



## GARY L. AYERS

### PARTNER

#### WICHITA OFFICE

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## PROFILE

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Mr. Ayers has represented clients in state and federal lawsuits involving a wide variety of contract disputes, government investigations (Medicare, Medicaid and Department of Defense), white collar crime, trade secrets, restrictive covenants, trademark and trade dress, and the corporate practice of medicine. Mr. Ayers enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers and is listed in *Missouri & Kansas Super Lawyers*®, Guide to The Leading U.S. Healthcare Lawyers, *The Best Lawyers in America*®, and *Chambers USA* as a leading health care and commercial litigation attorney in the United States. In 2016, 2020, and 2024 he was named by *Best Lawyers*® the Wichita Health Care "Lawyer of the Year." His peer memberships include the Kansas Association of Hospital Attorneys and the American Association of Health Lawyers. He is also a Fellow of the Kansas Bar Foundation.

## Education

- University of Kansas (J.D., 1979)  
Order of the Coif; Editor - *Kansas Law Review*
- University of Kansas (B.A., 1974)

## Admissions

- U.S. Supreme Court (2014)
- U.S. Court of Appeals for the Seventh Circuit (2004)
- U.S. Court of Appeals for the Tenth Circuit (1984)
- U.S. District Court for the District of Kansas (1979)
- Kansas (1979)

## PRACTICE AREAS

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- Healthcare

# FOULSTON

## ATTORNEYS AT LAW

- Litigation & Disputes
- Intellectual Property
- Appellate Law
- Government Investigations & White Collar Crime
- Mediation/Dispute Resolution
- Noncompete & Trade Secret Litigation

## INDUSTRIES

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- Healthcare

## PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

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- Kansas Association of Hospital Attorneys
- American Association of Health Lawyers
- American Bar Associations Health Law, Intellectual Property Law, and Litigation Sections
- Kansas Bar Association Health Law, Intellectual Property Law, and Litigation Sections
- Kansas Bar Association Board of Governors, District 7
- Kansas Bar Foundation, Fellow
- Wichita Bar Association
- University of Kansas Law School Board of Governors, District 9
- Christian Legal Society
- Federalist Society
- Recognized by Best Lawyers® as the 2016, 2020, & 2024 Wichita Health Care Law "Lawyer of the Year"
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Bet-the-Company Litigation, Commercial Litigation, Health Care Law, and Trade Secrets Law, 2005-2025; Litigation - Health Care, 2021-2025; and Criminal Defense: White-Collar and Qui Tam Law, 2023-2025
- Selected for inclusion in *Missouri and Kansas Super Lawyers*®, 2006-2024
- Named a "Litigation Star" in the area of Dispute Resolution by Benchmark Litigation, 2020-2025
- Selected for inclusion in *Guide to the Leading U.S. Healthcare Lawyers*® 2014 (Legal Media Group: Euromoney Institutional Investor PLC)
- Identified by Chambers USA as a leading lawyer in the United States for Litigation: General Commercial, 2008-2025, and Litigation: White-Collar Crime & Government Investigations, 2023-2025

## RECENT PRESENTATIONS

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# FOULSTON

ATTORNEYS AT LAW

Mr. Ayers has presented at seminars for the Kansas and Wichita Bar Associations and various trade associations on a wide variety of topics including Medicare investigations, business litigation, enforcing covenants not to compete, unfair competition, trade secret litigation, director and officer liability, marital dissolutions and employment law.

## 2024

- Fraud and Abuse – Looking Back, Looking Forward (Foulston Siefkin LLP, Health Law Institute)

## 2022

- Fraud and Abuse: Bad Boys, Bad Boys, Whatcha Gonna Do When They Come For You? (Foulston Siefkin LLP, Health Law Institute Webinar Series)

## 2021

- Money for Nothin' and Your Grief for Free (Foulston Siefkin LLP, Health Law Institute Webinar Series)

## 2020

- Unmasked: Healthcare Litigation Trends of 2020 and What We Can Learn from Them (Foulston Siefkin LLP, Health Law Institute Webinar Series)

## 2019

- The DOJ, FCA, and ACA, Oh My! Healthcare Just Got Scarier, but There Might be a Rainbow Out There Somewhere (Foulston Health Law Institute)

## 2018

- The Top Ten Things We Just Don't Say in Healthcare (Foulston Siefkin LLP, Health Law Institute)
- Conscientious Refusal of Care vs. Access to Care: The Role of Religion in Healthcare (Foulston Siefkin LLP, Health Law Institute)

## 2017

- The 2017 National Health Care Fraud Takedown – Lessons and Response (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2016

- Enforcement Initiatives (Foulston Siefkin LLP, Kansas City Health Law Institute)

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## ATTORNEYS AT LAW

- Enforcement Initiatives (Foulston Siefkin LLP, Kansas Health Law Institute)
- Ethics Minefields Created by the Yates Memo (Foulston Siefkin LLP, Ethics Seminar for Corporate Counsel)

### 2015

- Documentation Reminder for Split/Shared Visits, Incident to Services, and Scribes (Foulston Siefkin LLP, Kansas Health Law Institute)
- Freedom to Practice the Healing Arts: Antitrust and Scrutiny of State Health Care Boards (Foulston Siefkin LLP, Kansas Health Law Institute)

### 2014

- Anti-Kickback Compliance: Anatomy of a False Claims Act Case (Foulston Siefkin LLP, Kansas Health Law Institute)
- Documentation Reminder for Split/ Shared visits, Incident to Services, and Scribes (Foulston Siefkin LLP, Kansas Health Law Institute)
- Living in the Real World: Case Studies on How to Handle Potential Overpayments and False Claims (Foulston Siefkin LLP, Kansas Health Law Institute)

### 2013

- Dealing with Difficult Physicians (Foulston Siefkin LLP, Health Law Institute)
- Antitrust Law in Kansas After SB 124 (Wichita Bar Association)
- Overpayments: Risks, Reporting, and Returning (Great Plains, Great Plains Health Alliance Annual Meeting)
- Top Ten Reasons to Love the ACA (Foulston Siefkin LLP, Health Law Institute)
- Antitrust Law in Kansas after SB 124 (KADC, KADC Annual Conference)
- Who's to Know? Reporting & Repaying Overpayments (Foulston Siefkin, Health Law Institute)
- Ethics Minefields: Whistleblowers, Internal Investigations, and Responding to the Government ((Foulston Siefkin Ethics Seminar for Corporate Counsel)

### 2012

- Ethics Minefields: Whistleblowers, Internal Investigations, and Responding to the Government (Foulston Siefkin Ethics Seminar for Corporate Counsel)
- Top Developments in Health Law in 2012 (Foulston Siefkin Kansas Health Law Institute)
- Update of State and Federal Enforcement Initiatives (Foulston Siefkin Kansas Health Law Institute)

### 2011

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- Top Developments in Health Law in 2011 (Foulston Siefkin LLP, Kansas Health Law Institute)
- Recent Developments in Medicare and Medicaid Fraud Litigation (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2010

- Overview of the New Health Care Reform Act: Patient Protection and Affordable Care and Health Care and Education Reconciliation Acts of 2010 ("PPACH") (Wichita Bar Association)
- Top 10 Things You Need to Know About Health Care Reform (Foulston Siefkin Kansas Health Law Institute)
- Updates of Enforcement Activity from RACs, the Kansas Board of Healing Arts, the Kansas Attorney General, and the U.S. Department of Justice (Foulston Siefkin Kansas Health Law Institute)

## 2009

- Top 10 Developments in Health Law in 2009 (Foulston Siefkin LLP, Kansas Health Law Institute)
- CMS Enforcement Update: RAC Audits and Medicaid Investigations (Foulston Siefkin LLP, Kansas Health Law Institute)
- Obama Care - Point Counterpoint (Foulston Siefkin LLP, Kansas Health Law Institute)
- Fraud and Abuse, and the Stark Law in the Real World (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2008

- Kansas Health Care-Governmental Structure & Control (Foulston Siefkin Kansas Health Law Basics Conference)
- 2008 Health Care Case Law Update (Chapter Healthcare Financial Management Association Quarterly Meeting)
- Incident To Billing and Reimbursement (Health Law Institute)
- Top 10 Developments in Health Law in 2008 (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2007

- Top 10 Developments in Health Law since September 2006 (Foulston Siefkin LLP, Kansas Health Law Institute)
- Medicaid: The New Enforcement Focus (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2006

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- Delivering Health Care Services to the uninsured and Underinsured: Consumer Protection Act and Tax Exemption Issues (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2005

- Just Say No: Dealing with Drug Reps and Other Vendors (Foulston Siefkin LLP, Kansas Health Law Institute)
- Restrictive Covenants for Healthcare Providers (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2004

- Dealing with the Threat of Government Enforcement (Foulston Siefkin LLP, Kansas Health Law Institute)
- Hospitals and Physicians: Can This Marriage Be Saved? (Foulston Siefkin LLP, Kansas Health Law Institute)

## 2003

- Government Investigations of Health Care Providers - How to Handle the Uninvited Guest or What Do We Do When the Government Comes to Call? (Foulston Siefkin LLP, Kansas Health Law Institute)
- Lawsuits Waiting to Happen (Foulston Siefkin LLP, Kansas Health Law Institute)

## RECENT PUBLICATIONS

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### 2005

- Court Breaks Heart Surgeons' Hearts  
-Kansas Employment Law Letter

### 2002

- Best Practices for Medical Record Documentation  
-Health Law Update - Quarter 2

## ISSUE ALERTS

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### 2005

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ATTORNEYS AT LAW

- Kansas Supreme Court Enforces Heart Surgeon Noncompete Agreement

## 2004

- OIG 2005 Work Plan Identifies Enforcement Priorities

## COMMUNITY INVOLVEMENT

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- Youth Horizons – Past Board Member
- Rotary Club International – East Wichita Member and Past President
- Music Theatre of Wichita – Past Board Member
- Stage One – Past Board Member
- Leadership Wichita
- First Baptist Church, Wichita