

**Arthur N. Lerner**

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Practice Areas

- Health Care
- Antitrust
- False Claims/Qui Tam
- Pharmaceuticals
- False Claims
- Managed Care
- Medical Devices
- Trade Associations
- University Practice
- Pharmaceutical Industry
- Health Care Litigation
- Health Care Fraud & Abuse
- Health Care Associations Representation
- Government Health Care Programs
- Corporate/Transactional Expertise
- Compliance Training & Development
- Antitrust & Trade Regulation

Arthur N. Lerner focuses his practice on antitrust, transactions and fraud and abuse issues for health insurers, health care providers and other health care entities. He is co-chair of the firm's Health Care Group. Art handles mergers and acquisitions, joint ventures, antitrust investigations by the Department of Justice and the Federal Trade Commission, government program fraud and abuse compliance, accountable care organization ("ACO") transactions and other complex regulatory and competition law counseling and litigation matters. Art directed the FTC's health care antitrust program from 1982 to 1985. Before that, he served as attorney advisor to the Chairman of the Federal Trade Commission, assistant to the director of the Bureau of Competition, and as an FTC trial attorney in health care antitrust.

Art is a member of the Board of Directors of the American Health Lawyers Association ("AHLA") and former Chair (2004-2007) of the antitrust practice group of the AHLA. He is also former Chair of the American Bar Association Antitrust Section's Federal Civil Enforcement Committee (2006-2007) and Federal Trade Commission Committee (2004-2006), and a member of the advisory board for the Bureau of National Affairs' *Health Insurance Report*. Art speaks frequently for the AHLA, the American Bar Association and other professional organizations on antitrust, managed care, fraud and abuse and emerging health law issues.

Art is recognized in both antitrust and healthcare law by *The Best Lawyers in America* (2008 through 2012 editions). He was named one of the top 25 managed care attorneys in the country by *The National Law Journal*, is listed as a top lawyer in the healthcare field by *Chambers USA*, and is highly recommended in Legal Media's *Guide to the Leading US Healthcare Lawyers*.

Education

- University of Michigan, A.B. (1973) with distinction, high honors
- Harvard Law School, J.D. (1976) *magna cum laude*

Affiliations

Admitted to practice: District of Columbia, Massachusetts, U.S. Supreme Court, U.S. Court of Appeals: Third Circuit, Eighth Circuit, Ninth Circuit & Federal Circuit, U.S. District Court for the District of Columbia, U.S. District Court for the District of Massachusetts, U.S. Court of Federal Claims

Publications

- "Federal Health Programs and Managed Care Litigation," *Managed Care Litigation 2011 Cumulative Supplement*, BNA Books (forthcoming publication). Co-Authors: Arthur N. Lerner and Kathryn Almar.
- "Federal Health Programs and Managed Care Litigation," *Managed Care Litigation 2010 Cumulative Supplement*, BNA Books. (2010). Co-Authors: Arthur N. Lerner and Kathryn Almar.
- "Federal Health Programs and Managed Care Litigation," *Managed Care Litigation 2009 Cumulative Supplement*, BNA Books (2009). Co-Authors: Arthur N. Lerner and Amy Sandra Lee.
- "Killing the Messenger: Is There Continuing Relevance to Messenger Model Contracting," chapter in the 2008 edition of the *Health Law Handbook*, published by Thomson/West (2008). Co-Authors: Arthur N. Lerner and Barbara H. Ryland.
- "FTC Finds Evanston Hospital Merger Unlawful, But Refuses To Order Spin-Off," *American Health Lawyers Association Health Lawyers Weekly* (September 2007). Co-Authors: Arthur N. Lerner and Michael W. Paddock.
- "The Third Circuit Gives Hospitals An Edge Over Rivals in *Gordon v. Lewistown Hospital*," *ABA's The Health Lawyer*, Vol. 19, No. 2 (December 2006). Co-Authors: Arthur N. Lerner, David Florin and Valerie Hinko O'Such.
- "Federal Health Programs and Managed Care Litigation," *Managed Care Litigation*, BNA Books (2005). Co-Author: Arthur N. Lerner.

- "Physicians and Health Plans - Two Views of the Antitrust Future," *Northwestern University*, (November 2, 2000). Author: Arthur N. Lerner.
- "Joint Ventures in Health Care: An Antitrust Analysis," *American Bar Association Section of Antitrust Law*, (2000). Co-Editor: Arthur N. Lerner.
- "The Practical Implications of the Health Care Quality Improvements Act: An Antitrust Analysis," *American Bar Association, Section of Antitrust Law*, (1994). Co-Editor: Arthur N. Lerner.

Alerts & Newsletters

- "Managed Care Lawsuit Watch - April 2012," *Managed Care Lawsuit Watch* (April 6, 2012). Contacts: Arthur N. Lerner, Justin Gundlach.
- "New MLR Final Rule for Community Rated Plans Under FEHBP," *Health Law 'In The News'* (April 3, 2012). Contacts: Arthur N. Lerner, Dawn Miller.
- "DOL Issues Long-Awaited Final Rules For Service-Provider Compensation Disclosures Under ERISA," *Health Law 'In The News'* (February 7, 2012). Contacts: Joel D. Wood, Arthur N. Lerner.
- "Antitrust Division Challenges Montana Plan's Deal with Hospitals," *Health Law 'In The News'* (November 18, 2011). Contacts: Arthur N. Lerner, Justin Gundlach.
- "Centers For Medicare & Medicaid Services Releases Final ACO Rule and Additional Guidance," *Health Law 'In The News'* (October 21, 2011). Contacts: Arthur N. Lerner, Dawn Miller, Justin Gundlach.
- "IOM Issues Report, Essential Health Benefits: Balancing Coverage and Costs," *Health Law 'In The News'* (October 21, 2011). Contacts: Arthur N. Lerner, Dawn Miller, Justin Gundlach.
- "CMS Issues Proposed Rule to Revise Medicare Parts C and D Regulations," *Health Law 'In The News'* (October 7, 2011). Contacts: Arthur N. Lerner, Dawn Miller.
- "CMS Confirms Hospitals May Not Bill Secondary Payor Insurers For Amounts In Excess Of Medicare Coinsurance And Deductible Amounts," *Health Law 'In The News'* (October 4, 2011). Contact: Arthur N. Lerner.
- "CMS issues regulations implementing the Medicare Improvements to Patients and Providers Act (MIPPA) of 2008," *Health Law 'In The News'* (August 26, 2011). Contacts: Arthur N. Lerner, Dawn Miller.
- "11th Circuit Ruling On PPACA Constitutionality," *Health Law 'In The News'* (August 12, 2011). Contact: Arthur N. Lerner.
- "Department of Health and Human Services Releases Affordable Insurance Exchange Proposed Regulations," *Health Law 'In The News'* (July 12, 2011). Contact: Arthur N. Lerner.
- "CMS Rules on Premium Increases," *Health Law 'In The News'* (May 19, 2011). Contacts: Arthur N. Lerner, Jacinta Alves.

- "New Accountable Care Model Information From CMS," *Health Law 'In The News'* (May 19, 2011). Contacts: Arthur N. Lerner, Jacinta Alves.
- "OFCCP Directive Continues Agency's Efforts To Expand Its Jurisdiction Over Health Care Providers," *Health Law 'In The News'* (January 28, 2011). Contacts: J. Catherine Kunz, Arthur N. Lerner, Kris D. Meade, Christopher Flynn, Rebecca L. Springer.
- "Corrections to the Medical Loss Ratio Interim Final Rule," *Health Law 'In The News'* (January 4, 2011). Contact: Arthur N. Lerner.
- "The United States District Court for the Eastern District of Virginia Issued a Declaratory Judgment Today Finding PPACA's Minimum Essential Coverage Provision Exceeds the Constitutional Boundaries of Congressional Power," *Health Law 'In The News'* (December 13, 2010). Contact: Arthur N. Lerner.
- "Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements Under The Patient Protection and Affordable Care Act," *Health Law 'In The News'* (December 2, 2010). Contact: Arthur N. Lerner.
- "Michigan court upholds PPACA "Individual Mandate"," *Health Law 'In The News'* (October 7, 2010). Contact: Arthur N. Lerner.
- "Federal Trade Commission and Department of Health and Human Services Announce Public Workshops Addressing Legal Implications of Accountable Care Organizations," *Health Law 'In The News'* (September 20, 2010). Contacts: Arthur N. Lerner, Elliot Golding.
- "Ninth Circuit Addresses Medicare Preemption in New *Uhm v. Humana* Opinion," *Health Law 'In The News'* (September 1, 2010). Contacts: Arthur N. Lerner, Christopher Flynn, William C. O'Neill, Michael L. Cypers, Michelle A. Jones.
- "Administration seeks comments to get ready for health reform expense ratio and related regulations," *Health Law 'In The News'* (April 14, 2010). Contact: Arthur N. Lerner.
- "Detailed Summary of Health Reform Legislation," *Health Law 'In The News'* (April 9, 2010). Contact: Arthur N. Lerner.
- "CMS Issues Final Rule on Changes to the Medicare Advantage and Part D Programs," *Health Law 'In The News'* (April 7, 2010). Contact: Arthur N. Lerner.
- "Reporting and Repayment of Medicare and Medicaid Overpayments Must Be Made by May 22, 2010 Under Section 6402(a) of the Patient Protection and Affordable Care Act," *Health Provider Alert* (March 30, 2010). Contacts: Michael W. Paddock, Arthur N. Lerner.
- "Health Reform Legislation Enacted," *Health Law 'In The News'* (March 24, 2010). Contact: Arthur N. Lerner.
- "DOJ Sends Strong Civil Enforcement Message with \$12 Million Disgorgement Remedy," *Antitrust Law Alert* (March 1, 2010). Contact: Arthur N. Lerner.

- "CMS Proposes Definition Of Meaningful Use Of EHR; ONC Publishes Interim Final Rule Regarding EHR Certification And Standards," *Health Law 'In The News'* (January 5, 2010). Contact: Arthur N. Lerner.
- "CMS Proposed Rulemaking For The Medicare Advantage And Medicare Prescription Drug Programs," *Health Law 'In The News'* (December 8, 2009). Contact: Arthur N. Lerner.
- "FTC Announces Fourth Extension of Red Flags Rule Enforcement," *Health Law 'In The News'* (November 6, 2009). Contacts: Kathleen M. Stratton, Arthur N. Lerner.
- "HIPAA Interim Final Rule, October 30, 2009," *Health Law 'In The News'* (November 6, 2009). Contacts: Arthur N. Lerner, Lauren Kim.
- "CMS Provides Guidance on Use of Medicare Advantage Enrollee Information for Communications," *Health Law 'In The News'* (October 20, 2009). Contact: Arthur N. Lerner.
- "FTC Extends Enforcement Date of Red Flags Rule," *Health Provider Alert* (August 3, 2009). Contacts: Arthur N. Lerner, Kathleen M. Stratton.
- "FTC Extends Enforcement Date of Red Flags Rule," *Health Law 'In The News'* (August 3, 2009). Contacts: Arthur N. Lerner, Kathleen M. Stratton.
- "FTC Again Delays Enforcement of Red Flags Rule," *Health Law 'In The News'* (July 30, 2009). Contact: Arthur N. Lerner.
- "FTC Sues Virginia Health System for Alleged Anticompetitive Acquisition of Imaging Center and Outpatient Surgery Center," *Health Law 'In The News'* (July 28, 2009). Contacts: Arthur N. Lerner, Barbara H. Ryland, Shawn R. Johnson.
- "Hospitals Contracting With HMO to Provide Medical Services to Federal Employees Held to be "Subcontractors" Even Where Subcontract Fails To Include EEO And Affirmative Action Provisions," *Health Law 'In The News'* (June 17, 2009). Contacts: Kris D. Meade, Arthur N. Lerner, Ira M. Saxe.
- "Genetic Discrimination Act Restriction Becomes Effective," *Health Law 'In The News'* (May 22, 2009). Contact: Arthur N. Lerner.
- "FTC Extends Enforcement Date of Red Flags Rule to August 1," *Health Provider Alert* (May 4, 2009). Contacts: Arthur N. Lerner, Kathleen M. Stratton.
- "Getting in Compliance with the FTC Red Flags Rule as May 1st Enforcement Date Approaches," *Health Provider Alert* (April 9, 2009). Contacts: Arthur N. Lerner, Kathleen M. Stratton.
- "CMS Re-Issues Draft 2010 Medicare Advantage, Prescription Drug Plan and Health Plan Call Letter," *Health Law 'In The News'* (March 4, 2009). Contacts: Arthur N. Lerner, Kenneth M. Bruntel.
- "Changes in American Recovery and Reinvestment Act of 2009," *Health Law 'In The News'* (February 18, 2009). Contacts: Arthur N. Lerner,

Thomas P. Gies, William J. Flanagan, Barbara H. Ryland, Robin B. Campbell.

- "Secretary Leavitt Announces New Principles, Tools to Protect Privacy, Encourage More Effective Use of Patient Information to Improve Care," *Health Law 'In The News'* (December 18, 2008). Contact: Arthur N. Lerner.
- "NIST HIPAA Security Rule Guidance," *Health Law 'In The News'* (December 4, 2008). Contact: Arthur N. Lerner.
- "Court Issues Final Consent Judgment On United-Sierra Acquisition ," *Health Law 'In The News'* (October 16, 2008). Contact: Arthur N. Lerner.
- "Non-Contracted Ambulance Services Can Be "Emergency Services" Subject to State Medicaid Rate Cap Payment by Medicaid MCOs," *Health Law 'In The News'* (October 7, 2008). Contact: Arthur N. Lerner.
- "Massachusetts Law Imposes Limitations and Monitoring Requirements on Medical Device and Pharmaceutical Company Interactions with Health Care Practitioners and Facilities," *Health Law 'In The News'* (August 26, 2008). Contact: Arthur N. Lerner.
- "New FDA Label Change Rule," *Health Law 'In The News'* (August 22, 2008). Contact: Arthur N. Lerner.
- "Supreme Court Limits Deference for ERISA Claims Denials by Fiduciaries with Conflicts of Interest," *Health Law 'In The News'* (June 30, 2008). Contacts: Arthur N. Lerner, William J. Flanagan.
- "The Fifth Circuit Affirms the FTC's Ruling and Order Against North Texas Specialty Physicians," *Health Law 'In The News'* (May 28, 2008). Contact: Arthur N. Lerner.
- "The Fifth Circuit Affirms the FTC's Ruling and Order Against North Texas Specialty Physicians," *Antitrust Law 'In The News'* (May 28, 2008). Contact: Arthur N. Lerner.
- "Two New FTC Hospital Merger Enforcement Actions: The FTC Seeks to Block Hospital Merger in Northern Virginia and Issues Order Requiring Merged Hospital in Illinois to Create Independent Negotiating Teams," *Health Provider Alert* (May 22, 2008). Contact: Arthur N. Lerner.
- "Two New FTC Hospital Merger Enforcement Actions: The FTC Seeks to Block Hospital Merger in Northern Virginia and Issues Order Requiring Merged Hospital in Illinois to Create Independent Negotiating Teams," *Health Law 'In The News'* (May 22, 2008). Contact: Arthur N. Lerner.
- "CMS Proposes New Medicare Advantage and Prescription Drug Plan Rule," *Health Law 'In The News'* (May 9, 2008). Contacts: Kenneth M. Bruntel, Arthur N. Lerner.
- "United's Acquisition of Sierra Proceeds with Settlement of Medicare Advantage Antitrust Allegations," *Antitrust Law Alert* (February 28, 2008). Contact: Arthur N. Lerner.

- "United's Acquisition of Sierra Proceeds with Settlement of Medicare Advantage Antitrust Allegations," *Health Law 'In The News'* (February 28, 2008). Contact: Arthur N. Lerner.
- "United's Acquisition of Sierra Proceeds with Settlement of Medicare Advantage Antitrust Allegations," *Antitrust Law 'In The News'* (February 28, 2008). Contact: Arthur N. Lerner.
- "IRS Releases Final Version of Form 990 (Return of Organization Exempt from Income Tax)," *Health Law 'In The News'* (January 24, 2008). Contact: Arthur N. Lerner.
- "HHS OIG OKs Incentive Arrangements for Hospital Services in MediGap Product," *Health Law 'In The News'* (December 17, 2007). Contact: Arthur N. Lerner.
- "Dept. of Labor Clarifies HIPAA with Compliance Safe Harbor," *Health Law 'In The News'* (December 17, 2007). Contact: Arthur N. Lerner.
- "FTC Finds Evanston Hospital Merger Unlawful, But Refuses to Order Spin-Off," *Health Law 'In The News'* (August 14, 2007). Contacts: Arthur N. Lerner, Barbara H. Ryland, Michael W. Paddock.
- "Hot Fraud and Abuse Issues for Medical Device Companies," *Health Provider Alert* (May 31, 2007). Contact: Arthur N. Lerner.
- "Hospital Credentialing of Medical Device Sales Representatives – Increasing Legal Issues on the Horizon," *Health Provider Alert* (May 30, 2007). Contact: Arthur N. Lerner.
- "Health Plans Need Contingency Plans for National Provider Identification Compliance after May 23, 2007," *Health Law 'In The News'* (April 19, 2007). Contact: Arthur N. Lerner.
- "Bill To Repeal Mccarran-Ferguson Act Antitrust Exemption For Insurance Business Introduced," *Health Law 'In The News'* (March 1, 2007). Contact: Arthur N. Lerner.
- "HHS Issues Final Anti-Kickback Safe Harbors and Stark Exceptions for Donations of E-Prescribing & Electronic Health Record Technology," *Health Law 'In The News'* (August 29, 2006). Contact: Arthur N. Lerner.
- "CMS Releases Final Medicare Advantage and Prescription Drug Plan Marketing Guidelines," *Health Law 'In The News'* (July 27, 2006). Contacts: Kenneth M. Bruntel, Arthur N. Lerner, Barbara H. Ryland.
- "Fraud, Waste and Abuse Guidance for Medicare Part D," *Health Law 'In The News'* (February 24, 2006). Contact: Arthur N. Lerner.
- "Congress Requires False Claims Act Employee Materials for Medicaid Providers and Plans," *Health Law 'In The News'* (February 9, 2006). Contacts: Arthur N. Lerner, David W. O'Brien.
- "CMS Part D Guidance on LTC Pharmacy Rebates Creates Confusion," *Health Law 'In The News'* (February 1, 2006). Contact: Arthur N. Lerner.
- "Judges Tosses RICO Managed Care Claims Against PacifiCare," *Health Law 'In The News'* (February 1, 2006). Contact: Arthur N. Lerner.

- "DOJ Consent Order Resolves Antitrust Concerns for United - PacifiCare Transaction," *Health Law 'In The News'* (January 6, 2006). Contact: Arthur N. Lerner.
- "HHS OIG Issues Work Plan for 2006," *Health Law 'In The News'* (December 9, 2005). Contacts: Kenneth M. Bruntel, Shauna E. Alonge, Arthur N. Lerner.
- "Arbitrators Dismiss United Healthcare's Antitrust Claims against Chicago Health Care System," *Health Law 'In The News'* (December 2, 2005). Contacts: Michael W. Paddock, Arthur N. Lerner.
- "Third Circuit Issues Important HIPAA Decision," *Health Law 'In The News'* (November 30, 2005). Contact: Arthur N. Lerner.
- "First Circuit Upholds Maine Law Requiring Disclosures by Pharmacy Benefit Managers," *Health Law 'In The News'* (November 29, 2005). Contact: Arthur N. Lerner.
- "TRO Blocks Deceptive Claims That Drug Card Would Provide Free Drugs," *Health Law 'In The News'* (October 29, 2005). Contact: Arthur N. Lerner.
- "New Patient Safety and Quality Improvement Act of 2005 Enacted," *Health Law 'In The News'* (August 23, 2005). Contact: Arthur N. Lerner.
- "New Kickback Safe Harbor for Federally Qualified Health Centers," *Health Law 'In The News'* (July 1, 2005). Contact: Arthur N. Lerner.
- "CMS Releases Retiree Plan Drug Subsidy Guidance," *Health Law 'In The News'* (June 8, 2005). Contact: Arthur N. Lerner.
- "CMS Issues Draft Part D Plan Marketing Guidelines," *Health Law 'In The News'* (June 1, 2005). Contact: Arthur N. Lerner.
- "DC Insurance Commissioner Clarifies Charitable Obligations of Blue Cross/Blue Shield Plan," *Health Law 'In The News'* (May 17, 2005). Contacts: Arthur N. Lerner, Andrew H. Marks, Barbara H. Ryland.
- "Final Health Coverage Portability Regulations Clarify Preexisting Condition Exclusion Requirements," *Health Law 'In The News'* (February 7, 2005). Contacts: Arthur N. Lerner, William J. Flanagan, Barbara H. Ryland.
- "Ambulatory Surgery Center Can Press Antitrust Claim against Hospital," *Health Law 'In The News'* (January 29, 2005). Contact: Arthur N. Lerner.
- "Court Dismisses Resident Match Antitrust Lawsuit," *Health Law 'In The News'* (August 16, 2004). Contacts: Arthur N. Lerner, Robert A. Lipstein, Ryan C. Tisch.
- "FTC/DOJ Report Pushes Competition for Health Care Industry Ills," *Health Law 'In The News'* (July 26, 2004). Contacts: Arthur N. Lerner, Wm. Randolph Smith, Jody Goodman, Barbara H. Ryland.
- "IRS Expands Period for Provider Incentive Payment Deductibility," *Health Law 'In The News'* (July 26, 2004). Contacts: Charles C. Hwang, Arthur N. Lerner, Barbara H. Ryland.

- "CMS Issues Proposed Regulations Implementing Medicare Part D Drug Benefit and Medicare Advantage Program," *Health Law 'In The News'* (July 26, 2004). Contacts: Kenneth M. Bruntel, Arthur N. Lerner, Barbara H. Ryland, J. Catherine Kunz.
- "ERISA Preempts State Law Claims Challenging Coverage Denials," *Health Law 'In The News'* (June 22, 2004). Contacts: Arthur N. Lerner, Barbara H. Ryland.
- "DOL Issues Final Rules on COBRA Notice Requirements," *Health Law 'In The News'* (May 27, 2004). Contact: Arthur N. Lerner.
- "FEHBP Final Rule on Provider Sanctions," *Health Law 'In The News'* (March 8, 2004). Contacts: J. Catherine Kunz, Kenneth M. Bruntel, Arthur N. Lerner.
- "FTC Challenges Consummated Hospital Merger in Illinois and Related Physician Pricing Actions," *Health Law 'In The News'* (February 11, 2004). Contact: Arthur N. Lerner.
- "Congressional Investigation of Pharmacy Rebates on Medicaid Drugs," *Health Law 'In The News'* (January 16, 2004). Contacts: Arthur N. Lerner, Barbara H. Ryland.
- "The Medicare Prescription Drug Improvement and Modernization Act of 2003," *Health Law 'In The News'* (January 1, 2004). Contact: Arthur N. Lerner.
- "Tax Provisions of the Medicare Prescription Drug, Improvement and Modernization Act of 2003," *Health Law 'In The News'* (December 22, 2003). Contact: Arthur N. Lerner.
- "House and Senate Pass Mental Health Parity Extension," *Health Law 'In The News'* (December 22, 2003). Contact: Arthur N. Lerner.
- "Treasury and IRS Announce 2003-2004 Priority Guidance Plan for Employee Benefits Issues," *Health Law 'In The News'* (December 22, 2003). Contact: Arthur N. Lerner.
- "IRS Announces Inflation-Adjusted Dollar Limits for 2004," *Health Law 'In The News'* (December 22, 2003). Contact: Arthur N. Lerner.
- "HHS OIG Publishes Proposed Rules on Exclusion of Providers for Charging Medicare Substantially in Excess of Usual Charges," *Health Law 'In The News'* (September 16, 2003). Contacts: Arthur N. Lerner, Barbara H. Ryland.
- "Federal Court Grants Summary Judgment Against Health Plan's Antitrust Challenge to Hospital Combination in Pennsylvania," *Health Law 'In The News'* (July 24, 2003). Contact: Arthur N. Lerner.
- "Sixth Circuit Upholds Finding that Agreement Between Andrx and Hoechst Marion Roussel was a Per Se Illegal Market Division," *Health Law 'In The News'* (June 14, 2003). Contact: Arthur N. Lerner.
- "CMS Determines Not to Proceed With Specialty Hospital Amendment to Stark Rule," *Health Law 'In The News'* (May 28, 2003). Contact: Arthur N. Lerner.

- "U.S. Supreme Court Upholds Kentucky "Any Willing Provider" Laws that Restrict HMOs' Ability to Select Providers," *Health Law 'In The News'* (April 3, 2003). Contacts: Arthur N. Lerner, Barbara H. Ryland.
- "Hospital Not A Subcontractor Under Federal Employees Health Benefit Program," *Health Law 'In The News'* (February 4, 2003). Contacts: J. Catherine Kunz, Kris D. Meade, Kenneth M. Bruntel, Arthur N. Lerner.
- "DOJ Antitrust Settlement Requires North Carolina Physician Group To Disband ," *Health Law 'In The News'* (December 15, 2002). Contact: Arthur N. Lerner.
- "11th Circuit Grants Appeal of Provider Class Certification," *Health Law 'In The News'* (November 20, 2002). Contact: Arthur N. Lerner.
- "HHS Publishes Final Changes to HIPAA Privacy Rule," *Health Law 'In The News'* (August 15, 2002). Contact: Arthur N. Lerner.
- "FTC Report Recommends Changes in Hatch-Waxman Law," *Health Law 'In The News'* (August 1, 2002). Contact: Arthur N. Lerner.
- "Recent HIPAA and ERISA Guidance and Rules Issued by Department of Labor and HHS," *Health Law 'In The News'* (June 2, 2002). Contact: Arthur N. Lerner.
- "HHS Releases Supplemental HIPAA Regulations," *Health Law 'In The News'* (June 1, 2002). Contact: Arthur N. Lerner.
- "Pharmaceutical Company Settles FTC Charges for Unintentional Disclosure of Email Addresses of Consumers," *Health Law 'In The News'* (April 1, 2002). Contact: Arthur N. Lerner.
- "OSHA - Beverly Settlement Requires Lifting Equipment To Avoid Ergonomic Injuries," *Health Law 'In The News'* (March 25, 2002). Contact: Arthur N. Lerner.
- "On Behalf of Sagamore Health Network, Crowell & Moring Attorneys Successfully Defeated a Preliminary Injunction Motion Brought by Gateway Contracting Services in the Southern District of Indiana," *Health Law 'In The News'* (March 19, 2002). Contacts: Arthur N. Lerner, Barbara H. Ryland, Shari Ross Lahlou.
- "FTC Advisory Opinion Approves Collective Negotiation With Payors for Clinically Integrated Physician Network," *Health Law 'In The News'* (February 21, 2002). Contact: Arthur N. Lerner.
- "New HHS Guidance on Providers' Ability to Seek Payment Over Medicare Rates from Secondary Payors -- SUPERSEDED," *Health Law 'In The News'* (February 20, 2002). Contact: Arthur N. Lerner.
- "DOL Publishes Q&A on Claims Processing and Appeals Regulations," *Health Law 'In The News'* (January 5, 2002). Contact: Arthur N. Lerner.
- "Stark Law "Set In Advance" Rule Definition Delayed," *Health Law 'In The News'* (December 15, 2001). Contact: Arthur N. Lerner.

Speaking Engagements

- "Provider Power Uses and Abuses", ABA/AHLA 2012 Antitrust in Healthcare Conference, Arlington, Virginia (May 3-4, 2012). Presenter: Arthur N. Lerner.
- "Antitrust Regulatory Issues and Government Guidance for Prospective ACOs: Ushering in Accountable Care - Progress and Future Under the Affordable Care Act," Catholic University of America, Columbus School of Law (February 10, 2012). Presenter: Arthur N. Lerner.
- "Hot Buttons in Health Care Antitrust," Payors, Plans and Managed Care Law Institute, American Health Lawyers Association, Chicago, Illinois (December 6-7, 2011). Presenter: Arthur N. Lerner.
- "Introduction to Antitrust," American Health Lawyers Association Antitrust Boot Camp (September 15, 2011). Co-Speakers: Arthur N. Lerner, Barbara H. Ryland and Shawn R. Johnson.
- "Antitrust and Accountable Care Organizations," American Health Lawyers Association - The Nuts and Bolts of Accountable Care: ACOs and Beyond (March 29, 2011). Presenter: Arthur N. Lerner.
- "In-Depth Antitrust Analysis: Will Your Proposed Integration Incur Antitrust Scrutiny?" National Forum on Clinical Integration American Conference Institute, Washington, DC (November 16, 2010). Co-Presenter: Arthur N. Lerner.
- "Legal Waivers under the Medicare Shared Savings Program: An Overview of the Options," American Health Lawyers Association Public Interest Committee Teleseminar (November 11, 2010). Co-Presenter: Arthur N. Lerner.
- Health Reform: Provider Non-Discrimination Provision's Impact on Health Insurance and ERISA Plans, (October 2010). Presenter: Arthur N. Lerner.
- "Mergers and Joint Ventures: Antitrust Challenges for Hospitals and Physicians," American Health Lawyers Association 2010 Annual Meeting (June 29, 2010). Presenters: Arthur N. Lerner and Matthew J. Reilly.
- "More Exposure And More Risk: Fraud And Abuse Risks In A 'Health Reform' World," Law and Regulatory Affairs Health Care Compliance Seminar (June 12, 2010). Co-Presenters: Robert T. Rhoad and Arthur N. Lerner.
- "Government Changes to the Rules of Competition: McCarran-Ferguson Act - Health Insurance Exemption Repeal, What's It All About?," ABA/AHLA Antitrust in Healthcare Conference 2010 (May 24, 2010). Presenter: Arthur N. Lerner.
- "Health Care Reform Law: Implications for Insurers and Health Plans," AHLA Health Care Reform Law conference (May 12, 2010). Presenter: Arthur N. Lerner.

- "The Reformed New World of Health Insurance Exchanges," Crowell & Moring's Healthcare Ounce Of Prevention Seminar (HOOPS) (April 26-27, 2010). Presenters: Arthur N. Lerner and Barbara H. Ryland.
- "Healthcare Power Play: Antitrust Enforcement in the Obama Administration," Crowell & Moring's Healthcare Ounce Of Prevention Seminar (HOOPS) (April 26-27, 2010). Presenters: Christine L. White and Arthur N. Lerner.
- "The New Reformed World of Health Insurance Exchanges," Society of Professional Benefit Administrators, Washington, D.C. (April 15, 2010). Speaker: Arthur N. Lerner.
- "Government Remedies: Finding the Right Cure - Monetary Remedies in Civil Cases," ABA Antitrust Section Spring Meeting (March 26, 2009). Presenter: Arthur N. Lerner.
- "Antitrust Action: New Enforcement Moves in the Health Care Arena - Recent Government Enforcement Actions and Private Antitrust Litigation," Crowell & Moring's 2008 Healthcare Ounce Of Prevention Seminar (HOOPS) (October 2008). Co-Presenters: Arthur N. Lerner and Christine L. White.
- "Market Power: Advanced Antitrust Issues for Payors and Providers," AHLA Payors, Plans and Managed Care Law Institute, Boston, Massachusetts (October 13-14, 2008). Presenter: Arthur N. Lerner.
- "Medicare Improvements for Patients and Providers Act of 2008: Implications for Medicare Advantage and Prescription Drug Plans," Crowell & Moring Webinar (September 4, 2008). Co-Presenters: Kenneth M. Bruntel, Arthur N. Lerner, Christine C. Rinn, and Bruce O. Tavel.
- "Mergers: Antitrust Issues for Hospitals and Health Plans," American Health Lawyers Association Annual Meeting, San Francisco, California (June 30 - July 2, 2008). Presenter: Arthur N. Lerner.
- "Legislation, What is Congress Doing?," ABA Antitrust Section Fall Forum (November 16, 2007). Moderator: Arthur N. Lerner.
- "Antitrust Issues Affecting Bundling Contracts in Health Care," Crowell & Moring's 2007 Healthcare Ounce of Prevention Seminar (HOOPS) (October 2007). Co-Presenters: Arthur N. Lerner and Barbara H. Ryland.
- "Keeping Up Your Antitrust Guard," BCBSA 41st Annual Lawyer Conference, Miami, Florida (May 3, 2007). Presenter: Arthur N. Lerner.
- "Antitrust Paths and Pitfalls: What's Really the Deal with the 'Messenger Model'," 13th Annual Health Law Institute, Pennsylvania Bar Institute - Philadelphia, PA (March 14, 2007). Presenter: Arthur N. Lerner.
- "Recent Developments in the Litigation of Nursing Wages Antitrust Class Action Claims," AHLA Antitrust and Hospitals & Health Systems Practice Groups - Mid-Year Meeting (February 6, 2007). Presenter: Arthur N. Lerner.

- "Current Fraud and Abuse Issues," Law Conference for Health Plans, Insurers, and Providers, AHLA and America's Health Insurance Plans (May 11, 2006). Presenter: Arthur N. Lerner.
- "North Texas Specialty Physicians and Advocate Health System: Do these Two New Antitrust Decisions Clear or Cloud the Air on Provider Networks," AHLA Antitrust Practice Group teleconference (February 14, 2006). Moderator: Arthur N. Lerner.
- "Medicare Safe Harbor and Supplier Business Models," 2006 Health Policy Forum: A Supply Chain Forecast, Washington, D.C. (February 2, 2006). Presenter: Arthur N. Lerner.
- "New Antitrust Developments for Providers and Payors: Views from the Enforcers," AHLA Annual Meeting, San Diego, CA (June 28-29, 2005). Presenter: Arthur N. Lerner.
- "Health Plan Power and Practices," Antitrust in Healthcare Conference, AHLA & ABA Section of Antitrust Law and Health Law (May 12-13, 2005). Presenter: Arthur N. Lerner.
- "Antitrust Duality: Vindicating Rights and Assuring Compliance," BCBS Conference (May 11, 2005). Presenter: Arthur N. Lerner.
- "Antitrust Developments to Watch: Messenger Model Gone Astray and What Else is New," 11th Annual Health Law Institute, Pennsylvania Bar Institute (March 15-16, 2005). Presenter: Arthur N. Lerner.
- "Avoid Antitrust Enforcement: How to Deal with Private Payers Without Government Crackdowns," Private Payer News Audio Conference (March 1, 2005). Presenter: Arthur N. Lerner.
- "Antitrust Issues Related to PHOs and IPAs," Healthcare Financial Management Association, Fourth Annual Tri-State Winter Institute (January 20, 2005). Presenter: Arthur N. Lerner.
- "Providers and Health Plans: New Developments in Health Care Antitrust," SCMCA 6th Annual Managed Care Forum, Sea Island, Georgia (November 4, 2004). Presenter: Arthur N. Lerner.
- "The FTC/DOJ Health Care Report: How Will the Agencies Administer the 'Dose of Competition' They Have Prescribed for the Industry," American Health Lawyers Association Teleconference (September 8, 2004). Presenter: Arthur N. Lerner.
- "Working with Providers to Achieve MMA Success," Inside Medicare Reform (July 13, 2004). Presenter: Arthur N. Lerner.
- "Antitrust Issues in Hospital System Contracting Practices," AHLA Antitrust Practice Group Mid-Year Meeting, at the Institute of Medicare and Medicaid Payment Issues (March 31-April 2, 2004). Presenter: Arthur N. Lerner.
- "New Developments in Health Care Antitrust," Pennsylvania Bar Institute, Annual Health Law Institute (March 17, 2004). Presenter: Arthur N. Lerner.

- "Medicare Prescription Drug, Improvement, and Modernization Act of 2003 -- Managed Care Issues," AHLA Teleconference (December 12, 2003). Presenter: Arthur N. Lerner.
- "In the Antitrust Crosshairs: Provider Contracting Networks and Messenger Arrangements," AHLA Teleconference (November 6, 2003). Moderator: Arthur N. Lerner.
- "The Next Big Idea in Health Care," Marsh Health Care Forum (September 13, 2003). Presenter: Arthur N. Lerner.
- "New Developments in Health Care Antitrust," State Bar of Michigan Annual Meeting (September 11, 2003). Presenter: Arthur N. Lerner.
- "Health Insurance Monopoly Issues - Market Definition," Testimony before Joint Federal Trade Commission - Department of Justice Hearings on Health Care and Competition Law and Policy (April 23, 2003). Presenter: Arthur N. Lerner.
- "Antitrust in Healthcare - FTC's Retrospective Review of Mergers," ABA Health Law Section/Section of Antitrust Law & AHLA Conference (May 2003). Presenter: Arthur N. Lerner.
- "Hospital Contracting Practices," Testimony before Joint Federal Trade Commission - Department of Justice Hearings on Health Care and Competition Law and Policy (March 27, 2003). Presenter: Arthur N. Lerner.
- "What's New in Health Care Antitrust," Annual Pennsylvania Bar Institute Health Law Institute (March 13, 2003). Presenter: Arthur N. Lerner.
- "Healthcare Antitrust: The Year In Review," American Health Lawyers Association Annual Meeting (June 30-July 3, 2002). Presenter: Arthur N. Lerner.
- "Health Antitrust Update: Tax, Antitrust and Fraud and Abuse - Are the Laws Compatible?," Tax Issues for HealthCare Organizations, AHLA (October 29-30, 2001). Presenter: Arthur N. Lerner.
- "Provider Antitrust Developments: Collective Bargaining and Unions, Single Specialty IPAs and Mega-Groups, 'Messenger Model' misuse, the Labor Exemption, and Antitrust Immunity Legislation," American Association of Health Plans and American Bar Association (May 8, 2001). Presenter: Arthur N. Lerner.
- "Providers 'Leveling the Playing Field' -- What's New in Health Care Antitrust," Blue Cross and Blue Shield Association 35th Annual Lawyers' Conference (May 4, 2001). Presenter: Arthur N. Lerner.
- "Hospitals and Antitrust: New times, Same Issues?" Washington Campus (March 28, 2001). Presenter: Arthur N. Lerner.
- "Health Care Antitrust Developments in 1999-2000," Blue Cross Blue Shield Association Seminar (October 24, 2000). Presenter: Arthur N. Lerner.

- "E-health Business and the Fraud and Abuse Laws," Crowell & Moring E-Health and the Law Seminar (September 18, 2000). Presenter: Arthur N. Lerner.
- Testimony before Pennsylvania House of Representatives Insurance Committee concerning Antitrust Exemption for Health Care Professionals' Joint Negotiations with Health Plans, (July 18, 2000). Presenter: Arthur N. Lerner.
- "Medicare Pharmacy Fraud and Abuse Initiatives," at annual conference, Tennessee Society of Health System Pharmacists (April 14, 2000). Presenter: Arthur N. Lerner.
- "Marketplace: The Impact of e-Commerce on our Industry," (March 23, 2000). Presenter: Arthur N. Lerner.
- "Joint Ventures Among Providers - Antitrust Hurdles," American Health Lawyers Association, Antitrust in the Healthcare Field (February 17-19, 2000). Presenter: Arthur N. Lerner.
- "Health Antitrust Update," Pennsylvania Bar Institute Fifth Annual Health Law Institute (March 18, 1999). Presenter: Arthur N. Lerner.
- "Payor Relationships with Providers: Comments from the Government and the Private Perspective," American Health Lawyers Association, Antitrust in the Health Care Field (February 26, 1999). Presenter: Arthur N. Lerner.
- "Developments in Health Care Antitrust," 1998 Tennessee Bar Association Health Law Forum (October 8, 1998). Presenter: Arthur N. Lerner.
- "Managed Care Antitrust and Labor Law Developments Involving Physician Unions," American Bar Association Health Law Section and American Association of Health Plans 9th Annual Managed Care Law Conference -- Forging New Responses to Today's Managed Care Challenges - St. Petersburg, FL (April 28, 1998). Presenter: Arthur N. Lerner.
- "Insurance and Managed Care Organization Relationships with Providers," National Health Lawyers Association/American Academy of Healthcare Attorneys Seminar on Antitrust in the Health Care Field (February 19-20, 1998). Presenter: Arthur N. Lerner.
- "Antitrust and Long Term Care," NHLA/AAHA Long Term Care and the Law Conference, (February 4-6, 1998). Presenter: Arthur N. Lerner.
- "Rehabilitation Hospital Mergers and Acquisitions: Consumer and Regulatory Perspectives," NRH Research Center Rehab 2000: Expanding Risks, Responsibilities and Rewards Conference (September 25, 1997). Presenter: Arthur N. Lerner.
- "ERISA Developments and Other Emerging Sources of MCO Liability," American Managed Health Care Organization 1997 Fall Forum (September 22, 1997). Presenter: Arthur N. Lerner.

- "Where They Draw the Line: The Antitrust Environment in Healthcare," 1997 AICPA National Healthcare Industry Conference (July 18, 1997). Presenter: Arthur N. Lerner.
- "Mergers of Managed Care Plans," National Health Lawyers Association Seminar on Antitrust in the Healthcare Field (February 12-14, 1997). Presenter: Arthur N. Lerner.
- "A Basic Primer on Health Law: Antitrust Concerns," New York State Bar Association Continuing Legal Education Program (October 10, 1996). Presenter: Arthur N. Lerner.
- "Antitrust Considerations in Managed Care," American Association of Orthodontists Managed Care Planning Session, St. Louis, Missouri (August 9, 1996). Presenter: Arthur N. Lerner.
- "Health Care Antitrust Safety Zones and New Developments Affecting Managed Care," American Association of Health Plans Seventh Annual Managed Care Law Conference - Washington, DC (April 24, 1996). Presenter: Arthur N. Lerner.
- "ERISA's Impact on State Managed Care Regulation and Judicial Proceedings," American Association of Health Plans Seventh Annual Managed Care Law Conference, Washington, D.C. (April 24, 1996). Presenter: Arthur N. Lerner.
- "Mergers of HMOs and Payors," National Health Lawyers Association Seminar on Antitrust in the Healthcare Field, Washington, D.C. (February 21-23, 1996). Presenter: Arthur N. Lerner.
- "Antitrust and Long Term Care," National Health Lawyers Association Seminar on Long Term Care, Orlando, Florida (February 2, 1996). Presenter: Arthur N. Lerner.
- "Obtaining Health Care Antitrust Advisory Opinions and Business Review Letters," National Health Lawyers Association Managed Care Law Institute, Chicago, Illinois (December 6, 1995). Presenter: Arthur N. Lerner.
- "New Antitrust Developments in Health Care: Views from the Enforcers," American Health Lawyers Association Annual Meeting (June 28-29, 1995). Presenter: Arthur N. Lerner.
- "Legal and Professional Liability Aspects of Managed Care," American College of Surgeons 19th Annual Chapter Offices Seminar - Chicago, Illinois (June 2, 1995). Presenter: Arthur N. Lerner.
- "Antitrust Issues Related to Physician Networks, Mergers and Acquisitions," National Health Lawyers Association Seminar on Consolidations, Mergers and Physician Networks, Los Angeles, Orlando and New York City (January 13, March 3, and April 10, 1995). Presenter: Arthur N. Lerner.
- "Antitrust Issues in Contractual Arrangements for Networks and Managed Care Plans," National Health Lawyers Association Seminar on Antitrust in the Healthcare Field, Washington, D.C. (February 16-17, 1995). Presenter: Arthur N. Lerner.

- "Protecting the Network from Legal Action: Responding to Any Willing Provider Legislation," The Health Care and Insurance Institute, Third Annual Health Care Payer Forum - Washington, D.C. (February 16-17, 1995). Presenter: Arthur N. Lerner.
- "Multi-Provider/Multi-Payor Contracts - Antitrust Focus," National Health Lawyers Association Managed Care Law Institute (December 7, 1994). Presenter: Arthur N. Lerner.
- "Antitrust Issues Affecting the Development of Health Care Networks," InfoLine Conference on Integrated Delivery Systems, Boston, Massachusetts (August 11, 1994). Presenter: Arthur N. Lerner.
- "Antitrust Issues in Formation of Integrated Delivery Systems," Practicing Law Institute, New York, New York (July 20, 1994). Presenter: Arthur N. Lerner.
- "Antitrust Issues in Integrated Delivery Systems," presented at National Health Lawyers Association conference on Building an Integrated Delivery System, Chicago, Illinois (December 13, 1993). Presenter: Arthur N. Lerner.
- "Managed Care Antitrust Issues," presented at Pennsylvania Bar Institute Managed Care Seminar, Philadelphia, Pennsylvania and Pittsburgh, Pennsylvania (September 23, 1993 and October 5, 1993). Presenter: Arthur N. Lerner.
- "Benefit Determinations and Claims Payment Disputes," National Health Lawyers Association Conference on Employee Health Benefits: At the Crossroads of Health Reform, Newark, New Jersey (September 13, 1993). Presenter: Arthur N. Lerner.
- "Building an Integrated Delivery System: Antitrust Issues in Physician-Hospital Organizations," presented at National Health Lawyers Association Health Law Update, Washington, D.C. (May 20-21, 1993). Presenter: Arthur N. Lerner.
- "Implementing a Drug Formulary," presented at Illinois Association of HMOs conference on A New Health Care Order: The Mainstream Moves to Managed Care, Oakbrook Terrace, Illinois (May 6, 1993). Presenter: Arthur N. Lerner.
- "Utilization Management and the Prescription Drug Benefit," presented at the National Health Lawyers Association Seminar on The Law of Utilization Management and Quality Assurance - Kansas City, Missouri (April 21, 1993). Presenter: Arthur N. Lerner.
- "Antitrust Issues in Collaborative Activities by Health Care Providers: Hospital and Physician Networks Negotiating with Third Party Payors," presented at American Bar Association Section of Antitrust Law Spring Meeting, Washington, D.C. (March 31, 1993). Presenter: Arthur N. Lerner.
- "Legal Aspects of the Prescription Drug Benefit," presented at Blue Cross and Blue Shield Association Conference on Managing the Prescription Drug Benefit, Mesa, Arizona (November 10, 1992). Presenter: Arthur N. Lerner.

- "Benefit Determinations and Claims Payment Disputes," presented at National Health Lawyers Association conference on ERISA and the Health Benefits Plan: New Directions in Law, Newark, New Jersey and Los Angeles, California (September 11, 1992 and September 15, 1992). Presenter: Arthur N. Lerner.
- "Understanding Safe Harbors: Fraud and Abuse Issues for Consulting Pharmacy," American Society of Consulting Pharmacists Midyear Conference - Tucson, Arizona (May 14, 1992). Presenter: Arthur N. Lerner.
- "Changing Legal Considerations in Structuring Prescription Drug Benefits," presented at InfoLine Conference on Managing Prescription Drug Benefits, Philadelphia, Pennsylvania (February 26, 1992). Presenter: Arthur N. Lerner.
- "Hospital Peer Review and Quality Assurance," presented at American Academy of Orthopedic Surgeons Annual Meeting, Washington, D.C. (February 1, 1992). Presenter: Arthur N. Lerner.
- "Antitrust Issues Relating to Insurance: Selective Contracting," presented at National Health Lawyers Association 1992 Seminar on Antitrust in the Health Care Field, Washington, D.C. (January 31, 1992). Presenter: Arthur N. Lerner.
- "Legal Considerations in Physician Credentialing, Compensation, and Evaluation," presented at Group Health Association of America Seminar on Critical Issues for HMO Medical Directors, La Quinta, California (November 19, 1991). Presenter: Arthur N. Lerner.
- "Negotiating and Contracting with Managed Health Care Plans: Pitfalls and Opportunities," presented at American Academy of Family Physicians 1991 Scientific Assembly, Washington, D.C. (September 29, 1991). Presenter: Arthur N. Lerner.
- "Physician Incentives and Their Risks," and "New Medicare Supplement Insurance Regulation and Medicare SELECT," presentations at Group Health Association of America Conference, Managed Care Law: A Growing Body of Legal Challenges - Boca Raton, FL (September 11-12, 1991). Presenter: Arthur N. Lerner.
- "Workers Compensation & Managed Care: What Are the Options?," presented at Managed Health Care Congress Midwest conference - Chicago, Illinois (September 5, 1991). Presenter: Arthur N. Lerner.
- "Health Care and Criminal Antitrust," presented at Federal Bar Association Antitrust Committee seminar, Washington, D.C. (June 19, 1991). Presenter: Arthur N. Lerner.
- "Antitrust and Managed Care," presented at Group Health Association of America conference, Managed Care Law: New Risks, New Solutions, New Orleans, Louisiana (September 17, 1990). Presenter: Arthur N. Lerner.
- "New Developments in Managed Care Litigation," presented at Group Health Association of America Conference, HMO Medical Directors:

Leading the Way Through Turbulent Times, Washington, D.C. (February 24, 1990). Presenter: Arthur N. Lerner.