



J. Malcolm (Jay) DeVoy

Partner

9555 Hillwood Drive, 2nd Floor, Las Vegas, NV 89134

P 702.669.4636

jmdevoy@hollandhart.com

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

PRACTICES

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

"AHLA Health Care Fraud Law – A 50-State Survey, First Edition," *AHLA Health Care Fraud Law: A 50 State Survey, First Edition, Chapter Author, Co-Author, October 2022*

"The Life, Death, and Rebirth of Formula 1 in Las Vegas," *Vegas Legal Magazine, Summer/Fall 2021*

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

"New Stark and Anti-Kickback Statute Comparisons," *Holland & Hart News Update, 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*

SPEAKING ENGAGEMENTS

"Employment Law in Healthcare," *Panelist, Nevada Healthcare Forum 2022, 10/06/2022*

"Understanding EMTALA," *Holland & Hart Health Law Webinar, 08/25/2022*

"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, 2020-2022
- *Nevada Business Magazine*, Top Rank Attorneys, 2022
- 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