

Parker Hudson Successfully Resolves Department of Justice Civil Rights Investigation into National Behavioral Health Clinic

- **Parker Hudson's experience leads to successful defense of DOJ civil rights investigation while simultaneously defending against private claims for monetary damages in federal court**

Like many of the DOJ-led civil rights investigations that Parker Hudson responds to, this matter began with a former patient's complaint submitted online to the U.S. Attorney's Office for the Western District of Washington in Seattle. That online complaint alleged that Parker Hudson's client, a national behavioral health clinic, had discriminated against the former patient on the basis of disability by failing to accommodate her dietary needs during treatment.

Parker Hudson was then retained following the client's receipt of a letter from the Department of Justice requesting (1) more information related to the alleged discrimination; (2) the production of documents and communications related to the former patient; and (3) and the identification of multiple witnesses for interviews. Once retained, Parker Hudson provided the DOJ with a comprehensive position statement, assisted in the production of relevant documents, and prepared and represented witnesses for multiple interviews with the DOJ. Parker Hudson also worked with the client's senior leadership team to present directly to the DOJ on the incidents surrounding the alleged failure to provide the dietary accommodations.

During the course of DOJ's investigation, however, the former client had also filed a separate Complaint in federal court in Washington seeking monetary damages against the client. In defense against those claims for damages, Parker Hudson filed multiple successful motions while simultaneously proceeding to successfully negotiate a resolution with the DOJ. That resolution provided for additional nondiscrimination training, revisions to certain policies and practices, and monitoring and reporting related to dietary accommodations either provided or denied during the course of treatment. Parker Hudson was also able to assist the client with achieving a global resolution of all claims by engaging the former patient in the ultimate resolution of the claims with the DOJ.

Notably, based upon the client's cooperation and conduct during the investigation with the DOJ, the resolution agreement did not require the client to admit any fault, and it did not require the payment of any civil monetary penalty to the government.

Parker Hudson's nationally recognized Healthcare and White Collar Defense & Government Investigations groups regularly counsel clients on compliance with federal nondiscrimination law and in the defense of government investigations initiated by the DOJ, the Department of Health and Human Services Office of the Inspector General (HHS-OIG), the HHS-Office for Civil Rights (HHS-OCR), state attorneys general, and other government agencies. The firm also defends clients in litigation initiated by private claimants, whistleblowers, and the government. Parker Hudson is also active in counseling hospitals, health systems, and other providers on the DOJ's new nationwide Civil Rights Fraud Initiative. Given its expertise, Parker Hudson is uniquely positioned to proactively advise the healthcare industry on the risks posed by this new Fraud initiative and to defend its clients against any associated enforcement proceedings.