act *qui tam* actions
- Transactional healthcare – Health care mergers and acquisitions, contract drafting

### **Goodman, Allen & Filetti, PLLC, Glen Allen, VA – Associate Attorney**

September 2008 – August 2011

- Regulatory health care compliance counseling
- Administrative hearings/appeals before the Virginia Health Regulatory Boards and Virginia Department of Medical Assistance Services – licensure, scope of practice, reimbursement
- Civil defense litigation
- Compliance program development and implementation
- Healthcare privacy and security compliance

### **Department of Health and Human Services, Office for Civil Rights, Atlanta, GA – Legal Extern**

January 2008 – May 2008

- Operated the HIPAA hotline; answered questions regarding HIPAA compliance
- Legal research regarding interaction between HIPAA and state laws in DHHS Region IV

### **Centers for Disease Control and Prevention, Atlanta, GA – Legal Intern**

January 2008 – May 2008

- Researched and wrote memoranda on legal and policy issues related to vaccine liability, environmental health, occupational safety and health and biotechnology
- Worked in the litigation division handling employment discrimination issues; drafted Amicus Curiae Brief in federal tobacco company RICO lawsuit brought by the DOJ
- Drafted grant requirements for CDC – funded state health programs

**TEACHING EXPERIENCE:**

**American University Washington College of Law – *Adjunct Professor*, Washington, DC** 2014, 2015, 2016

- Healthcare Fraud and Abuse (Fall)
- Legal Issues in Healthcare Innovation and Technology (Summer)

**American University Washington College of Law – *Assistant Coach*, Washington, DC** 2015, 2016

- Health Law Competition Team

**AWARDS/RECOGNITION:** *Super Lawyers, Rising Star, Healthcare Law* Virginia (2010)  
Washington, DC (2016)

**BAR ADMISSIONS:** Virginia (2008), United States District Court for the Eastern and Western Districts of Virginia (2009 and 2010, respectively), North Carolina (2012), District of Columbia (2012)

**PRESENTATIONS:**

American Health Lawyers Association – Fraud and Compliance Forum, Baltimore, MD (September 2015)  
*“Fraud and Abuse Issues in Telehealth”*

mHealth and Telehealth World Congress, Boston, MA (July 2015)  
*“Exploring the Current State of mHealth Privacy and Security,”*

American University Washington College of Law, Washington, DC (April 2015)  
*“mHealth and Telehealth – Privacy and Security Issues”*

mHealth Applications Legal Issues Breakfast Series, Tysons Corner, VA (March 2015)  
*“Privacy and Security Issues”*

Pillsbury VA CLE Marathon, Tysons Corner, VA (September 2014)  
*“Navigating the Minefields in Mobile Health”*

Medical College of Virginia, Pharmacy Residency Program (March 2011; April 2010; March 2009)  
Federal and Virginia laws relating to pharmacy and prescribing; the Virginia State Board of Pharmacy structure, investigation and hearing procedures; risk management and documentation for preventing litigation

Martha Jefferson Hospital (September 2010)  
*“Electronic Health Records in Litigation”*

American Bar Association National Teleconference (January 2010)  
*“Moving Beyond HIPAA: Future Trends in Litigation in This New Electronic Age”*

American Bar Association- Young Lawyers Division; Fall Conference (October 2009)  
*“Patients and Practitioners Beware: Mandatory Electronic (Medical) Records and What You Need to Know”*

Lorman Education Services (Moderator and Speaker - July 2009)  
*The American Recovery and Reinvestment Act, HITECH provisions, Electronic Medical Records and Health Information Exchanges, and the E-Discovery of Electronic Medical Records in Litigation*

Lorman Education Services (October 2008)  
*Health Information Portability and Accountability Act (HIPAA) and Virginia Medical Records Law*

**PUBLICATIONS:**

*Disclosing 340B Program Non-Compliance and Negotiating Manufacturer Refunds – An Overview and Case Study*, American Health Lawyers Association In-House Counsel Program (June 2016)

Co-Author, *A Lifelong Commitment: FDA Releases Postmarket Guidance on Cybersecurity Risk Management for Medical Device Manufacturers*, Pillsbury Client Alert (2/10/16)

Co-Author, *CMS Proposes Expansion of RAC Program to Medicare Part C*, Pillsbury Client Alert (2/1/16)

*Assessing the Legal Risk of Unregulated Yoga Therapy*, Law360 (1/5/16)

Co-Author, *Health Care Fraud and Abuse Update*, Health Law Handbook, 2013, 2014, 2015 Eds.

*340B Omnibus Guidance Would Significantly Narrow the Pool of Eligible Patients*, Law360 (9/3/15)

Co-Author, *Bipartisan Spotlight on Medicare Advantage Risk Adjustment Fraud Likely to Spur Audits*, Pillsbury Client Alert (6/17/15)

Co-Author, *FDA Draft Guidance Would Ease Regulatory Burdens for Certain mHealth Applications*, Law360 (8/1/14)

*OIG Releases Special Bulletin on the Effect of Exclusion from Federal Health Care Programs*, E-Alert, AHLA Accreditation, Certification and Enrollment Affinity Group (May 8, 2013)

*Impact of the American Taxpayer Relief Act of 2012 on Reimbursement for Health Care Services*, E-Alert, AHLA Regulation, Accreditation and Payment Practice Group (January 4, 2013)

Co-Author, *Telemedicine Legal Hurdles - An Overview of Lesser Known Challenges*, HIT News – A Publication of the American Health Lawyers Association, Vol. 15, Issue 3, Pg. 7 (November 2012)

*Qui Tam Counsel Sanctioned for Breaching Ethical Rules Relating to Review of Privileged Material – E-Alert on the Frazier v. IASIS case*, AHLA Healthcare Liability & Litigation Practice Group (February 2012)

*CMS Issues Final Rule Updating Payment Policies Under ESRD PPS for CY 2012*, E-Alert, AHLA Regulation, Accreditation and Payment Practice Group (November 7, 2011)

*Legal Practice in a HITECH Environment: An Overview of the HITECH Act and its Impact on Lawyers as Business Associates*, Defensively Speaking, International Society of Primerus Law Firms (February 12, 2010)

Co-Author, *Health Care Law*, 44 U. RICH. L. REV. 473 (2009)

**PROFESSIONAL AFFILIATIONS:**

American Health Lawyers Association

- *Fraud and Abuse Practice Group*
- *Regulation, Accreditation, and Payment Practice Group*
- *Healthcare Liability and Litigation Practice Group*

American Telemedicine Association

Healthcare Information and Management Systems Society

Health Care Compliance Association

Virginia Bar Association

- *Health Law Section member*
- *Young Lawyers Division member*

North Carolina Bar Association

- *Health Law Section member*
- *Young Lawyers Division member*

District of Columbia Bar