

Kimberly J. Donovan

Partner

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About Kimberly

Kimberly Donovan is an industry group leader and US lead of the firm's Healthcare Group and has earned the prestigious distinction of Board Certification in Health Law by the Florida Bar. She represents healthcare entities in arbitrations and litigation in federal and state courts across the nation. She is an American Arbitration Association Panel Member: Healthcare and Commercial.

Kimberly's experience litigating healthcare issues, coupled with a strong understanding of the business of healthcare, as well as her pragmatic style, makes her a trusted client advisor. She helps clients develop strategic business goals early in the representation and strives to efficiently achieve these goals. Because healthcare disputes often involve discovery of confidential health information, she ensures that proper safeguards are implemented to protect this information in compliance with applicable federal and state privacy laws.

She counsels clients on many important issues affecting the healthcare industry, including, provider networks, federal and state prompt pay laws, federal and state fraud, waste and abuse laws, HIPAA, management services organizations (MSOs), third-party reimbursement, utilization management, and alleged overpayments. She is very familiar with laws relating to Medicare Advantage plans, Medicaid managed care organizations, commercial plans, ERISA, FEHBA and TRICARE.

Kimberly regularly advises clients on pharmacy/pharmacy benefit manager issues involving Medicare Part D, 340B, audits, state pharmacy laws, the federal "any willing pharmacy" law, fraud, waste and abuse issues, specialty pharmacies and compound pharmacies.

Prior to graduating, Kimberly interned for the Honorable William P. Dimitrouleas of the US District Court for the Southern District of Florida.

Kimberly is a member of the American Health Lawyers Association, the Women Business Leaders of the US Health Care Industry Foundation (WBL), the Health Law section of the Florida Bar and the Broward County Bar Association. She volunteers her time serving on the Patient Family Advisory Council at a local children's hospital and the AAA Healthcare Advisory Council.

Experience

- Arbitration award in client's favor dismissing breach of contract claims.

- Arbitration award in client's favor granting summary judgment on statute of limitations issues resulting in dismissal of tens of millions of dollars in claims.
- Advised behavioral health client on complicated data privacy issues involving HIPAA and 42 C.F.R. Part 2.
- Advised client on Florida laws governing purchase of primary care physician practice.
- Pursuing client's federal RICO claims seeking damages caused by alleged telemedicine scheme.
- Defeated preliminary injunction sought against healthcare client involving provider network.
- Guided clients with respect to inquiries from Florida Office of Insurance Regulation.
- Dismissal of claims against healthcare entity for failure to exhaust administrative remedies under the federal Medicare Act.
- Favorable ruling on summary judgment in putative class action alleging violations of Florida prompt pay statute.
- Negotiated settlement between provider group and departing physician.
- Dismissal of claims related to managed care organization's efforts to collect a lien pursuant to the Medicare Secondary Payer law.
- Defended putative class action of providers alleging improper recoupment of overpayments.
- Defended hospital against state law claims brought by terminated provider group.
- Negotiated settlements involving coverage disputes and rescission of policies.
- Represented non-parties served with subpoenas and CIDs requesting documents containing confidential and patient health information.

Credentials

Education

- Florida International University, J.D., Valedictorian, *summa cum laude*, Comments Editor, *Inaugural Law Review*, 2005
- Florida State University, B.S., *magna cum laude*, 1999

Admissions

- Florida, 2005
- District of Columbia, 2006

Courts

- U.S. Dist. Ct., Middle Dist. of Florida
- U.S. Dist. Ct., N. Dist. of Florida
- U.S. Dist. Ct., S. Dist. of Florida

Recognitions

- Recognized by *The Best Lawyers in America* 2026 for Real Estate Law
- Ranked by *Chambers USA* 2023 for Healthcare in Florida
- Noted among a select group of lawyers recognized as a Martindale-Hubbell 2021 Very High Rating for legal ability and professional ethical standards

Expertise

Services

- Litigation

Industries

- Healthcare
- Life Sciences

Publications and Speaking Engagements

- Co-presenter, "How to Navigate Client Expectations: The Top Dos, Don'ts and Ethical Considerations for Inside and Outside Counsel," ACI 13th Annual Advanced Forum on Managed Care Disputes & Litigation, March 30, 2022.
- Co-presenter, "Litigation Watch: Trends Affecting Commercial, MAO, MCO, and Part D Plans," CLE Seminar for Ohio Health Insurer In-House and General Counsel, September 18, 2019.
- Panelist, "What are the burning Healthcare ADR Issues?" 2018 AAA Healthcare Dispute Resolution Innovation & Strategy Conference, October 12, 2018.
- Co-presenter, "2017: The Year of Change for Medicare and Medicaid," ACI Managed Care Disputes and Litigation, May 3, 2017.
- Co-presenter, "Emerging Trends in Private Health Insurance Exchanges (PHIX) Explored in 2015," The Knowledge Group, December 11, 2015.
- Co-presenter, "Best Practices for Managing (and Avoiding) Provider Disputes," American Health Insurance Plans, February 2, 2015.
- Co-author, "Third-Party Premium Payments: Agency Memos, Rules, Litigation, and More Uncertainty," *Payers, Plans & Managed Care*, American Health Lawyers Association Payers, Plans, and Managed Care Practice Group, April 17, 2014.
- Author, "Third Party Payor," *Health Law Monthly Updates*, The Florida Bar Health Law Section, December 2013.
- Co-author, "Rx for Health Care Fraud: The Feds Get Personal," *Criminal Justice*, American Bar Association, winter 2012.
- Co-presenter, "Healthcare Fraud: Individual Liability for Executives and High-Level Employees: Identifying and Addressing Risks for Executives; Avoiding OIG Exclusion Sanctions," Strafford Publications, March 22, 2012.
- Co-presenter, "What Keeps You Up At Night: Keeping Your CEO From Being Excluded," March 15, 2012.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.