

Erin S. Whaley

Partner

Richmond

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Health care clients turn to Erin to handle regulatory, operational, and corporate matters and to guide them in the investigation and resolution of compliance issues. Her deep knowledge of the health care landscape, coupled with practical, business-oriented advice, gives her clients an advantage when navigating the complex regulatory environment.

OVERVIEW

Erin represents health care providers and payers on the full spectrum of legal issues they confront on a daily basis. Her regulatory experience includes advising clients on compliance with the plethora of federal laws that govern the health care industry, including Stark, the Anti-Kickback Statute (AKS), the False Claims Act, and HIPAA, as well as state laws including state licensure, corporate practice of medicine, and certificates of need. In addition to proactively addressing compliance needs and structuring transactions to comply with the complex regulatory framework, she assists clients with investigations and resolving compliance concerns.

Erin's understanding of the health care landscape allows her to provide valuable advice and guidance on significant corporate matters such as mergers and acquisitions, commercial contracting, physician contracting, and joint venture opportunities. She works closely with her clients to understand their business objectives and help them meet those objectives while remaining compliant with the law.

As a complement to her traditional health care practice, Erin has developed a niche focus in health information technology. Her health IT experience includes representing providers in the negotiation of various health IT contracts involving, among other things, electronic health records, revenue cycle management, population health, and telehealth. She also represents health IT companies on corporate and regulatory issues, including customer contracting, joint ventures, funding opportunities, privacy and security compliance (including HIPAA and state laws), AKS compliance, and compliance with various state laws, including corporate practice of medicine and telehealth. Her experience representing both providers and IT vendors gives her unique insights that benefit her clients.

Erin has co-authored many publications on health care-related topics and has been featured in various news publications based on her deep knowledge of the industry and the laws and regulations that govern it.

REPRESENTATIVE MATTERS

Compliance

- Advises health care management service organizations (MSOs) and health care management companies on corporate-practice-of-medicine, fee splitting, and reimbursement issues.
- Advises telehealth companies on program development and rollout in compliance with the Anti-Kickback Statute, the Stark law, state licensure, and reimbursement laws.
- Conducted numerous multistate surveys on state law licensing issues and Medicaid participation for a nationwide specialty health care provider.
- Serves as outside general counsel for hospitals and physician groups advising on all health care regulatory issues.
- Developed HIPAA compliance program for covered entities and business associates.

Transactions

- Advised a gastroenterology group practice on the sale of a minority interest in the company to a private equity investor.
- Represented a dermatology practice on its acquisition by a private equity company.
- Advised client Dorilton Capital's portfolio company Traditions Health, LLC in its acquisition of two Oklahoma home health agencies, Traditions Home Care and Secure Home Care.
- Performed regulatory diligence and assisted in the change-of-ownership process in connection with the acquisition of a large durable medical equipment supplier.
- Developed the customer contracting framework for a health IT vendor.

Investigations

- Led an investigation for a medical billing company on billing irregularities and the resolution of compliance issues.
- Advised a hospital on its response to a Civil Investigative Demand from the Department of Justice related to potential AKS and Stark issues.

Certificate of Need

- Successfully obtained a certificate of public need for 84 additional acute care and ICU beds at the University of Virginia Medical Center.
- Prevailed in obtaining a certificate of public need for the establishment of a new rehabilitation hospital, Sheltering Arms Institute, in Richmond, VA.
- Prevailed in obtaining a certificate of public need for Children's Hospital of the King's Daughters to add new pediatric mental health beds in Norfolk, VA.

AWARDS

- *Chambers USA*: Healthcare, Virginia (2025)
- *Best Lawyers in America*®: Health Care Law (2021-2026)
- *Super Lawyers*: "Rising Star" Virginia (2021)
- Thomson Reuters Stand-out Lawyer (2017-2018, 2020-2021) – independently rated lawyers
- *Virginia Lawyers Weekly: Influential Women of Law* (2021)
- *Virginia Business Magazine*: "Legal Elite" in Health Law (2019-2023)
- *National Law Journal*: "Trailblazer" in Health Care and Life Sciences (2020)
- *Law & Politics*': "Rising Star" in Health Care Law (2013-2018)

TOP AREAS OF FOCUS

- [Digital Health](#)
- [Health Care + Life Sciences](#)
- [Health Care Regulatory](#)
- [Mergers + Acquisitions](#)

ALL AREAS OF FOCUS

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- [Private Equity](#)
- [Technology](#)

PROFESSIONAL/COMMUNITY INVOLVEMENT

- American Health Lawyers Association
- Health Law Section, American Bar Association
- Health Law Section, Virginia State Bar
- Virginia Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Virginia School of Law, J.D., 2004, member, Virginia Law Women; editor, *Virginia Journal of Social Policy and the Law*
- University of Virginia, M.A., 2004
- University of Virginia, B.A., 2001

BAR ADMISSIONS

- Virginia

SPEAKING ENGAGEMENTS

- Speaker, "[TEFCA and the Future of Health Data Exchange](#)," Massachusetts Health & Hospital Association Webinar, December 19, 2024.
- Speaker, "[2024 ACG Boston: Healthcare Forum](#)," November 19, 2024.
- Speaker, "[Multistate Pharmacy Compliance 101 – Navigating Pharmacy Transactions](#)," Troutman Pepper Webinar Series, February 22, 2024.
- Speaker, "[Navigating the Generative AI Landscape in Health Care and Life Sciences](#)," Troutman Pepper, December 12, 2023.

- Speaker, “Assessing the Recent Explosion of Digital Health and Health Tech: An Industry Discussion of the Latest Deals, Increasing Regulations and the Top Legal Issues to Have on Your Radar,” 2021 Women Leaders in Life Sciences Law, July 28, 2021.
- Speaker, Workspace Conference – The Next Normal, April 13-14, 2021.
- Speaker, “COVID-19: A Year Later. Where Do We Go From Here?” Troutman Pepper, March 23, 2021.
- Speaker, “COVID-19 Vaccine – Guidance for Employers,” Troutman Pepper Webinar, January 28, 2021.
- Speaker, “Telemedicine Requirements for Licensing, Scope of Practice, and Reimbursement,” Strafford Publications, December 15, 2020.
- Speaker, “Telemedicine Agreements for Healthcare Organizations,” Stafford Publications, April 10, 2019.
- Speaker, “Privacy & Security Forum, Compliance and Legal – Straight Talk: Avoid These Six Potential Landmines,” HiMSS, May 12, 2016.

PUBLICATIONS

- Co-author, “State Antitrust Enforcement Keeps Private Equity Investment in Health Care in the Cross-Hairs,” *Reuters*, July 15, 2025.
- Co-author, “New Legal Developments Herald Big Changes for HIPAA Compliance in 2025,” *Reuters Legal News*, April 7, 2025.
- Podcast, “Colorado AI Act,” *The Good Bot: Artificial Intelligence, Health Care, and the Law*, February 20, 2025.
- Co-author, “Q4 2024 Health Care Conference Roundup: AI and Government Enforcement Are on the Rise,” *Troutman Pepper Locke*, January 9, 2025
- Co-author, “At JP Morgan Conference, Health Care Investors Gear Up for Transformative Legal Developments,” *Reuters Legal News* and *Westlaw Today*, January 6, 2025.
- Co-author, “Finding the Balance: Complying with Consumer Finance Legal Obligations When Offering Patient Payment Plans,” *Reuters* and *Westlaw Today*, October 3, 2024.
- Co-author, “FTC’s New Final Rule on Noncompetes: Implications for Physician Practices,” *Reuters Legal News*, August 6, 2024.
- Co-author, “Pennsylvania Limits Noncompete Agreements for Health Care Practitioners,” *Troutman Pepper*, August 6, 2024.
- Co-author, “Checking the Pulse: An Approach to Telehealth Privacy and Cybersecurity Due Diligence,” *Troutman Pepper*, June 7, 2024.
- Co-author, “California’s AB 3129: Implications for Private Equity Investments in Physician Practices,” *Troutman Pepper*, April 16, 2024.
- Co-author, “Unmasking the Hidden Dangers of Health Care Marketing Arrangements,” *Reuters Legal News*, March 27, 2024.
- Co-author, “Final Rule Aligns 42 CFR Part 2 with HIPAA and HITECH,” *Troutman Pepper*, February 20, 2024.
- Co-author, “New California Law Imposes Significant Data Management Requirements for Sensitive Health Data,” *Troutman Pepper*, January 23, 2024.
- Co-author, “Are P3s the Future of Public Health Care Construction Projects?,” *Troutman Pepper*, January 9, 2024.
- Co-author, “New Proposed Rules to Combat Health Information Blocking,” *Troutman Pepper*, November 8, 2023.
- Co-author, “Eliminating Kickbacks in Recovery Act: What In-Office Laboratories Need to Know,” *The Practical Lawyer*, October 2023.
- Co-author, “Multistate Pharmacies: A Prescription for Navigating the Regulatory Maze,” *Troutman Pepper*, September 13, 2023.
- Co-author, “Another Critical Item for Long-Term Care Facilities to Add to Their To-Do List — New Staffing

Mandates,” *Troutman Pepper*, September 7, 2023.

- Co-author, “The Risks and Rewards of Value-Based Care in Health Care IT,” *Healthcare Business Today*, September 5, 2023.
- Co-author, “Enforcement of Information Blocking Penalties in Health Care IT Begins,” *Troutman Pepper*, August 29, 2023.
- Co-author, “Storm Clouds Form Offshore Under Updated Florida Electronic Health Records Exchange Act,” *Troutman Pepper*, June 28, 2023.
- Co-author, “Investors Stay on the Pulse of Health Care IT,” *Troutman Pepper*, June 15, 2023.
- Co-author, “Cookies and Online Tracking of Health Signals: An OCR Prescription for Potential Peril,” *Troutman Pepper*, May 4, 2023.
- Co-author, “Patient Privacy and Security Resource: Business Associate Agreement Checklist and Considerations,” *Corporate Healthcare Compliance Manual*, April 21, 2023.
- Co-author, “The End Is Here — Or Is It? The Public Health Emergency Concludes, but Telehealth Expansion Remains,” *Troutman Pepper*, April 17, 2023.
- Co-author, “Eliminating Kickbacks in Recovery Act: What In-Office Laboratories Need to Know,” *Virginia Lawyer Magazine*, April 2023.
- Co-author, “Do Your Diligence: M&A Considerations Following OIG’s Special Fraud Alert on Telemedicine,” *Troutman Pepper*, July 25, 2022.
- Co-author, “CMS Mandates New Standards for COVID-19 Vaccine,” *Troutman Pepper*, November 10, 2021.
- Co-author, “CMS and CDC Update Nursing Home Visitation Guidance to Reflect Vaccine Rollout,” *Troutman Pepper*, March 16, 2021.
- Co-author, “COVID-19 Vaccine – Frequently Asked Questions,” December 11, 2020.
- Co-author, “When the COVID-19 Vaccine Arrives, Will Your Business Be Ready?,” *Troutman Pepper*, December 1, 2020.
- Co-author, “What Virginia’s New COVID-19 Regulations Mean for Health Care Employers,” *Troutman Pepper*, August 25, 2020.
- Co-author, “CARES Act Provider Relief Fund: July 2020 Update,” *Troutman Pepper*, August 6, 2020.
- Co-author, “COVID-19 Impact Tracker: Guidance for Nursing Homes and Long-Term Care Facilities,” *Troutman Pepper*, July 9, 2020.
- Co-author, “Health Care Providers Challenge Constitutionality of Michigan Shutdown Orders,” *Pepper Hamilton Client Alert*, May 18, 2020.
- Co-author, “Credentialing Considerations for Health Care Systems Using Out-of-State Practitioners During the COVID-19 Pandemic,” *COVID-19 Resource Center*, April 21, 2020.
- Co-author, “CMS Interim Final Rule Provides Welcomed Flexibility to the Nation’s Teaching Hospitals,” *Pepper Hamilton Client Alert*, April 9, 2020.
- Co-author, “Stark Law Waivers During the COVID-19 Pandemic,” *Pepper Hamilton Client Alert*, April 8, 2020.
- Co-author, “HHS to Exercise Enforcement Discretion Over HIPAA Privacy Rule for PHI Disclosures by Business Associates,” *Pepper Hamilton Client Alert*, April 3, 2020.
- Co-author, “Considerations for Health Care Providers as Telemedicine Use Increases Due to COVID-19,” *Pepper Hamilton Client Alert*, March 24, 2020.
- Author, “Privacy Risk Considerations in Healthcare IT Investments,” *Law360*, October 2015.
- Co-author, “Realizing the Potential of Health Information Exchange,” *BNA’s Health Law Reporter*, June 2012.
- Co-author, “Bridging Medicine’s Electronic Gap,” *MD News Richmond*, November/December 2011.
- Co-author, “The Role of EHRs in Accountable Care Organizations,” *MD News*, July/August 2011.

MEDIA COMMENTARY

- Quoted, "Law Firms Predict More Growth in Healthcare M&A, Digital Health," *Modern Healthcare*, April 9, 2025.
- Quoted, "Companies Bring AI Agents to Healthcare," *Wall Street Journal*, February 27, 2025.
- Quoted, "What Medicare Beneficiaries Need to Know About the End of the COVID-19 Public Health Emergency Rules," *Fortune*, May 12, 2023.
- Quoted, "The End of an Era: Closing Your Practice," *Physicians Practice*, June 2020.
- Quoted, "Fluid Regulatory Regime, Industry Consolidation, and Privacy Issues Drive High Demand for Healthcare Legal Counsel," *Of Counsel*, December 2019.
- Quoted, "Brave New World: How Corporations Should Grapple with Data and Privacy," *DirectorCorps*, December 16, 2019.
- Quoted, "New Year's Resolution: Dust Off That EHR Contract to Make Sure You're as Protected as You Think," *Healthcare IT News*, December 2017.
- Featured, "Women Leaders in Health IT: You Can Control Your Own Destiny," *Healthcare IT News*, November 2017.
- Quoted, "Are Google Drive and Amazon AWS HIPAA Compliant?," *Healthcare IT News*, July 2017.
- Quoted, "Experts: There's No Gray Area With Ransomware Breach Reporting," *Healthcare IT News*, June 2017.
- Quoted, "Worried CMS Overpaid Your Hospital for Meaningful Use? What to Do Now," *Healthcare IT News*, June 2017.
- Quoted, "Ransomware Rising, but Where Are All the Breach Reports?," *Healthcare IT News*, March 20, 2017.
- Quoted, "Cybersecurity Insurance, Business Agreements Among Major Healthcare Privacy Pitfalls," *Healthcare Finance*, May 13, 2016.
- Quoted, "6 Privacy Landmines and How to Avoid Stepping on Them," *Healthcare IT News*, May 12, 2016.