

Current Issues in South Carolina Health Law

SPEAKER BIOGRAPHIES

by order of presentation

M. Elizabeth Player

*Medical University of SC
Charleston, SC
(Course Planner)*

Elizabeth Player serves as in-house counsel for MUSC Health in Charleston, South Carolina. Her current practice focuses on regulatory and compliance issues affecting the MUSC health system and its component hospitals, along with transactional and risk management support for health system initiatives. Her career has focused on both business and legal aspects of health care systems.

Elizabeth began her health career in strategic planning with Roper St. Francis Healthcare, a community health system in Charleston, South Carolina, and returned to the health system after law school to a strategic planning role that shifted to an in-house counsel role to support the health system's launch of its affiliated physician practice group. After several years in Roper St. Francis's legal office, Elizabeth joined Roper St. Francis's parent company, Bon Secours Health System, as a member of the Internal Audit team.

In 2016, Elizabeth joined the MUSC Health Strategic Planning office to support the health system in developing its service line-focused Integrated Clinical Centers of Excellence. In 2018, Elizabeth transitioned to the MUSC Office of the General Counsel as Associate Counsel and served the growing MUSC Health system in that capacity for several years before stepping into the Director of Legal Affairs role in May 2022.

Elizabeth holds a Bachelor of Science degree in Biology from Duke University, a Master of Health Administration degree from Virginia Commonwealth University, and a Juris Doctor degree from Duke University School of Law. She is licensed to practice in the state of South Carolina. She lives in Mount Pleasant, South Carolina with her husband, two sons, and a goofy golden retriever.

Laura Evans

*Shumaker Loop & Kendrick, LLP
Charleston, SC
(Course Planner)*

Laura J. Evans is the Former Director of Legal Services for Roper St. Francis Healthcare, where she oversaw legal affairs for two acute care hospitals, as well as numerous ancillary facilities and physician practices.

Laura also graduated from the University of North Carolina at Chapel Hill and the University of South Carolina School of Law.

Laura is now in private practice, representing a wide variety of health care providers and acts as outside general counsel for many providers. She also serves as a mediator and arbitrator in health care related disputes.

In her spare time, she likes to spend time with family and cheer on her beloved North Carolina Tar Heels.

David Levitt

*Levitt Healthcare Affiliates
Beaufort, SC*

David Levitt is Managing Partner and founder of Levitt Healthcare Affiliates. For over 30 years, Mr. Levitt has consulted with healthcare organizations on strategic planning, regulatory compliance, business development, product line planning and marketing for over 750 healthcare providers and systems in 48 states. His experience includes consulting as well as administrative responsibilities in the acute care setting.

He has assisted healthcare providers in the preparation of more than 1,250 Certificate of Need applications and presentations to the applicable review agencies in various states. He provides litigation support and has been qualified as an expert witness in Healthcare Planning and Finance in South Carolina, Georgia, Florida, Mississippi, Kentucky, Tennessee, and Alabama.

Activities also include analysis of relevant markets for services, projection of utilization, and forecast of financial performance. He also manages strategies in support of new growth and integration opportunities

Professional Affiliations include:

- American College of Healthcare Executives
- Healthcare Financial Management Association
- Carolina Society for Healthcare Strategy and Market Development
- Georgia Association of Healthcare Executives
- Georgia Society for Health Care Planning and Marketing (former member)
- Virginia Hospital Association (former member)
- Association of Healthcare Administrators of the National Capital Area (former member)

He earned his Master of Healthcare Administration degree from The George Washington University and his Bachelor of Science degree from Virginia Tech. Mr. Levitt has participated in multiple publications and seminars over course of his career.

Vito Wicevic

*SC Department of Health and Environmental Control
Columbia, SC*

In October 2023, Vito Wicevic, Esq. joined South Carolina Department of Health and Environmental Control's (DHEC) Division of Healthcare Quality as its Director of the Bureau of Public Information and Regulatory Affairs (PIRA). As the PIRA Director, Vito manages and

oversees DHEC Healthcare Quality's regulation development, responses to requests for information, internal and external communications, and enforcement actions.

Prior to becoming the PIRA Director, Vito worked in DHEC's Office of General Counsel for over 11 years. As an assistant general counsel, Vito advised and represented DHEC Healthcare Quality's various regulatory programs including, but not limited to, certificate of need, health facilities licensure and certification, emergency medical services, radiological health, and drug control.

Vito received his Juris Doctorate from the University of South Carolina School of Law and a Bachelor of Science in Business Administration from the University of South Carolina Darla Moore School of Business.

M. Elizabeth Crum

Burr Forman, LLP

Columbia, SC

In state and local government procurement, Liz regularly represents private and public clients in matters dealing with the state Consolidated Procurement Code and assists local government in conducting procurements, including drafting local procurement policies. Liz also practices before the South Carolina appellate courts.

Liz is a member of the South Carolina and American Bars and the American Health Lawyers Association. She has served previously as Chair of the SC Bar Convention and of the Health Law Committee. She serves as a member of the University of South Carolina Development Foundation, serving as its Chair.

Prior to joining the firm, Liz served as an Assistant Attorney General for South Carolina in the Special Litigation Section and as Staff Counsel and Director of Research for the South Carolina House of Representatives Judiciary Committee, also representing the House in its litigation matters.

Liz has previously served as: chairman of the Richland County Election and Voter Registration Board; President of the South Carolina Woman Lawyer's Association (SCWLA); chairman of the Governor's Juvenile Justice Advisory Committee; a member of the State Board of Architectural Examiners. Liz received the Athena Award from the Greater Columbia Chamber of Commerce in 1992, which recognized her efforts to encourage and celebrate the achievements of women in business and the professions. In 2013, SCWLA presented Liz with the Jean Galloway Bissell Award given to a person for his/her distinguished and noteworthy service to the public and the legal profession; achievement of professional excellence; and participation in activities that have paved the way to success for women lawyers on the national, state or local level.

Travis Dayhuff

Nelson Mullins Riley & Scarborough, LLP

Columbia, SC

Travis provides hospitals, nursing homes, assisted living facilities, pharmacies, inpatient rehabilitation facilities, federally qualified health centers, residential treatment facilities, and other healthcare providers regulatory advice and litigation services in administrative law matters involving the S.C. Department of Health and Environmental Control, the S.C. Department of

Health and Human Services, the S.C. Department of Labor, Licensing, and Regulation (and the Boards under LLR's purview including the Boards of Medical Examiners, Nursing, and Pharmacy), the DEA, and the S.C. Department of Social Services. These matters include health licensing, certification, certificate of need, controlled substances, trauma level designations, Medicaid, and professional licensing. He also advises and litigates in matters involving medical staff bylaws and hospital peer review, and he represents healthcare clients in business litigation cases. Travis has represented clients before the S.C. Administrative Law Court, the S.C. Circuit Court, the Federal District Court, the South Carolina Supreme Court, and the Fourth Circuit Court of Appeals.

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- Columbia Business Monthly "Legal Elite" Healthcare (2015, 2016, 2018)
- The Best Lawyers in America®, Health Care Law (2013–2024)
- o Lawyer of the Year in Columbia, S.C. for Health Care Law (2023)
- Chambers USA: America's Leading Lawyers for Business, Healthcare – South Carolina (2021–2023)
- Claude M. Scarborough Jr., Pro Bono Award (2013)

University of South Carolina School of Law, JD, cum laude (1998)

- Order of the Coif
- Order of the Wig and Robe
- Articles Editor, The South Carolina Law Review

University of Tennessee, Knoxville, MA, American History (1994)

Clemson University, BA, History (1992)

Matthew R. Hubbell

*Duffy & Young
Charleston, SC*

Matt Hubbell practices with Duffy & Young, LLC. A highly regarded boutique litigation firm in South Carolina. He is a former federal prosecutor with decades of experience advising and defending clients in white collar criminal defense and False Claims Act/Qui Tam cases. As an Assistant United States Attorney for 10 years in the District of South Carolina, he prosecuted complex white collar and other high-profile cases.

In private practice for over 20 years, Matt is a go-to lawyer in South Carolina for health care providers, defense contractors, CEOs and other executives in high-stakes white collar and False Claims Act/Qui Tam matters. He has extensive experience in complex trials, internal investigations, federal and state grand jury investigations, and parallel criminal/civil proceedings. Among other distinctions, Matt has served as the President of the Federal Bar Association (S.C.), the Chair of the Judicial Merit Selection Panel appointed by the Chief United States District Judge, and the Chair of the South Carolina Bar Health Care Section. For many years he has been awarded the highest AV Preeminent Martindale Hubbell peer rating.

Matt is well known in South Carolina as a prolific speaker and author of numerous articles and books on legal issues related to white collar criminal and False Claims Act/Qui Tam matters.

E. Bart Daniel

*Nelson Mullins Riley & Scarborough, LLP
Charleston, SC*

Bart Daniel served as United States Attorney for the District of South Carolina from 1989 until 1992. Bart also served as an Assistant United States Attorney in the early 80's prosecuting civil and criminal fraud, money laundering, drug and tax cases.

Bart defended Tuomey Hospital throughout the Government's investigation and trial of False Claims Act allegations. While he served as lead counsel in the 2013 trial, his role during the 2010 trial was to lead all negotiations and mediations. Bart served as counsel to the hospital's Board through the entire matter.

Bart defended the first federal criminal health care fraud case to go to trial in South Carolina. He has represented numerous health care providers in criminal and civil False Claims Act cases.

Bart co-authored Health Care Fraud and Collateral Consequences, 3rd Edition (2019) which discusses the False Claims Act at length, as well as the featured article in the South Carolina Lawyer entitled "Health Care Reform: Recent Developments in Fraud Enforcement." He has lectured extensively on the False Claim Act and health care enforcement to attorneys, providers and consultants, as well as government prosecutors, auditors and investigators.

Bart is Past President of the National Association of Former United States Attorneys. He serves on U.S. Senator Tim Scott's Federal Judicial Nominating Commission, is a member as well as Past Chairman of U.S. Magistrate Judge Merit Selection Panel, and served as President of the Charleston County Bar in 1994-1995.

Bart is co-chair of the Nelson Mullins White Collar & Government Investigations Group.

Deborah B. Barbier

*Deborah B. Barbier, LLC
Columbia, SC*

Deborah Barbier graduated cum laude from the University of South Carolina School of Journalism in 1990. In 1994, she graduated from the University of South Carolina School of Law. After law school, she served as a law clerk in state court to the Honorable Joseph A. Wilson, II, while he was the Chief Administrative Criminal Judge for the Fifth Judicial Circuit. She then served as a federal judicial law clerk for the Honorable Joseph F. Anderson, Jr. in the United States District Court. Ms. Barbier worked for fifteen years as an Assistant United States Attorney for the District of South Carolina. The first five years she was the lead attorney for the district's Affirmative Civil Enforcement division where she primarily prosecuted civil health care fraud, qui tams, drug diversion, and procurement fraud. Ms. Barbier worked in the criminal division of the US Attorney's Office for 10 years, prosecuting defense contracting fraud, criminal health care fraud, securities fraud, mortgage fraud, white collar fraud, tax fraud, and public corruption. She served on numerous task forces designed to combat financial crimes, health care fraud, terrorism, and public corruption. She was the lead attorney for the Asset Forfeiture division for two and a half years. She was the Chief of the White Collar Division for more than five years. She is currently in private practice specializing in complex civil litigation and white collar criminal defense.

Barbier has been named in the Best Lawyers in America for the last ten years. She is a member of the John Belton O'Neill Inn of Court. She is a Fellow in the American College of Trial Lawyers

and serves on the State Committee. She is a Fellow in the International Academy of Trial Lawyers and the Litigation Counsel of America. She has been inducted into the American Law Institute. She has been consistently named to both Superlawyers and to America's Top 100 High Stakes Litigators.

William N. Nettles
Law Office of Bill Nettles
Columbia, SC

Mr. Nettles was appointed United States Attorney for the District of South Carolina by President Obama and was sworn into that office on May 3, 2010. As the US Attorney, he dramatically overhauled the office to focus on public corruption, fraud and white collar crime, while also greatly increasing resources to the extraordinarily important false claims whistleblower division. Under Mr. Nettles' leadership, the US Attorney's office made white collar crime and public corruption the highest priority of the criminal division's efforts. He also earned national praise for the innovative and intelligent approach his office took to drug crimes.

Mr. Nettles was the longest serving US attorney since the 1960's, ensuring he had an extraordinary impact on the personnel and the policies of that important office. Because of his service as the United States Attorney for the entire state of South Carolina he has worked with the heads of the Department of Justice to help shape policy for the last 5 and a half years.

Before being appointed a US Attorney, Mr. Nettles graduated from The Citadel and earned his law degree at The Widener University School of Law, where he was on law review and was a member of the moot court honor society. After graduating, he began a career that has taken him into every corner of the legal system.

Mr. Nettles began his career as a public defender in Columbia, providing criminal defense services to indigent defendants who could not afford attorneys. During that time, he ensured that the legal system would not leave the economically disadvantaged behind.

From 1997 to 2005, Mr. Nettles worked in private practice as a sole practitioner. He continued his criminal defense work and became one of the region's most well-respected "white collar crime" lawyers. He also represented clients accused of drug crimes, handled several court-appointed capital cases, twice tried cases that were argued before the United States Supreme Court and worked in medical malpractice and other torts.

Starting in 2005, he worked at Sanders & Nettles, LLC until being appointed the US Attorney.

Joseph P. Griffith, Jr.
Joe Griffith Law Firm, LLC
Mount Pleasant, SC

Joseph P. Griffith, Jr. is a federal false claims act and white-collar criminal defense attorney located in Charleston, South Carolina. Joe has handled numerous federal false claims act cases involving ambulance companies, bank holding companies, defense contractors, dentists, dialysis clinics, emergent care clinics, government contractors and grantees, home health providers, hospice companies, hospitals, laboratories, medical equipment suppliers, medical marketing companies,

nursing homes, pharmacists companies and physicians. Past and present clients include a number of publicly traded and private companies, and/or CEOs, COOs and CFOs, who have been subjected to a variety of white-collar and/or qui tam investigations, litigation and/or prosecutions. Joe is currently the chairman of the Qui Tam Section of the Federal Bar Association of South Carolina. Joe's white-collar defense practice focuses on securities fraud, antitrust crimes, bank fraud, bankruptcy fraud, campaign finance crimes, commercial bribery, computer fraud, criminal tax fraud, customs crimes, defense procurement fraud, environmental crimes, gambling, health care fraud, insurance fraud, and public corruption crimes. Joe has extensive experience in federal grand jury investigations and corporate internal investigations, and has tried nearly 30 federal court cases. Joe was an Assistant United States Attorney in the South Carolina district for almost 13 years, prosecuting numerous white-collar crimes. Joe is a graduate of North Carolina at Chapel Hill (B.A. 1979) and University of South Carolina of Law (J.D. 1982). He is the founding member of Joe Griffith Law Firm, LLC, has received a AV rating from Martindale-Hubbell ® and a Superb rating from AVVO ®, is a member of the Bar Register of Pre-eminent Lawyer ®, the Multi-Million Dollar Advocates Forum ®, and has been selected as one of the Best Lawyers in America ® and as a South Carolina Super Lawyer ®.

James C. Leventis

*U.S. Attorney's Office
Columbia, SC*

James Leventis is an Assistant United States Attorney in the Affirmative Civil Enforcement section of the U.S. Attorney's Office for the District of South Carolina and has served as the Civil Chief, Deputy Civil Chief, and Affirmative Civil Enforcement and Health Care Fraud Coordinator. He also spent three years in the District's criminal division prosecuting narcotics and violent crime cases. James has extensive experience investigating and litigating False Claims Act cases, including the District of South Carolina's first civil health care fraud trial, and has argued before the Fourth Circuit Court of Appeals. Before joining the U.S. Attorney's Office, James was an associate at law firms in Palo Alto, California and Columbia, South Carolina and clerked for the Honorable Joseph F. Anderson, Senior U.S. District Court Judge for the District of South Carolina. James is a graduate of the University of Virginia and the Santa Clara University School of Law.

Elizabeth C. Warren

*U.S. Attorney's Office
Columbia, SC*

Beth Warren has been an Assistant United States Attorney in the District of South Carolina since 2012, primarily handling Affirmative Civil Enforcement (ACE) cases under the False Claims Act. She also serves as the ACE Coordinator for the office. Beth has handled health care and procurement fraud cases that have received national attention. She has led or assisted in cases resulting in hundreds of millions of dollars being returned to the government. Beth completed the South Carolina Bar Leadership Academy in 2018, and currently serves as Secretary of the Health Law committee for the South Carolina Bar.

Prior to joining the U.S. Attorney's Office, Beth clerked for the Honorable Chief Justice Jean H. Toal of the South Carolina Supreme Court. In her former career, Beth worked in the healthcare industry as a pharmaceutical sales representative. Beth graduated with Honors from the University of South Carolina School of Law in 2010, where she served as Symposium Editor of the South

Carolina Law Review, and as Chairperson of the Honor Council. She was a student member of the John Belton O’Neill American Inn of Court and Order of Wig and Robe. She graduated with Honors from the Terry School of Business at the University of Georgia in 2001.

Senator Richard A. Harpootlian

Richard A. Harpootlian, P.A.

Columbia, SC

Richard “Dick” Ara Harpootlian is one of South Carolina’s leading courtroom advocates with 30 years of trial experience as a prosecutor, defense attorney, and civil litigator. Mr. Harpootlian’s dynamic and persuasive advocacy style and record of success has earned him a reputation amongst South Carolina’s legal community as a lawyer who can get results.

Mr. Harpootlian began his career as a prosecutor in the Fifth Circuit Solicitor’s Office. Within two years, he was named Deputy Solicitor and tasked with the administration and supervision of over 20 prosecutors and staff members. As the Fifth Circuit’s chief homicide prosecutor, Mr. Harpootlian personally prosecuted hundreds of murder cases, including 12 death penalty cases.

He defended one of those convictions on appeal before the United States Supreme Court. In 1983, Mr. Harpootlian earned a conviction in the prosecution of Donald “Pee Wee” Gaskins—South Carolina’s most notorious serial killer. Mr. Gaskins was sentenced to death. In 1990, Mr. Harpootlian was elected as Fifth Circuit Solicitor, winning by a margin of almost 2-1. He served from 1991 until 1995. As Solicitor, he personally prosecuted and obtained convictions in a number of high-profile murder, drug, and public corruption cases. In 1991, Mr. Harpootlian prosecuted and convicted ex-University of South Carolina President Jim Holderman for public corruption charges arising from the abuse of his office for personal gain.

For the last 20 years, Mr. Harpootlian’s private practice has earned him state and national recognition for his efforts on behalf of civil litigants and criminal defendants, including a number of multimillion-dollar verdicts and settlements, some of which are listed here.

In addition to his law practice, Mr. Harpootlian has been active in South Carolina politics. He was popularly elected and served on Richland County Council from 1986 to 1991. He served as Chairman of the South Carolina Democratic Party from 1998 to 2003 and again from 2011 to 2013. During his first tenure as Chair, the Party elected Governor James Hodges, the first candidate to unseat an incumbent South Carolina governor, and five other Democrats to statewide office.

Mr. Harpootlian’s views as a commentator on law and politics are regularly sought by national news programs. He has appeared on 60 Minutes, Good Morning America, ABC Nightly News, NBC Nightly News, Dateline NBC, and various CNN, MSNBC, CNBC, and Fox News broadcasts. He is also frequently quoted in local, state, and national publications, including the New York Times, the Washington Post, the Boston Globe, the Los Angeles Times, and TIME Magazine.

Mr. Harpootlian has been invited to share his experience with bar colleges as a lecture for the South Carolina Bar Association on topics including class action litigation and criminal defense. For the last 20 years, he has lectured newly barred South Carolina lawyers during the Bridge the Gap Program. He is a former chair of the Criminal Law Section of the South Carolina Bar Association and a past member of the South Carolina Bar Board of Grievance and Discipline. He

has served on the South Carolina Chief Justice's Blue Ribbon Committee on Docketing and he is an adjunct professor at the University of South Carolina School of Law.

Stephanie G. Opet
South Carolina Attorney General's Office
Columbia, SC

Bio not submitted