Jesse A. Berg

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Tammy Scherling
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PRACTICE AREAS

Health Law

Antitrust & Trade Regulation

Health Care Transactions

Health Care Regulatory & Compliance Counseling

Litigation

Data Privacy & Cybersecurity Compliance

Licensing, Technology Transfer & Commercialization

INDUSTRIES

Health Care

Technology

COURT MEMBERSHIPS

- Minnesota
- Colorado
- Missouri
- Wisconsin

Jesse Berg counsels health care providers on Medicare and Medicaid reimbursement, enrollment and program integrity issues, compliance with the Stark Law, Anti-Kickback Statute and other federal and state fraud and abuse laws, HIPAA and state privacy and confidentiality matters, as well as antitrust issues. Jesse provides legal guidance to a variety of providers, including hospitals, physician groups, and ancillary service providers, such as clinical labs, imaging facilities, DME suppliers, and ambulatory surgery centers.

Prior to joining the firm, Jesse served as assistant attorney general in the Health Care and Antitrust Division of the Minnesota Attorney General's Office. During that time, he focused on regulatory matters, including enforcement of various laws that govern the operation of health care organizations in Minnesota, as well as providing legal advice to various state agencies, such as the Minnesota Department of Health.

Jesse is an FAA-licensed private pilot and a former spinning instructor. He resides in St. Paul, Minn.

Representative Experience

- Structuring joint ventures and other collaborations among health care providers to comply with federal and state regulatory laws, including Stark Law and Anti-Kickback Statute.
- Assisting providers and suppliers of various sizes and types in complying with Medicare and Medicaid rules and regulations, including provider-based regulations, independent diagnostic testing facility requirements, durable medical equipment supplier regulations, anti-markup rules, CLIA requirements and billing, coding and payment standards.

EDUCATION

Saint Louis University School of Law, J.D., *cum laude*, Certificate in Health Law

Saint Louis University School of Public Health, M.P.H.

University of Minnesota, B.A.

- Representation in response to *qui tam* cases filed for alleged violations of False Claims Act.
- Assisting providers in responding to regulatory inquiries and investigations, including matters involving alleged fraud and abuse and Stark Law violations, CLIA proficiency testing, HIPAA violations, Medicare/Medicaid enrollment matters and issues involving over-payments and self-disclosure.
- Representation of multi-specialty physician group in securing Advisory Opinion 10-15 from U.S. Department of Health and Human Services Office of Inspector General.

Events

- Health Law Seminar
  September 13, 2023
- Introduction to FDA for Health Care Providers: Opportunities and Obligations when Providers Collaborate with the Life Sciences Industry
  June 26, 2023
- Clinical Laboratory and Pathology Update: What Was New In 2022 (and Where Things Might Be in 2023)
  March 23, 2023
- 2022 HIPAA Updates and Looking Forward to 2023 Webinar
  March 1, 2023
- Health Law Seminar
  September 22, 2022
- Provider Co-Location: The Final Word or More to Come?
  June 28, 2022
- Clinical Lab Update: What Happened in 2021 and Where Things are Headed in 2022
  March 25, 2022
- Navigating Different Approaches to Provider Collaboration
  November 17, 2021
- Emerging COVID Liability Issues: Assessing and Mitigating Risk
  October 5, 2021
- Price Transparency: Compliance and Risk Reduction
  September 10, 2021
- Burgers, Fries … and Botox? Franchising a Health Care Provider
  June 28, 2021
- Navigating New and Established Approaches to Provider Collaboration

May 21, 2021

- Clinical Lab and Pathology in the Age of COVID-19
  March 26, 2021
- Telehealth & Covid: What's Happening Now and What Might Be Next
  February 5, 2021
- The Shifting Legal Landscape of Telehealth
  August 6, 2020
- Emerging from COVID and Beyond … How to Structure a Successful Medical Practice
  June 16, 2020
- Detangling the Web: How Providers can Mitigate the Economic Impact of the COVID-19 Outbreak
  April 10, 2020
- Proposed Revisions to the Stark Law and Anti-Kickback Statute: What You Need to Know
  March 11, 2020
- What to Do When You MIGHT Have an Overpayment from Medicare
  February 7, 2020
- The Ins, Outs and Legal Considerations of Referral and Marketing Arrangements
  February 6, 2020
- Privacy and Data Security Workshop
  February 21, 2019

Presentations

- Co-presenter, "Year In Review," American Health Law Association Institute on Medicare and Medicaid Payment Issues, March 20, 2024
- Moderator, "Legal and Policy Challenges for the Coverage and Payment of Cell and Gene Therapies," American Health Law Association Webinar, January 24, 2024
- Moderator, "Implementation of Medicare Drug Price Negotiations," American Health Law Association (AHLA) webinar, November 14, 2023
- Presenter, "Developments in Antitrust Enforcement & Merger Guidelines," & "Regulatory Update: Year in Review," Lathrop GPM Health Law Seminar, September 13, 2023

- Moderator, "Highlights to the Recent Changes to the Cost Reports for Hospitals," American Health Law Association webinar, July 18, 2023
- Presenter, "Introduction to FDA for Health Care Providers: Opportunities and Obligations when Providers Collaborate with the Life Sciences Industry," 2023 American Health Law Association Annual Meeting, June 26, 2023
- Co-presenter, "Do You Have a Potential Overpayment? Perspectives from Payers and Providers on How to Assess Next Steps," Minnesota CLE Health Law Institute, June 15, 2023
- Co-presenter, "Clinical Laboratory and Pathology Update: What Was New In 2022 (and Where Things Might Be in 2023)" American Health Law Association Institute on Medicare & Medicaid Payment Issues, March 23, 2023
- Presenter, "Provider Co-Location: The Final Word Or More To Come?" St. Louis Area Health Lawyers Association, Mobile CLE, October 7, 2022
- Moderator, "Fireside Chat with Dr. Michael Osterholm, Ph.D., MPH," Lathrop GPM Health Law Seminar, September 22, 2022
- Presenter, "No One Looks Good in Orange," Lathrop GPM Health Law Seminar, September 22, 2022
- Co-presenter, "Provider Co-Location: The Final Word or More to Come?" American Health Law Association Annual Meeting, June 28, 2022
- Co-presenter, "Sticker Shock No More - A Practical Update on the No Surprises Act," 2022 Health Law Institute, June 16, 2022
- Presenter, "Clinical Lab Update: What Happened in 2021 and Where Things are Headed in 2022," Institute on Medicare and Medicaid Payment Issues 2022, March 25, 2022
- Presenter, "Navigating Different Approaches to Provider Collaboration," Care Providers of Minnesota, 2021 Convention & Exposition - Moving Forward Together, November 17, 2021
- Panelist, "Emerging COVID Liability Issues: Assessing and Mitigating Risk," 2021 Leading Age Annual Meeting, October 5, 2021
- Co-presenter, "Price Transparency: Compliance and Risk Reduction," HCCA Regional Healthcare Compliance Conference, September 10, 2021
- Presenter, "Burgers, Fries … and Botox? Franchising a Health Care Provider," American Health Law Association Annual Meeting, June

26, 2021

- Presenter, "In-Depth Look: Key Stark Law and Anti-Kickback Statute Developments," The 2021 Health Law Institute, June 15, 2021
- Presenter, "Clinical Lab and Pathology in the Age of COVID-19," Institute on Medicare and Medicaid Payment Issues, American Health Law Association, March 26, 2021
- Presenter, "Navigating New and Established Approaches to Provider Collaboration," LeadingAge Minnesota, May 21, 2021
- Presenter, "Telehealth & Covid: What's Happening Now and What Might Be Next," St. Louis Area Health Lawyers Association, February 5, 2021
- Co-presenter, "What Do the New Stark Law, Anti-kickback Statute and Civil Monetary Penalty Regulations Mean for Your Organization?" Lathrop GPM Webinar, December 17, 2020
- Co-presenter, "The Shifting Legal Landscape of Telehealth," Midwest MGMA Webinar, October 22, 2020
- Co-presenter, "The Shifting Legal Landscape of Telehealth," Lathrop GPM Webinar, August 8, 2020
- Co-presenter," Emerging from COVID and Beyond … How to Structure a Successful Medical Practice," Midwest MGMA Webinar, June 16, 2020
- Co-presenter, "Detangling the Web: How Providers can Mitigate the Economic Impact of the COVID-19 Outbreak," Lathrop GPM Webinar, April 10, 2020
- Presenter, "Hot Topics in Clinical Lab and Pathology," American Health Lawyers Association, Institute of Medicare and Medicaid Payment Issues, Baltimore, Maryland, March 25-27, 2020 (event cancelled due to Covid-19)
- Presenter, "What to Do When You MIGHT Have an Overpayment from Medicare," LeadingAge Minnesota 2020 Institute & Expo, February 7, 2020
- Presenter, "The Ins, Outs and Legal Considerations of Referral and Marketing Arrangements," LeadingAge Minnesota 2020 Institute & Expo, February, 6 2020
- Co-presenter, "Proposed Revisions to the Stark Law and Anti-Kickback Statute: What You Need to Know," Gray Plant Mooty Event & Webinar, November 19, 2019
- Presenter, "What To Do When You Might Have an Overpayment," 2019 Care Providers of Minnesota Annual Convention, November

18, 2019

- Presenter, "Health Care Regulatory Update: Year in Review," Gray Plant Mooty 23rd Annual Health Law Seminar, July 25, 2019
- Presenter, "Tracking the Elusive Unicorn: How to Find the Win-Win-Win in Value-Based Contracting," 2019 Minnesota CLE Health Law Institute, June 19, 2019
- Co-presenter, "How to Get in Trouble Without Really Trying; Practical Advice for When a Regulator Comes Knocking," Gray Plant Mooty Event & Webinar, March 19, 2019
- Co-presenter, "Privacy and Data Security Workshop," Gray Plant Mooty Event & Webinar, February 21, 2019
- Presenter, "Hot Topics in Fraud & Abuse—The Best (or Worst) of 2017 through 2018," Minnesota State Bar Association CLE, December 21, 2018
- Presenter, "Survey the Risk: Understand the Latest Trends, Focus Areas, and Enforcement Tools," Healthcare Fraud & Abuse Workshop, Minnesota CLE, December 10, 2018
- Presenter, "The Ins and Outs of LTC Referral Arrangements," Care Providers of Minnesota Annual Convention and Exposition, November 13, 2018
- Presenter, "Healthcare Provider Co-Location Arrangements: Keys to Compliance," Medical Group Management Association Annual Conference, October 1, 2018
- Presenter, "Where are we now? An Update on the Stark Law," MMGMA Summer Conference, July 26, 2018
- Presenter, "Value-Based Reimbursement: Where Are We Going (and Where Are We Now)?" 2018 Health Law Institute, June 14, 2018
- Presenter, "Medicare and Medicaid Enrollment and Revalidation: Obtaining and Maintaining Enrollment and Billing Privileges," Strafford, national webinar, May 2, 2018
- Co-presenter, "Health Law Roundtable: Top 10 Enforcement Trends for 2018," Gray Plant Mooty Event & Webinar, April 12, 2018
- Presenter, "Squaring the Circle: The Stark Law and Value-Based Reimbursement," 2017 Medical Group Management Association Annual Conference, October 8, 2017
- Presenter, "Tips and Tools for HIE in MN," 2017 MACMHP Conference, September 12, 2017

- Panelist, "Navigating Healthcare Cybersecurity and Privacy Law," Mitchell Hamline School of Law, MN CLE, June 29, 2017
- Presenter, "Land of 10,000 Barriers: Tips and Tools for Exchanging Health Information in Minnesota," 2017 e-health Summit Presentation, June 15, 2017
- Presenter, "It's Just (Not) that Simple: Healthcare Provider Co-Location Arrangements," Health Law Institute, MN CLE, June 15, 2017
- Presenter, "The First 100 Days: Answering Client Questions about the Impact of the New Administration," Minnesota CLE, May 3, 2017
- Co-presenter, "The ACA, AHCA, Obamacare Lite or Something in Between: Status of Health Care Reform," Minnesota CLE, May 2, 2017
- Presenter, "Say 'Hello' To My Little Friend! … The Foundations in Privacy Toolkit: Tips and Tools for Exchanging Health Information in Minnesota," Minnesota Medical Group Management Association - 2017 Winter Conference, March 8, 2017
- Co-presenter, "HIPAA Webcast: Tips and Traps for Health and Home Care Franchisors," Gray Plant Mooty Webinar, April 13, 2017
- Co-presenter, "Answering Client Questions About the Impact of the New Administration," Minnesota CLE, November 28, 2016
- Presenter, "Let's All Go to the McClinic: Franchising in Health Care Delivery," AHLA In-House Counsel Program and Annual Meeting, June 26, 2016
- Co-presenter, "Barriers to Sharing Health Information in Minnesota - State Initiatives to Manage Them," Minnesota Medical Group Management Association 2016 Winter Conference, March 2, 2016
- Presenter, "Stark Law in 2016: One Step Forward, Two Steps Back, " Gray Plant Mooty Event & Webinar, January 12, 2016
- Presenter, "Tick, Tock, CMS is Watching the Clock: The New 60-Day Overpayment Rule," 2016
- Presenter, "Challenges, Uncertainty, and Reform in the Clinical Laboratory Industry," Minnesota State Bar Association, December 11, 2015
- Presenter, "Health Law Roundtable: Legal Issues in Telehealth Care Delivery and Development of State Legislation," Gray Plant Mooty Event & Webinar, December 4, 2015
- Co-presenter, "Patient Health Information: Charting a Course for the Future," Gray Plant Mooty Event & Webinar, November 17,

2015

- Presenter, "HIPAA Breach Analysis: Are We Just Calling Balls & Strikes?" Care Providers of Minnesota Convention, November 16, 2015
- Presenter, "Recent Stark Law and Anti-kickback Statute Developments and Enforcement Trends," Minnesota CLE Health Care Fraud and Abuse Seminar, November 3, 2015
- Presenter, "Oh What a Tangled Web We Weave: Legal Issues in e-Health Care Delivery," Minnesota Medical Group Management Association Annual Meeting, July 31, 2015
- Presenter, "The Future of Health Care: In a Galaxy Far, Far Away," Gray Plant Mooty Annual Health Law Conference, July 14, 2015
- Presenter, "Lightning Round: Data Breaches, HIPAA Audits, and Overpayments and Self-Disclosures," Gray Plant Mooty Annual Health Law Conference, July 14, 2015
- Co-presenter, "Privacy and Data Security Workshop," Gray Plant Mooty Event & Webinar, May 20, 2015
- Co-presenter, "Medical Marijuana in Minnesota: Smoking Out the Highlights," Gray Plant Mooty Event & Webinar, December 2, 2014
- Presenter, "Expansion of Telehealth: Key Legal Issues For Health Care Providers," Minnesota Medical Association Annual Conference, September 19, 2014
- Co-presenter, "Oh What a Tangled Web We Weave: Legal Issues in eHealth Care Delivery," Gray Plant Mooty 18th Annual Health Law Conference, July 17, 2014
- Presenter, "The Clock is Ticking: I Have to do What in 60 Days? An Update on the Affordable Care Act's Medicare Overpayment Rule," 2013 Health Law Institute, June 6, 2013
- Presenter, "Crisis Management for the Health Care Provider: Successfully Navigating the Law and Public Relations," GPM Health Law Breakfast Roundtable, May 8, 2013
- Presenter, "Health Law Roundtable: Shine a Light: New 'Sunshine' Regulations to Require Disclosure of Physician Payments from Drug, Device, and Other Companies," Gray Plant Mooty Event & Webinar, March 27, 2013
- Co-presenter, "HIPAA Final Rule is Finally Here: What the New Regulations Mean For You," Gray Plant Mooty Event & Webinar, February 27, 2013
- Co-presenter, "Navigating Tough PR and Legal Challenges in the Health Care, Medical Device and Life Science Industries," Gray

Plant Mooty Event, September 19, 2012

- Moderator, "Healthcare Reform Symposium," Minneapolis/St. Paul Business Journal, August 28, 2012
- Co-presenter, "O-Rom-Berts Care: Here Today, Gone Tomorrow," GPM 16th Annual Health Law Conference, July 19, 2012
- Presenter, "Medicare and Medicaid Program Integrity and Enrollment Issues," 2012 Health Law Institute, June 7, 2012
- Presenter, "Medicare and Medicaid Enrollment and Revalidation Screening Requirements," Minnesota Continuing Legal Education, May 10, 2012
- Presenter, "Beyond the Affordable Care Act: Key Regulatory Changes and their Implications for Providers," Minnesota Ambulatory Surgery Center Association Annual Conference, April 27, 2012
- Presenter, "Background on HIPAA and HITECH: Privacy and Security Regulations and the Status of HITECH Regulations," Lorman Education Services: Medical Records Law, March 23, 2012
- Co-presenter, "Crisis Management for the Health Care Provider: Successfully Navigating the Law and Public Relations," Gray Plant Mooty Webinar, March 8, 2012
- Co-presenter, "The Final Accountable Care Organization Regulations: One Part Flexibility, Two Parts Complexity," Gray Plant Mooty Event, November 30, 2011
- Presenter, "Future of Health Care Enforcement and Accountability," Nebraska Hospital Association Annual Convention, October 20, 2011
- Co-presenter, "Beyond the Affordable Care Act: Key Regulatory Changes and their Implications for Providers," 2011 Health Law Seminar, Minnesota CLE, June 9-10, 2011
- Co-presenter, "The New Accountable Care Organization Regulations: A Mystery Only Partially Revealed," Gray Plant Mooty Health Law Roundtable Breakfast Program, May 4, 2011
- Presenter, "Death Panels, Tanning Beds and AK-47s: What You Need to Know About Healthcare Reform," Minnesota Radiological Society 2011 Spring Meeting, April 9, 2011
- Co-presenter, "Between a Rock and a Hard Place: Next Steps When You Fear a Stark or Kickback Violation Has Occurred in Your Shop," GPM Health Law Breakfast Roundtable, February 22, 2011
- Co-presenter, "A Target on Your Back: The New Reality of the False Claims Act," Aging Services of Minnesota 2011 Institute, February

9, 2011

- Co-presenter, "Audacious Goals and Grand Plans: Obtaining an OIG Advisory Opinion for a $200 Million Joint Venture," Legal Issues Affecting Academic Medical Centers and Other Teaching Institutions, American Health Lawyers Association, Washington, DC, January 27, 2011
- Co-presenter, "Health Law Roundtable: The Meaning of 'Meaningful Use' and Proposed Changes to HIPAA Privacy, Security, and Enforcement Rules," Gray Plant Mooty Event, October 12, 2010

Publications

- Contributing Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2024
- Chapter Author, "Health Care Provider Co-Location: There's Still No Easy Button," *Health Law Handbook*, 2023-2024 ed.
- Chapter Author, "Franchising in Health Care Delivery," *Thomson Reuters Health Law Practice Guide*, 2023
- Contributing Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, February 2023
- Contributing Author, "Health Care Fraud Law: A 50 State Survey," Summary of Fraud and Abuse Statutes and Regulations: South Dakota, *American Health Law Association*, October 2022
- Contributing Author, "Health Care Fraud Law: A 50 State Survey," Summary of Fraud and Abuse Statutes and Regulations: North Dakota, *American Health Law Association*, October 2022
- Author, "Franchising a Health Care Provider," *Health Law Handbook*, West / Thompson Reuters, 2022
- Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2020

Client Alerts And Blog Posts

- OIG Publishes New Compliance Guidance for Health Care Entities, Along with Plan for Targeted “Industry Specific” Guidance Starting in 2024
  November 13, 2023
- $43 Million False Claims Act Verdict in Minnesota Illustrates Ongoing Anti-kickback Statute Risks

March 3, 2023

- The Public Health Emergency Is Finally (Almost) Over: What Does That Mean for Stark Law and Anti-kickback Statute Compliance?
  February 22, 2023
- A New Vacuum in Antitrust? DOJ Withdraws Longstanding Health Care Enforcement Statements
  February 10, 2023
- HHS Pays Out $30 Billion of Relief Funds Based on Medicare Revenue, Indicates Future Distributions will be Based on Medicaid and Other Factors
  April 14, 2020
- Health Law Alert: CARES Act Includes Funding Opportunities and Additional Flexibilities for Providers; CMS Makes Accelerated Payment Program Available to All Providers
  April 3, 2020
- Health Law Alert: HHS Grants Midwest States Waiver Requests; CMS Issues Guidance on Stark Law Waivers
  April 1, 2020
- Health Law Alert: Federal Agencies Relax Rules with Goal of Aiding Health Care Providers in Delivering Care Remotely
  March 26, 2020
- Health Alert: OCR Issues Guidance to Assist Health Care Providers in the Age of the Coronavirus
  March 19, 2020
- Health Alert: Supreme Court Clarifies Statute of Limitations in Nonintervened False Claims Act Qui Tam Suits
  May 31, 2019
- Health Law Alert: HHS Proposes Rule to Bring Transparency to PBM Pricing
  February 28, 2019
- "Health Law Practice Guide: Franchising in Health Care Delivery," chapter author, American Health Lawyers Association
  November 6, 2018
- "Summary of South Dakota's Fraud and Abuse Statutes & Regulations," American Health Lawyers Association's Fifty State Survey of Fraud & Abuse Statutes and Regulations
  November 6, 2018
- Health Law Alert: The Record $16 Million Data Breach Settlement and How You Can Avoid Similar Outcomes
  October 24, 2018

- Health Law Alert: Department of Justice Intervenes in False Claims Act Case Naming Private Equity Firm as Co-Defendant
  May 23, 2018
- Health Law Alert: Favorable OIG Advisory Opinion and Recent Increase in Civil Monetary Penalties Impact Fraud and Abuse Enforcement
  March 27, 2018
- Health Law Alert: Will This Be the Year? Legislature Contemplates Modifying the Minnesota Health Records Act to Better Align With HIPAA
  March 13, 2018
- Health Law Alert: HIPAA Confusion on Texting Swirls, as Preliminary Audit Results Suggest Widespread Noncompliance
  January 8, 2018
- Health Law Alert: CMS Publishes Updated Stark Law Self-Referral Disclosure Protocol Against Backdrop of Significant Increase in Scope of False Claims Act Penalties
  April 13, 2017
- "Medicare Enrollment – Increasing Complexity in Program Compliance," co-author, Minnesota Physician
  April 1, 2017
- Health Law Alert: Free HIPAA and Minnesota Law Privacy Tools Available to Providers
  March 14, 2017
- Health Law Alert: Has Obamacare been Trumped? The Potential Impact of the New Administration on the Affordable Care Act
  December 7, 2016
- Health Law Alert: Deadline Extended on Minnesota Department of Health Request for Information
  October 14, 2016
- Health Law Alert: Minnesota Department of Health Seeking Public Input on Patient Impact and Costs Associated with Minnesota Patient Consent Requirements
  October 11, 2016
- Health Law Alert: HIPAA Business Associates Take Note - Recent Enforcement Actions, HIPAA Audits Urge Compliance
  September 29, 2016
- Health Law Alert: New HIPAA Rule to Aid Health Care Organizations in Managing Cyber Risk
  March 16, 2016

- Health Law Alert: CMS Finalizes 60-Day Overpayment Rule
  February 23, 2016
- Health Law Alert: CMS Tries to Reduce Stark Law Compliance Burden in 2016 Physician Fee Schedule Final Rule
  November 24, 2015
- Health Law Alert: OCR Releases Platform to Solicit Comments from Health App Developers on HIPAA Requirements
  October 7, 2015
- Health Law Alert: New Medicaid Billing Rule Requiring Direct Billing for Independent Labs Set to Become Effective on October 1, 2015, Inconsistency with Medicare Rules Remains
  September 1, 2015
- Health Law Alert: Recent Enforcement Actions and OIG Fraud Alert Highlight Regulators' Focus on Physician Compensation Arrangements
  August 24, 2015
- "An Option Worth Exploring, Franchising Your Medical Group," co-author, Group Practice Journal, a publication of the American Medical Group Association
  June 26, 2015
- Health Law Alert: OIG Issues New Practical Guidance for Board Oversight of Compliance Programs
  April 24, 2015
- Health Law Alert: HIPAA Settlement Raises Questions about Malware Protection for Providers
  February 13, 2015
- Health Law Alert: Medical Staff Bylaws can be an Enforceable Contract—Implications of the Recent Minnesota Supreme Court Decision
  January 8, 2015
- Health Law Alert: The ACA's Increased Medicaid Reimbursement for Primary Care Expires December 31, 2014
  December 31, 2014
- Medical Marijuana Roundtable: Top Ten Takeaways
  December 15, 2014
- Health Law Alert: OIG Releases Proposed Revisions to Anti-Kickback Safe Harbors and Civil Monetary Penalty Rules
  October 22, 2014
- Health Law Alert: Case Against New York Health System May Shape the 60-Day Overpayment Rule

October 7, 2014

- Health Law Alert: American Telemedicine Association Releases Report Showing Minnesota, Upper Midwest Fare Well Among State Approaches to Telemedicine
  September 29, 2014
- Health Law Alert: CMS Modifications to Meaningful Use Rule Gives Providers a Welcome Reprieve
  September 17, 2014
- Health Law Alert: The Deadline for Amending Business Associate Agreements is Quickly Approaching
  June 23, 2014
- Health Law Alert: Telemedicine Standards Approved by the Leading Organization of State Medical Boards
  June 12, 2014
- Health Law Alert: HIPAA Enforcement on the Rise, As OCR Audit Program Moves Forward
  May 20, 2014
- "Health Care Changes Present Challenges and Opportunities for Franchising," Franchising World
  February 7, 2014
- "Medical Devices in Health Care Delivery," Minnesota Physician
  February 1, 2014
- “HIPAA Update: Final Security and Privacy Regulations Will Significantly Affect Physician Practices, co-author, Minnesota Physician
  June 1, 2013
- Health Law Alert: OIG Issues Special Fraud Alert on Physician-Owned Distributorships
  April 12, 2013
- Health Law Alert: HIPAA Enforcement, Medicare Overpayment Recoveries Remain Top Priority in 2013
  January 9, 2013
- Health Law Alert: OIG Releases 2013 Work Plan; Holder, Sebelius Warn Hospitals on Misuse of Electronic Health Records
  October 16, 2012
- Health Law Alert: CMS Issues EHR Meaningful Use Stage 2 Final Rule
  September 12, 2012
- Health Law Alert: Supreme Court Upholds Affordable Care Act
  July 10, 2012

- Health Law Alert: CMS Releases Proposed Rule on Stage 2 Meaningful Use Requirements
  March 26, 2012
- Health Law Alert: Keeping Ten Years' Worth of Records on Hand: CMS Proposes 60 Days to Repay Overpayments
  March 5, 2012
- Health Law Alert: Just in Time for the New Year: CMS Delivers the Sunshine Act
  December 29, 2011
- "Shutdowns, Cuts and Stalemates: the Story of Health Care in the 2011 Legislative Session," Minnesota Health Care News
  December 1, 2011
- Health Law Alert: CMS Issues Final Rule for Accountable Care Organizations
  November 4, 2011
- "Program Integrity—Keeping The Bad Guys Out, But Making Things Harder For The Good Guys," Minnesota Physician
  November 1, 2011
- "Program Integrity—Keeping the Bad Guys Out, but Making Things Harder for the Good Guys," Minnesota Physician
  November 1, 2011
- "Anti-Kickback And The "One Purpose Test"," Journal of the Association of State Physician Recruiters
  October 25, 2011
- Health Law Alert: CMS Launches Bundled Payment Initiative, Opportunities to Participate Begin this Month
  September 20, 2011
- Health Law Alert: CMS Announces New Medicare Enrollment Revalidation Initiative, Issues Revised Enrollment Applications
  August 29, 2011
- Health Law Alert: "One Purpose Test" for Anti-kickback Statute Violations Adopted by Yet Another Judicial Circuit
  August 2, 2011
- Health Law Alert: HHS Releases Proposed Regulations Dramatically Expanding HIPAA Accounting of Disclosures Requirements
  June 16, 2011
- Health Law Alert: OIG Audit Exposes Vulnerabilities in HIPAA Security Rule Compliance, Offers Lessons for Covered Entities and Business Associates

June 2, 2011

- Health Law Alert: Attestation and Third-Party Registration Now Available for Medicare Electronic Health Records Incentive Programs
  May 3, 2011
- Health Law Alert: CMS Issues Proposed ACO Regulations
  April 13, 2011
- The Brave New World of Health Care Fraud and Abuse: New Civil Fraud Unit Reflects National Trends
  April 11, 2011
- Health Law Alert: Providers Beware-The Government Really Means It!
  January 19, 2011
- "Health Care Meets A New Dynamic," Minnesota Health Care News
  January 1, 2011
- "Politics, Money Dominate Health Care Debate: 2010 Minnesota Legislature Focuses On Making Do," Minnesota Health Care News
  September 1, 2010
- "Medicare Fraud And Abuse: Health Care Reform Raises The Stakes," Minnesota Physician
  June 1, 2010
- Health Law Newsletter Spring 2010
  April 6, 2010
- "Adrift On A Sea Of Red Ink: Minnesota Legislature Faces Huge Financial Pressure," Minnesota Health Care News
  February 1, 2010
- Health Law Alert: HITECH Breach Notification Rules, Business Associate Requirements and Increased Penalties for HIPAA Violations Present Challenges for Providers
  November 18, 2009
- “Legislation: No Easy Answers,” Minnesota Health Care News
  September 1, 2009
- "A State False Claims Act?," Minnesota Physician
  May 1, 2009
- "In The Red: Huge Budget Deficit Will Slow Health Care," Minnesota Health Care News
  January 1, 2009
- "U.S. Senate Candidates On Health Care," Minnesota Health Care News
  September 1, 2008

- “A Day Late; A Dollar Short: 2008 Legislative Session Fails to Meet Goals,” Minnesota Health Care News
  August 1, 2008
- "Health Care In The 2008 Legislature: Moving Forward Incrementally," Minnesota Health Care News
  July 1, 2008
- "Health Care In The 2008 Legislature," Minnesota Health Care News
  February 1, 2008
- “Healthcare in the 2008 Legislature: Stalking an Elusive Goal,” Minnesota Health Care News
  February 1, 2008
- “Summary of South Dakota's Fraud and Abuse Statutes & Regulations,” American Health Lawyers Association's Fifty State Survey of Fraud & Abuse Statutes and Regulations
  September 1, 2007
- “2007 Legislature Achieves Precious Little in Health Care; Reform Proponents Expect Better Results in 2008,” Minnesota Health Care News
  August 1, 2007
- “Minnesota Mental Health and the Law 2007: Confidentiality and Release of Mental Health Information,” Health Ed
  February 16, 2007
- "Will The New Balance Of Power Set A New Tone In Health Care?," Minnesota Health Care News
  February 1, 2007
- “Consumer Fraud & Deceptive Trade Practice Regulation in Minnesota,” Minnesota Continuing Legal Education Deskbook, contributing author
  January 1, 2007
- "Everyday Antitrust Issues," Minnesota Physician
  November 1, 2006
- “HIPAA's Assault on the Ivory Tower: the Privacy Law Lays Siege to the College Campus,” Health Law Wisconsin
  September 10, 2002
- “A Phony War No More: DOJ Efforts to Enforce Stark Through the False Claims Act,” Health Law Wisconsin
  August 1, 2002

In The News

- McKnight's Quotes Counsel Jesse Berg on What Providers Can Expect Medicare Fraud Control Units to Prioritize in Skilled Nursing Facility Cases
  April 10, 2023
- McKnight's Quotes Jesse Berg on Challenges for Skilled Nursing as HHS Releases Annual OIG Report
  March 17, 2023
- Medical Economics Features Partner Jesse Berg on Benefits, Legal Risks Related to Telehealth Care
  February 26, 2023
- RamaOnHealthcare Features Partner Jesse Berg on Telehealth Legal Risks for Providers
  February 26, 2023
- 40 GPM Attorneys Recognized for Pro Bono Work
  July 2, 2015
- "HHS Coming Down Harder on Healthcare Privacy Violations," Compliance Week
  June 10, 2014
- Jesse Berg Talks Medical Data Privacy on Almanac
  February 10, 2014

News Releases

- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
  August 17, 2023
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
  August 18, 2022
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
  August 19, 2021
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
  August 20, 2020
- Lathrop GPM Develops COVID-19 Client Response Team
  March 18, 2020
- Gray Plant Mooty Attorneys Named The Best Lawyers in America© 2020
  August 15, 2019

- Attorneys Recognized for Pro Bono Service
  June 14, 2019
- Thirteen Gray Plant Mooty Attorneys Named 2012 “Minnesota Rising Stars”
  July 9, 2012

Professional Affiliations

- Colorado Bar Association Health Law Section, Executive Council, 2022-2023
- American Health Law Association, Regulation, Accreditation and Payment Practice Group (RAP), Vice Chair - Education, 2023-2025
- American Health Law Association, Regulation, Accreditation and Payment Practice Group (RAP), Vice Chair - Publishing, 2021
- American Health Law Association, Member, 2001-Present
- Minnesota Bar Association Health Law Section, Past Chair

Honors

- Selected among *The Best Lawyers in America©,* 2020-2024
  - "Lawyer of the Year," 2023
- "Minnesota's Top Lawyers," *Minnesota Monthly,* 2022
- "North Star Lawyers," Minnesota State Bar Association, 2018
- "Minnesota Rising Star," Thomson Reuters, 2010, 2012, 2014