



## J. Malcolm (Jay) DeVoy

### Of Counsel

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**Jay provides counsel to healthcare providers, entities, and other businesses to navigate professional, regulatory, and business challenges and risks.**

#### PRACTICES

Healthcare Law  
Corporate

#### INDUSTRIES

Healthcare  
Pet Care

#### EDUCATION

University of Wisconsin Law School, J.D.,  
2010  
*cum laude*

Canisius College, B.A., 2007  
*summa cum laude*

#### BAR ADMISSIONS

Nevada

#### COURT ADMISSIONS

U.S. District Court for the District of  
Nevada

U.S. District Court for the District of  
Colorado

U.S. District Court for the Western District  
of Wisconsin

U.S. District Court for the Eastern District  
of Wisconsin

U.S. Court of Appeals for the Ninth  
Circuit

U.S. Court of Appeals for the Tenth  
Circuit

He has experience providing counsel to medical providers and affiliated entities, such as surgical centers and other facilities, and responding to issues that arise throughout any business. Jay has successfully represented clients before their professional licensing authorities and other state agencies, on topics ranging from pharmaceutical regulations and laboratory operations to medical record protection, responding to governmental investigative demands, and accreditation issues.

Jay particularly focuses on the intersection of technology and his clients' medical activities. This includes advising clients about the latest developments in telemedicine implementation and payment. As a regular part of his practice, Jay helps his clients avoid costly losses arising from HIPAA breaches or Nevada's anti-SLAPP laws due to hasty responses to patient or competitor complaints.

When a dispute arises, Jay vigorously represents his clients in state or federal court. His experience includes both prevailing on and defeating critical motions, including motions for summary judgment and motions seeking temporary restraining orders and preliminary injunctions. Of particular importance, his understanding of privacy laws allows him to advise clients of issues that arise when HIPAA is implicated in litigation (and identify when it is not).

Prior to joining Holland & Hart, Jay practiced as a shareholder at DeVoy Law P.C.

#### EXPERIENCE

Jay regularly advises healthcare clients on a wide range of state and federal laws and regulations and how they can affect their business. These include:

- the Anti-Kickback Statute
- Stark Law
- the Civil Monetary Penalties statute
- Health Insurance Portability and Accountability Act ("HIPAA")
- Clinical Laboratory Improvement Amendments ("CLIA")
- the Eliminating Kickbacks in Recovery Act ("EKRA"), and

- accompanying federal regulations and state law analogues

## **PUBLICATIONS**

"Change in the HHS," *Vegas Legal Magazine*, Spring 2021

"New Stark and Anti-Kickback Statute Comparisons," Co-Author, 12/07/2020

"Final Rules for Stark and Anti-Kickback Reforms Issued by CMS and OIG," *Holland & Hart News Update*, Co-Author, 11/23/2020

"CMS Issues Final Rule for Hospitals & Home Health Agencies for Patient Discharge Planning," *Holland & Hart News Update*, Co-Author, 10/28/2019

"SLAPPED Back: The Nevada Supreme Court's Recent Treatment of Nevada's Anti-SLAPP Laws Shows That Preparation and Thoroughness Is Required to Use Them Effectively," *Vegas Legal Magazine*, 2019

"Beyond Stark: Nevada's Lesser-Known Physician Self-Referral Laws," *Nevada Business Magazine*, October 1, 2018

"Worth the Paper It's Written On: The Nevada Supreme Court Recognizes Common Interest Communications as Confidential Even Without a Written Agreement," *Vegas Legal Magazine*, co-author, 2018

"Piercing the Veil: Nevada's Supreme Court Confirms That Limited Liability Corporations Are Subject to the Alter-Ego Doctrine & Corporate Veil-Piercing Claims," *Vegas Legal Magazine*, co-author, 2018

"Super Priority, Supreme Court?," *Vegas Legal Magazine*, 2017

"Daubert, or Not Daubert: Expert Testimony & Opinion Admissibility," *Vegas Legal Magazine*, 2016

"Clarifications to Depositions in Nevada," *Vegas Legal Magazine*, 2016

## **SPEAKING ENGAGEMENTS**

"COVID-19: (Legal) Immunity," *Holland & Hart Health Law Compliance Webinar Series*, 02/18/2021

"Unique Compliance Concerns Applicable to Nevada," *Holland & Hart Health Law Compliance Webinar Series*, 01/26/2021

"Know Your Rights: Small Business Issues During COVID-19," Co-presenter, *Legal Aid Center of Southern Nevada*, Virtual Town Hall, 05/13/2020

"Health Law Webinar - Discharge Planning: Requirements of the Final Rule," Co-presenter, *Holland & Hart Webinar*, 10/22/2019

## **RECOGNITION**

- Mountain States Super Lawyers® Rising Stars, Business Litigation, 2016-2019; Healthcare, 2020-2021
- Legal Excellence Award, *Vegas Legal Magazine*, 2017

### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Foundation, Fellow
- State Bar of Nevada Insurance and Health Law Section, CLE Chair
- American Health Lawyers Association, Member
- Health Care Compliance Association, Member
- Member, American Bar Association, Health Law Section and Litigation Section, Member
- Clark County Bar Association, Member