



## ROBERT L. ROTH

Partner

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### PRACTICES

Administrative Law  
Behavioral Health &  
Community-Based Care  
Compliance  
Government Relations &  
Public Policy  
Litigation, Mediation,  
Arbitration  
Medicare, Medicaid, Other  
Governmental  
Reimbursement & Payment  
Provider & Supplier  
Operations  
Public Agency Law  
Recovery Audit Contractor  
(RAC) Appeals

### EDUCATION

Lehigh University, B.A., 1976  
Syracuse University College  
of Law, J.D., 1982

### BAR ADMISSIONS

1994, District of Columbia  
1994, Maryland  
1982, Pennsylvania

Robert L. Roth, Managing Partner at Hooper, Lundy & Bookman, P.C.'s Washington, D.C. office, 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, Mr. Roth 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. Mr. Roth 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).

Mr. Roth 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, D.C. 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.”

Mr. Roth 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, Mr. Roth 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

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Inspector General's Integrity Award. Earlier, at the state level, Mr. Roth 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.

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

## Representative Matters

Mr. Roth's significant litigation experience includes advising clients through the largest court settlement up to that time in a Medicare reimbursement case. He 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*. Mr. Roth 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.

Mr. Roth'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.

## Professional Affiliations

- American Bar Association, *Past Chair, Health Law Section* (2001-2002)
- American Bar Association, *Member of Joint Leadership Education Delegation to the United Nations Offices in Geneva, Switzerland* (2002)
- American Health Lawyers Association, *Chair, Program Committee for Institute on Medicare & Medicaid Payment Issues*

## Community/Civic Activities

- Advisory Board of *BNA's Health Law Reporter and Medicare Report*
- Advisory Board of *CCH Medicare & Medicaid Guide*
- Advisory Board of *BNA Health Care Fraud Report*, 2001-2005
- Adjunct Professor of Law at the University of Baltimore School of Law, 1984-2015

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- Member of *Curriculum Review Committee* for the Beazley Institute for Health Law and Policy at Loyola University Chicago School of Law

## Honors & Awards

- Rated AV *Preeminent*® by Martindale-Hubbell
- Chambers and Partners
- Nightingale's Healthcare News, named among the top "Outstanding Fraud & Compliance Lawyers."
- Washington, D.C. *Super Lawyer*

## Presentations & Speaking Engagements

- **Presenter, AHIA 35<sup>th</sup> Annual Conference: 60-Day Rule Update Reporting and Returning**, Atlanta, GA, September 11-14, 2016
- **Presenter, The 60-Day Report and Return Final Rule for Medicare Parts A & B: Analysis and Practical Perspectives**, Bloomberg BNA Webinar, July 13 2016
- **Presenter, AHLA Annual Meeting: 6 Years, 6 Months, 60 Days – Tick, Tick BOOM! Understanding the Expanded Obligations under the 60-Day Overpayment Report and Return Final Rule**, Denver, CO, June 27-29, 2016
- **Presenter, California Hospital Association's Hospital Finance and Reimbursement Seminar: Medicare Update**, Sacramento, CA, June 14-16, 2016
- **Chair, Program Committee, AHLA Institute on Medicare and Medicaid Payment Issues - Presenter, The 60-Day Report and Return Final Rule for Medicare Parts A & B: Analysis and Practical Considerations**, Baltimore, MD, April 13-15, 2016
- **Presenter, The 60-Day Report and Return Final Rule**, Wolters Kluwer Webinar, March 24, 2016
- **Presenter, A Review of the Final Rule Implementing the Medicare Overpayment Mandatory 60-Day Refund Statute**, Lawline Webinar, March 23, 2016
- **Presenter, Medicare and Medicaid Overpayments: Analysis of the Final Rule Implementing the 60-Day Refund Statute for Medicare Parts A and B**, Clear Law Institute Webinar, March 22, 2016
- **Presenter, HLB Webinar: The 60-Day Report and Return Final Rule for Medicare Parts A & B: What You Need to Know Before the March 14, 2016 Implementation Date**, Webinar, February 18, 2016
- **Presenter, Law Education Institute/Colorado Bar 2016 Health Law CLE Program: Inside the Beltway: 2016 Edition**, Vail, CO, January 8, 2016