

J. KEVIN WEST

*Healthcare Chair
Shareholder*

BIOGRAPHY

Kevin West is a senior healthcare attorney with extensive experience representing healthcare providers. He has been a trusted advocate for providers in over 1,000 cases involving audits, investigations, medical malpractice and licensure board disciplinary matters. Kevin's practice also emphasizes employment law as well as trial work, particularly in the areas of employment, commercial litigation, professional malpractice, personal injury and insurance litigation. Mr. West also advises and represents companies regarding business and employment matters.

Mr. West graduated with honors from Brigham Young University in 1981 with a B.A. in English. He graduated from the BYU Law School with honors in 1984. During law school, Mr. West served as editor in chief of the *BYU Journal of Legal Studies*. In addition, he was the author of "Utah Products Liability Law" in the *BYU Journal of Legal Studies*.

Following law school, Mr. West had the privilege of serving as a law clerk for Chief Judge Marion J. Callister, U.S. District Judge for the District of Idaho. After completing this two-year clerkship with the federal trial bench, Mr. West began practicing law in 1986.

Mr. West is a member of the Idaho, Utah and Washington State Bar Associations, and is admitted to practice before all state courts in those states, as well as in federal courts in Idaho and Utah. He is also admitted to the Ninth Circuit Court of Appeals and the United States Supreme Court.

Mr. West is a frequent lecturer on healthcare and employment matters. He has been a presenter in numerous seminars directed toward both non-lawyer and lawyer groups on both a local and national level. Mr. West is the author of four nationally marketed publications in the healthcare field: *Medicare Compliance: A Training Program for Podiatrists and Their Staff* (2002), published by Data Trace Publishing; *The APMA HIPAA Privacy Manual* (2002) and *The APMA HIPAA Security Manual* (2003), both published by the American Podiatric Medical Association; and *HIPAA Training, Forms and Policies* (2003, co-author), published by Data Trace Publishing.



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PRACTICE AREAS

Healthcare
Litigation, Trials & Appeals
Discrimination, Harassment
& Retaliation
Fraud & Abuse, Investigations & Audits
HIPAA, Privacy & Health Information
Technology (HIT)
Employment & Labor
COVID-19 Response Team
Employee Contracts
False Claims & Whistleblower Actions
Professional & Healthcare Licensing
Workplace Investigations
Reimbursement Audits and Disputes
Regulatory Compliance
Government Investigations and Audits
Medicare/Medicaid Reimbursement
Counseling & Litigation

ACCOMPLISHMENTS

Academic

Brigham Young University, J. Reuben Clark Law School

Graduated *cum laude*

Professional

Best Lawyers in America, 2010 - 2021 edition, in the specialties of health care law, insurance law, commercial litigation, litigation - labor and employment

Best Lawyers in America 2017 "Lawyer of the Year," Healthcare Law, Boise

Best Lawyers in America 2021 "Lawyer of the Year," Insurance Law, Boise

Mountain States Super Lawyers, Healthcare, 2019

Martindale-Hubbell, AV® Preeminent™ rated

Chambers USA, Labor & Employment Law, 2012 - 2019

Author of over 30 articles in the fields of health care law and employment law

Speaker in over 100 programs and seminars in the fields of health care law and employment law

Faculty Appointments

Adjunct Faculty, Boise State University, Health Care Law and Ethics

ASSOCIATIONS

Professional

Idaho Association of Defense Counsel, President (2005 - 2006)

Idaho Health Law Section, Chair (2009 - 2011)

Community

Rotary International, Rotarian and Board Member (1993 - Present)

Women's and Children's Alliance, Board of Directors (2001 - 2010)

Idaho Shakespeare Festival, Board of Directors (2016 - Present)

PRESENTATIONS

"Medicare Secondary Payer Update," Parsons Behle & Latimer Webinar (May 27, 2020)

"Strings Attached: What Doctors Need to Know About the CARES Act Provider Relief Fund Payments," Parsons Behle & Latimer Webinar (May 13, 2020)

"Current ADA Developments," 7th Annual Parsons Behle & Latimer Idaho Employment Law Seminar (October 10, 2019)

"Current ADA Developments," 31st Annual Parsons Behle & Latimer Employment Law Seminar (May 22, 2019)

"Hot Issues in ADA Accommodation: Support Animals, Opioid Addiction and Gender Dysphoria," Parsons Behle & Latimer Idaho Employment Law Seminar (October 9, 2018)

"Hot Issues in ADA Accommodation: Support Animals, Opioid Addiction and Gender Dysphoria," 30th Annual Parsons Behle & Latimer Employment Law Seminar (May 22, 2018)

"Alcoholism, Drug Addiction and Mental Health: Navigating the Minefield Under the ADA and FMLA," Parsons Behle & Latimer Idaho Employment Law Seminar (October 19, 2017)

PRACTICE AREAS (cont.)

Compliance Counseling

Drug and Alcohol Treatment

Healthcare Regulatory & Government Relations

Hospital Privilege and Peer Review

Mental Health and Counseling

LICENSED/ADMITTED

Idaho

Utah

Washington

U.S. Dist. Court, Eastern Dist. of Washington

U.S. Dist. Court, Western Dist. of Washington

U.S. Dist. Court, Central Dist. of Illinois

Utah Supreme Court

Idaho Supreme Court

Washington Supreme Court

U.S. Court of Appeals, 9th Circuit

U.S. Supreme Court

"Alcoholism, Drug Addiction and Mental Health: Navigating the Minefield Under the ADA and FMLA," 29th Annual Parsons Behle & Latimer Employment Law Seminar (May 25, 2017)

"Proving a Negative: Idaho's New Non-compete Law," Parsons Behle & Latimer Idaho Employment Law Seminar (October 11, 2016)

"The Electronic Personnel File: Legal Rules for the Paperless HR Office," 28th Annual Parsons Behle & Latimer Employment Law Seminar (April 28, 2016)

"Defending Healthcare Providers in Regulatory Audits and Investigations," DRI Medical Liability and Health Care Law Seminar (January 2016)

"The Electronic Personnel File: Legal Rules for the Paperless HR Office," Parsons Behle & Latimer Idaho Employment Law Seminar (October 21, 2015)

"Too Much Information: The Use and Misuse of Pre-Employment Inquiries, Applications, Background Checks and Credit Checks," Parsons Behle & Latimer 27th Annual Employment Law Seminar (April 28, 2015)

"Off the Radar: HIPAA and Protecting Health Information in the Workplace," Parsons Behle & Latimer Employment Law Seminar (May 6, 2014)

"Employers on the Edge: Strategies for Dealing with the Affordable Care Act," Parsons Behle & Latimer Idaho Employment Law Seminar (October 17, 2013)

"Defense of Health Care Providers in HIPAA Cases and Medicare Audits and Investigations," Boise State University (October 31, 2012)

"Medicare Secondary Payer Act," Idaho Industrial Commission (October 25, 2012)

"What Happens if My Computer is Stolen? Serious HIPAA and Other Consequences," The Orange County Podiatric Medical Association, Huntington Beach, California (October 01, 2012)

"FMLA 101 - The Basics," Idaho Division of Human Resources, Boise, Idaho (July 01, 2012)

"Electronic Medical Records," PICA 2011 Defense Counsel Symposium, Nashville, Tennessee (October 01, 2011)

"CMS Update – the Medicare Secondary Payer Act: A New Paradigm for Defense Counsel," PICA 2011 Defense Counsel Symposium, Nashville, Tennessee (September 01, 2011)

"The Medicare Secondary Payer Act," DRI Civil Rights and Governmental Torts Liability Seminar, New Orleans (January 2011)

"Audits: How PICA's Administrative Defense Coverage Can Help," PICA Webinar (January 01, 2011)

"The HITECH Amendments to HIPAA" (Summer 2010)

"Hot Topics in Employment and Immigration Law," Department of Labor Employer Association of Canyon County (Fall 2008)

"Medical Compliance: A Training Program for Podiatrists"

PUBLICATIONS

"The Reprieve for Healthcare Providers is Over: CMS to Resume Medicare Audits," Parsons Behle & Latimer Healthcare Update (July 22, 2020)

"Relief Fund Payments to Healthcare Providers Under the CARES Act," Parsons Behle & Latimer Response Resources (April 23, 2020)

"The Dual Dimensions of HIPAA – What Employers Need to Know," Parsons Behle & Latimer Legal Briefings (January 29, 2020)

"Court Orders HHS to Eliminate the Huge Backlog of Appeals," Parsons Behle & Latimer Healthcare Update (November 20, 2018)

"The New Wave of HIPAA Changes: The Final Omnibus Rule of 2013," *APMA News* (Spring 2013)

"Obamacare Strategies Employers Should Consider Adopting," *Idaho Statesman* (February 12, 2013)

"The Emerging Threat of 'Meaningful Use' Audits," *In Step with OCPMA* (January 15, 2013)

"Theft of Patient Health Information: A Serious Threat to Healthcare Providers," *Footlights: A Publications ofr PICA Policyholders* (January 15, 2013)

"The Medicare Secondary Payer Act: A New Paradigm for Litigators," *The Advocate* (June 01, 2012)

"The Medicare Secondary Payer Act: A New Paradigm for Defense Counsel," *The Dynamics of Civil Defense, Idaho Association of Defense Counsel Newsletter* (January 01, 2012)

"First Major Changes to HIPAA: The American Recovery and Reinvestment Act of 2009," *The Advocate* (October 01, 2010)

"The New World of Health Law," *The Advocate* (October 01, 2010)

"Risk Considerations: Discussion of Questions Recently Posed to PICA's Risk Management Department," *Footlights* (September 01, 2010)

"APMA HIPAA Privacy Manual and APMA HIPAA Security Manual," *American Podiatric Medical Association*

REPRESENTATIVE MATTERS

National consultant and advisor to insurance companies regarding their compliance with the Medicare Secondary Payer Act; author of articles and national speaker on the Medicare Secondary Payer Act.

Defended McDonald's in the only other hot coffee jury trial since infamous Stella Lybeck case. Opposing counsel was the attorney who had won a large verdict against McDonald's in the Lybeck case. Jury ruled in favor of McDonald's. Was invited to make a presentation to all of McDonald's defense counsel at a national meeting in Chicago.

Consultant to the United States' largest insurer of podiatrists on HIPAA, Medicare audit and investigations; supervise defense attorneys hired by the insurer in hundreds of cases.

Represented Taco Bell franchisee in the acquisition of 30 Taco Bell restaurants from Taco Bell Corp. in \$30 million transaction spanning 6 months; transaction involved real estate, physical and intangible assets and personnel.