Mark S. Hardiman

Partner

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Mark S. Hardiman has amassed more than 20 years of experience representing healthcare providers in complex litigation matters, including federal and state criminal investigations, false claims and other civil lawsuits, and administrative proceedings before federal and state agencies. Mark advises clients on federal anti-kickback statutes, the Stark Law, and a multitude of regulatory compliance issues, including internal investigations, voluntary disclosures of overpayments, and potential violations of the False Claims Act (FCA).

As a veteran trial lawyer and litigator, Mark's experience includes 22 jury trials, eight appeals before the Federal Circuit Courts of Appeals, and three appeals before the California Court of Appeals. Mark spent more than eight years as a federal prosecutor with the United States Attorney's Office in L.A., where he prosecuted major fraud and other criminal cases.

Prior to joining Leech Tishman Nelson Hardiman, Mark worked for a law firm dedicated solely to the representation of healthcare providers and suppliers, where he focused on the defense of healthcare criminal and civil fraud actions and investigations.

Throughout his career, Mark has represented hospitals, skilled nursing home facilities, home health agencies, clinical laboratories, physician medical groups, pharmacies, ambulance companies, IDTFs, management companies, and individual providers in federal and state criminal and civil investigations and cases filed throughout the United States.

Mark has established a national reputation for work on behalf of hospitals and other healthcare providers that are sued by whistleblowers or the federal government for submitting false claims to Medicare and other federal healthcare programs in violation of the FCA. He has particular experience with FCA cases involving alleged lack of medical necessity based on physician decision-making and standard of care violations, kickback and Stark Law violations, and upcoding.

Capabilities

Healthcare
Healthcare Litigation
Healthcare Regulatory Compliance
Litigation

Admissions

California
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, District of Central California
U.S. District Court, District of Eastern California
U.S. District Court, District of Northern California
U.S. District Court, District of Southern California

Academics

J.D., *cum laude*, Boston University School of Law
A.B., Princeton University

Professional Memberships

American Health Lawyers Association
California Society for Healthcare Attorneys

Professional Accolades

Best Lawyers

Best Lawyer, *Best Lawyers Magazine (2016-2027)*
Los Angeles Lawyer of the Year in Litigation - Health Care, Best Lawyers Magazine (2027)

Super Lawyers

Super Lawyer, *Southern California Super Lawyers Magazine* (2006, 2015- 2026)

Chambers USA

Member of Leech Tishman's Healthcare Practice Group, ranked Band 5 for Healthcare in California, *Chambers USA Guide* (2026)

Additional Accolades

Litigation Star, *Benchmark Litigation* (2018)
United States Department of Justice Special Achievement Award
Attorney General Janet Reno's John Marshall Award
United States Chief Postal Inspector's Special Award
Special Recognition, *The Legal 500* (2019)

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Representative Transactions

Mark has extensive experience with complex litigation and regulatory compliance of public and private healthcare organizations. He has handled a number of state and federal cases involving both criminal and civil litigation, obtaining favorable outcomes on behalf of a number of healthcare organizations.

- Settled a federal criminal case charging a respiratory therapist with healthcare fraud relating to sleep studies, resulting in a guilty plea to a misdemeanor tax charge and the dismissal of all fraud charges.
- Obtained a dismissal of federal charges accusing a physician with healthcare fraud at various clinics.
- Obtained a dismissal of state criminal charges alleging a skilled nursing facility committed elder abuse after a resident committed suicide.
- Obtained a dismissal of federal charges after a two-month trial alleging a physician was engaged in the illegal distribution of controlled appetite suppressants over the internet.
- Obtained a dismissal of state criminal manslaughter and elder abuse charges, alleging a skilled nursing facility was legally responsible after a patient died from respiratory failure.
- Obtained a summary judgment in favor of the hospital in a non-intervened FCA case alleging false claims for unnecessary and duplicative laboratory testing.
- Obtained a dismissal in an FCA case against a hospital that allegedly paid kickbacks to a partial hospitalization program.
- Obtained summary judgment in the system's favor in a non-intervened FCA case alleging a hospital's submission of false claims for clinic office visits. The ruling was affirmed on appeal.
- Obtained a favorable government decision not to file a case after an FCA investigation of a medical group for allegedly submitting false claims for oncology drugs.
- Favorably settled whistleblower lawsuits on behalf of one of the largest health systems in the country.
- Successfully petitioned the California Supreme Court for review of psychotherapists' challenge to the invasion of patients' privacy rights in psychotherapeutic communications.

Mark's representative cases include the following published opinions:

- False Claims Act: *Zeman ex rel. U.S. v. USC University Hosp., 664 Fed. Appx. 641* (9th Cir. 2016)
- False Claims Act: *S. ex rel. Hockett v. Columbia/HCA, 498 F.Supp.2d 25* (D.D.C. 2007)
- Medicare Act: *Alvarado Hospital, LLC v. Price, 868 F.3d 983* (Fed. Cir. 2017)
- Medicare Fraud: *S. v. SDI Future Health, Inc., 568 F.3d 684* (9th Cir. 2009)
- Medicare Overpayment: *Palomar Medical Center v. Sebelius, 693 F.3d 1151* (9th Cir. 2012)
- Prescription Fraud: *S. v. Jackson, 167 F.3d 128* (9th Cir. 1999)
- Privacy Rights: *Mathews v. Harris, 7 Cal. App.5th 334* (2017)

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