ArentFox Schiff LLP
Attorneys

D. Austin Rettew

ASSOCIATE

Austin is an associate in the Complex Litigation group, where he represents clients engaged in litigation, government investigations, and regulatory matters primarily in the health care industry.



Industries

Health Care
Life Sciences
Long Term Care & Senior Living

Practices

Corporate & Securities
Finance
Investigations

Languages

Chinese

Education

The George Washington University Law School, JD, 2019
Oberlin College, BA, 2013

Offices

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New York

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Austin focuses his practice on complex commercial litigation and regulatory compliance in the health care industry. His litigation practice spans both state and federal court, including arbitrations, and he is experienced in multiple phases of litigation, including discovery, motion practice, and settlement negotiations. He has represented clients in a wide variety of litigation and regulatory matters, and regularly advises health care providers on managed care and commercial payer disputes. His work in this context frequently addresses compliance with ERISA, the Affordable Care Act, the Medicare Secondary Payer Act, the Medicare Advantage program, the federal No Surprises Act and related state surprise billing laws, state insurance laws, and the Mental Health Parity and Addiction Equity Act.

In the government investigation context, Austin has represented providers, pharmaceutical manufacturers, and other health care companies in investigations and litigation arising under the Anti-Kickback Statute and the False Claims Act, including qui tam "whistleblower" lawsuits. Austin has also been involved in investigations conducted by state agencies as well as the Department of Justice and various US Attorney's Offices. Here, Austin works with company executives and outside consultants to develop and implement robust compliance regimes while minimizing business disruption as much as possible.

In his regulatory practice, Austin represents investors, owners, operators, and developers of long-term care and senior housing communities. He has experience structuring and implementing health care transactions, and he regularly advises clients on health care regulatory, corporate, and legal due diligence. He also has experience coordinating change of ownership (CHOW) procedures for state licensure, certificate of need, and Medicare and Medicaid certifications.

Austin is a proud member of OutFox, ArentFox Schiff's LGBTQ+ affinity group.

Client Work

Austin's litigation and regulatory experience includes working on the following matters:

- Successfully arguing a motion to dismiss on behalf of a regional dialysis provider in state court

and obtaining complete dismissal of all claims asserted.

- Assisting with the acquisition of a multistate portfolio of senior housing facilities.
- Obtaining successful determinations in multiple out-of-network reimbursement claims submitted under state and federal surprise billing laws.
- Representing a dialysis provider in managed care arbitrations and related state court litigation against health care networks seeking to recover damages for breach of network agreements.
- Advising a pharmaceutical manufacturer on an internal investigation implicating potential liability under the False Claims Act and Anti-Kickback Statute conducted in response to a subpoena issued by the Department of Justice pursuant to the Health Insurance Portability and Accountability Act (HIPAA).

Previous Work

Prior to joining ArentFox Schiff, Austin served as a judicial intern for Judge Elizabeth S. Stong of the US Bankruptcy Court for the Eastern District of New York and Magistrate Judge Lois Bloom of the US District Court for the Eastern District of New York. He has also worked as an investigative analyst and paralegal at the Manhattan District Attorney's office, where he assisted in numerous complex criminal investigations.

While in law school, Austin was an articles editor of the George Washington University Law School's *Public Contract Law Journal*.

Publications, Presentations & Recognitions

Publications

Austin regularly writes on a variety of issues, most recently co-authoring numerous articles in a series analyzing the federal No Surprises Act and its implementation. To view the entire series, click here.

Austin's other publications include:

- Co-author, "Municipal VRDO Class Action Survives Banks' Request For Dismissal," *Banking Law Journal*, March 2021
- Co-author, "DOL reinforces importance of privacy for ERISA plans," *Los Angeles & San Francisco Daily Journal*, September 9, 2021

Life Beyond the Law

In his spare time, Austin enjoys cooking, baking, and photography. He enjoys traveling, speaks Chinese, and has elementary knowledge of Japanese.

Bar Admissions

New York
District of Columbia

Court Admissions

US District Court, Southern District of New York
US District Court, Eastern District of New York