

## Liles Parker PLLC

A National Health Care Law and Business Transactions Firm that Primarily defends Health Care Providers in Audits & Investigations

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# Michael Cook



**Partner**

**Co-Leader, Health Law Practice Group**

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## Practice Concentration and Experience:

Michael Cook has more than 35 years of experience representing a wide variety of health care related clients in regulatory, compliance, coverage, reimbursement, policy, strategic planning, government relations, and business matters. This experience includes managing the health care practices in the Washington, DC offices of several large national law firms. Additionally, Michael began his career representing the Federal regulators of the Medicare and Medicaid programs as an attorney with the Office of General Counsel of the United States Department of Health and Human Services – often on significant matters of the highest profile and sensitivity, and during his tenure at the Department, as a Special United States Attorney for the Northern District of Illinois. He has extensive experience representing clients before the U.S. Department of Health and Human Services and numerous State agencies.

Michael has represented clients in such areas as reimbursement and coverage counseling and disputes under the Medicare and Medicaid programs, audits, litigation, fraud and abuse counseling, investigations and compliance issues (including development of compliance programs), network development and managed care contracting for post acute entities, preparation of comments and negotiations on significant rulemaking actions, serving as regulatory counsel in complex and significant transactions and acquisitions, crisis management situations, survey and enforcement, licensing and certificate of need, quality improvement, patient care, and privacy issues, and a wide variety of other types of difficult regulatory, operational, and reimbursement matters. He has also supervised matters in a wide variety of other areas for health care related clients.

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Michael has a significant familiarity with the health reform legislation and its implementation. He has advised candidates for public office on its progress and implementation and clients on the law, its implications, and strategic planning with the incentives under the law. Michael has also advised the campaigns of candidates for State and Federal office on a variety of other issues. Additionally, Mr. Cook served on the Long Term Care Work Group of the Health Reform Commission for a former Governor of Virginia, and on the Health Care Transition Teams for the current and a former Governor of Virginia.

Michael has been included in numerous editions of *Who's Who in American Law*, *Who's Who in the World*, and *Who's Who in America*. He has been selected by *McKnight's Long-Term Care News* as one of the 100 most influential people in long-term care. He has also received the highest possible ratings from Martindale-Hubbell and AVVO.

Michael has been a guest lecturer at the American University School of Law, the Johns Hopkins Bloomberg School of Public Health, George Washington University School of Public Health, Shenandoah University, and the Administrative Law Review, and has served as adjunct faculty for an executive course at the Erickson School of Aging Studies of the University of Maryland, Baltimore County. Michael also served on the faculty for Aspen Systems, Inc., for a course on integrating long-term care into the hospital setting.

In addition, Michael has lectured extensively to a variety of industry groups, such as the American Health Lawyers Association, the Healthcare Financial Management Association, the Cavendish Global Health Care Initiative, the American Health Care Association, Leading Age, the National Subacute Care Association, Argentum, the American Hospital Association, the American College of Health Care Administrators, the American Medical Directors Association, the National Association for the Support of Long Term Care, and Morgan Stanley addressing topics such as:

- hospice
- coverage and payment for new technologies under the public programs
- the Affordable Care Act and its implementation, including delivery system reform
- opportunities for home health agencies and skilled nursing facilities under Alternative Payment Methodologies such as the Comprehensive Joint Replacement program
- internal investigations
- subacute care
- government audits and suspension
- RAC audits
- the Medicare Part D program
- managed care contracting for nursing facilities
- complying with the privacy rules and implementing HIPAA requirements to protect health information
- integrating post-acute services in the continuum of care
- contracts and other joint ventures between hospitals and long-term care companies

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- integrated networks and managed care contracting for post-acute services
- institutional reimbursement disputes under the Medicaid program
- discrimination by payer source in access to long-term care services
- diversification for long-term care facilities
- survey and certification disputes
- fraud and abuse and corporate compliance programs
- the Nursing Home Reform provisions of the Omnibus Budget Reconciliation Act of 1987
- Medicare routine-cost limits
- regulatory issues for assisted living facilities

Michael has contributed articles on significant issues to leading medical industry trade publications. He currently serves on the Editorial Board of the *Journal of Health and Life Science Law*, a publication of the American Health Lawyers Association.

### Representative Matters:

- Counsel to hospital on major issues of Medicaid audits similar to Medicare RAC audits
- Providing counsel to companies seeking Medicare coverage and reimbursement for new products
- Counsel to large home health agency on an audit by the Office of the Inspector General
- Advised skilled nursing facility company on the settlement of an investigation by the United States Department of Justice over therapy services
- Representing companies before the Office of Inspector General in the voluntary disclosure process
- Provide strategic advice for company with new technology and product on markets and opportunities in the market and with respect to delivery system reform
- Obtaining successful decision for home care company threatened with the loss of its license
- Successfully obtaining settlement to reverse decision terminating privileges for dentist under the Medicaid program
- Conducted internal investigation for health care company
- Successful resolution of Medicare dispute for LTACH
- Regulatory counsel for private equity group in \$370 million acquisition of assisted living facilities
- Numerous Medicare reimbursement disputes and audits, including a recovery for a major publicly traded company that owns and operates CCRCs of in excess of \$2 million in a Medicare payment dispute over home healthcare services, and settlements resulting in excess of \$1-2 million for a variety of disputes under the Medicare routine cost limits for skilled nursing facilities.
- Special counsel for the acquirers of a chain of nursing facilities for over \$1 billion.
- Obtained retroactive adjustment to the wage index for a group of hospitals through Medicare IPPS rulemaking process.
- Regulatory counsel in a \$260 million acquisition of group homes and ICF/MRS located in

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- numerous states.
- Regulatory counsel for \$500 million acquisition of assisted and independent living properties.
  - Counsel or special counsel to companies in investigations involving the provision of home health services, nursing facilities, and DSH funding.
  - Negotiated exemption of transferred nursing facilities from corporate integrity agreement
  - Assisted in the development of corporate compliance programs for two chains of nursing facilities.
  - Assisted publicly traded company in the business of senior housing, CCRCs, and assisted living in complying with HIPAA privacy requirements.
  - Counsel in numerous licensing, survey, and certification disputes and issues in numerous states and federal regions for nursing facilities, hospice programs, and assisted living facilities.
  - Counsel in numerous Medicaid payment disputes and audits in a variety of states, including disputes under the former Boren Amendment.
  - Successful legislative relief exempting county healthcare complex from classification as an institution for mental diseases.
  - Represented skilled nursing facility in audit of therapy services by the Office of the Inspector General.
  - Involved in the development of one of the first skilled nursing facilities in the country to deliver care to ventilator-dependent residents under the Medicaid program, including the development of special enhanced payment rates.
  - Represented landlord, debtor and creditors committee, in various nursing-home and hospital bankruptcies.

## **Community Service & Affiliations:**

Michael has served as a member of the Assisted Living Federation of America's President's Council and Legal Task Force and of the Products Committee for the National Association for the Support of Long Term Care. Michael has also served on a variety of task forces for trade associations, including the Healthcare Financial Management Association's Advisory Task Force on Long Term Care, the Professional Certification Committee of the American College of Health Care Administration, the Assisted Living Federation of America's Managed Care and Public Policy Task Forces, and the Reimbursement Committees of the National Subacute Care Association and of the National Association for the Support of Long Term Care. Additionally, Michael served as a member of a task force of the American Health Care Association that monitored the degree to which states complied with requirements that they fund the costs that nursing facilities incurred in complying with nursing-home reform under Medicaid. Michael currently serves as a member the Executive Committee of the Advisory Board of the Center for Public Service and Scholarship at Shenandoah University, the Executive Committee of the Democratic Business Council of Northern Virginia, the Advisory Board for the Political Science Department of Temple University, the Board of First Star (national charity that establishes and operates academics serving children in foster care),

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the Board of the Osteoporosis Foundation, the Executive Committee of the Taylor Run Citizens Association in Alexandria, Virginia, and has been appointed to the Board of the Virginia Department of Medical Assistance which oversees Virginia's Medicaid program by Governor McAuliffe.

### **Education:**

- Villanova University School of Law, Philadelphia, Pennsylvania (J.D., 1973)
- Temple University, Philadelphia, Pennsylvania (B.A. *cum laude*, 1969)

### **Professional Affiliations:**

- District of Columbia Bar Association
- American Health Lawyers Association
- Pennsylvania Bar Association
- American Bar Association

### **Admissions:**

- Admitted to Practice in the District of Columbia & Pennsylvania