

## **Robert L. Roth, Partner**

Robert L. Roth, a partner with Hooper, Lundy & Bookman, P.C., in Washington, D.C., advises clients on matters arising under Medicare and Medicaid, focusing on payment, compliance, and licensing issues. A former senior attorney for the Centers for Medicare & Medicaid Services (CMS) of the U.S. Department of Health and Human Services (HHS), and a former Assistant Attorney General for the State of Maryland, Bob represents a wide range of clients on federal and state regulatory and business matters. He also represents clients in litigation at the state and federal trial and appellate court levels, as well as before state and federal administrative tribunals, including the Provider Reimbursement Review Board. Bob is one of the select few health lawyers to have argued before the United States Supreme Court, which he did in *Sebelius v. Auburn Regional Medical Center*, 133 S.Ct. 817 (2013).

Bob represents providers and other clients throughout the country on matters such as reimbursement, overpayment refunds/disclosure, and coordination of benefits. He also actively counsels clients on complying with the issues surrounding all aspects of the Medicare/Medicaid programs, including the Medicare Secondary Payer (MSP) statute. Ranked by clients and peers as one of the leading health care attorneys in Washington, DC by *Chambers USA*, Bob was described as “zealous and committed” and as “stand[ing] out as having second-to-none knowledge of Medicare Secondary Payer issues.”

Bob’s significant litigation experience includes advising clients through the largest court settlement ever in a Medicare reimbursement case. Bob successfully argued in *Monmouth Medical Center/Staten Island University Hospital v. Thompson*, 257 F.3d 807 (D.C. Cir. 2001), that the reopening prohibition in HCFA Ruling 97-2, which prevented the plaintiff hospitals from having their disproportionate share hospital (DSH) payment recalculated, was unlawful and that the court had mandamus jurisdiction to hear the hospitals’ challenge. As a result of this decision, 253 lawsuits involving more than 600 hospitals were brought in the United States District Court for the District of Columbia and consolidated under the umbrella case name *In Re: Medicare Reimbursement Litigation*. Bob was named one of four members of the Plaintiffs’ Coordinating Counsel, which negotiated a settlement of more than \$665 million to resolve the pending lawsuits.

Bob’s client work also includes the successful resolution of *OSF Healthcare System, Inc., d/b/a Saint Francis Medical Center v. Thompson* (D.D.C.), where the client was seeking an order requiring the Secretary of HHS to delete certain MSP regulations from the Code of Federal Regulations.

Bob began practicing privately in 1993 following an 11-year career in government, during which he served at both the state and federal levels. At the federal level, he represented the Health Care Financing Administration (subsequently renamed CMS) as part of the HHS Office of the General Counsel. While in that position, Bob was awarded the General Counsel’s Excellence in Legal Services Award for Outstanding Conduct in Counseling and Representing the Health Care Financing Administration in Medicare Litigation and the HHS Inspector General’s Integrity Award. Earlier, at the state level, Bob served as an Assistant Attorney General, representing Maryland’s Department of Health and Mental Hygiene on state regulatory issues, after serving

the Maryland General Assembly as Counsel to the Constitutional and Administrative Law Committee of the Maryland House of Delegates and the Commission to Revise the Annotated Code of Maryland.

Bob has held leadership positions with the American Bar Association (ABA) and the American Health Lawyers Associations (AHLA). He currently chairs the Program Committee for the AHLA's Institute on Medicare & Medicaid Payment Issues. He served as Chair of the ABA's Health Law Section in 2001 – 2002 and, in January 2002, was a member of the ABA's Joint Leadership Educational Delegation to the United Nations Offices in Geneva, Switzerland in meetings with the World Health Organization and other U.N agencies.

A frequent speaker and author on health law topics, Bob serves on the Advisory Board of *BNA's Health Law Reporter* and *Medicare Report* and the *CCH Medicare & Medicaid Guide*. He also served on the *BNA Health Care Fraud Report* Advisory Board from 2001 through 2005. He has been recognized by media and peer review organizations for being a leader in his field, including Nightingale's Healthcare News, which named him among the top "Outstanding Fraud & Compliance Lawyers."

Bob has been teaching "Legislation" as an Adjunct Professor of Law at the University of Baltimore School of Law since 1984. In 2008, he served as a member of the Curriculum Review Committee for the Beazley Institute for Health Law and Policy at Loyola University Chicago School of Law.

Bob received his undergraduate degree from Lehigh University in history and Latin and his juris doctorate from Syracuse University College of Law.