

POWERS

POWERS PYLES SUTTER & VERVILLE PC
ATTORNEYS AT LAW

2019 YEAR IN REVIEW



INTRODUCTION

Over the years, Powers has grown to be a leading legal voice in Washington—from our founding as a healthcare law firm in 1983 to our expansion to education law, tribal law, government relations, and nonprofit law. In 2019, we continued to grow our team and expand our capabilities to offer the best to our clients. As we begin a new year, we reflect on some of the highlights of 2019 and the many accomplishments that made this past year successful.

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NEW FACES, PROMOTIONS, AND GOODBYES

New Faces

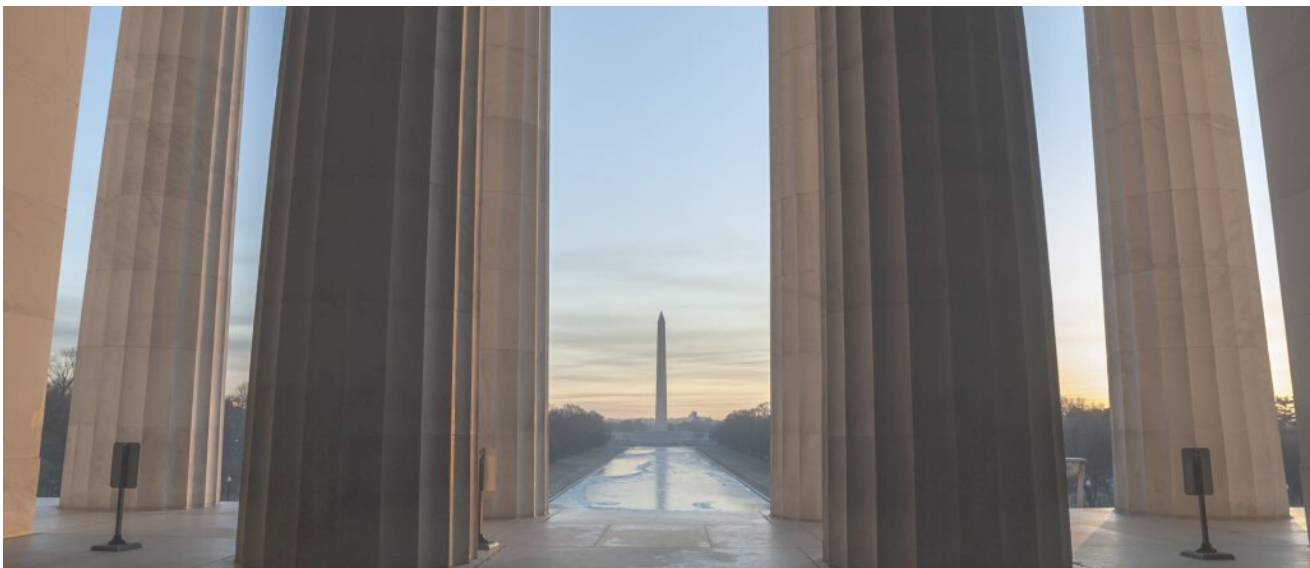
2019 was a year of growth at Powers. We had a number of new faces join the firm, strengthening and expanding our diverse team of professionals.

In July, Jeremy Scott and Julie Allen joined the government relations practice as Senior Directors of Government Affairs. Both came to the firm with more than 20 years of experience advocating in Congress for healthcare and other clients. At Powers, they continue to work with elected officials and federal agencies to accomplish their clients' legislative and regulatory goals.

In September, we welcomed Natalie Dobek and Ryan Spraker to the firm. Natalie is an Associate in the healthcare practice and Ryan is an Associate in the education practice. Both were previously summer associates with the firm.

Mark Ogunsusi joined our healthcare practice as an Associate in October. Mark works primarily in the 340B Program and drug pricing practice group. He is also a doctor of pharmacy and, prior to joining Powers, he worked as a Pharmacist for CVS.

Finally, Kathleen Hatfield joined the firm's government relations practice as Senior Counsel in December 2019. Kathleen provides policy guidance, legislative, regulatory, and legal advice for corporations and non-profit organizations, including healthcare facilities and cultural entities.



Promotions

Nick Michiels, who had been an Associate with Powers in the education practice for eight years, was elevated to Principal effective January 1, 2019.

Retirements

Two members of the Powers team retired in 2019: Joel Hamme and Thomas Hylden. We thank them for their decades of service to the firm and wish them well as they start a new phase in life.

CLIENT SUCCESSES

Our attorneys and professionals continued their tradition of top-level client service in 2019. This past year, we had a number of significant client successes, just a few of which we share below.

Principals Peter Thomas and Ron Connelly negotiated a global settlement of inpatient rehabilitation facility Medicare appeals. The settlement was negotiated on behalf of the Fund for Access to Inpatient Rehabilitation (FAIR), the American Medical Rehabilitation Providers Association (AMRPA), and the Federation of American Hospitals (FAH).

In August, Principal Larry Gondelman obtained a dismissal of a complaint on behalf of his client, a third-party financial aid servicer that was alleged to have assisted an educational institution in violating the False Claims Act regarding Title IV funds.

Powers Principal Bill von Oehsen co-authored a report for the North Carolina Legislature that led directly to the passage of new legislation. The report outlined a proposal for a correctional partnership through which drugs purchased under the federal 340B drug pricing program could be used for the North Carolina prison population. The Inmate Health Care & 340B Program (H106) was passed into law as a result.

In September, more than 370 patient and provider organizations endorsed legislation that would reform prior authorization requirements in Medicare Advantage, a bill that Powers Principals Peggy Tighe and Diane Millman helped draft and advance through their work with the Regulatory Relief Coalition (RRC).

In November, CMS pulled back and chose not to reduce Medicare reimbursement for EEG testing, a significant win for Julie Allen and her client the Ambulatory EEG Coalition.

EVENTS AND SPEAKING

Powers professionals are routinely invited to attend and speak at some of the top conferences in their fields. Below, we share some of the highlights from this past year.

Principals Bill von Oehsen and Barbara Williams spoke at the 340B Coalition Winter Conference in February. Bill spoke on third party billing and reimbursement, while Barbara spoke on Medicare provider-based rules and their implications for 340B child site registration. Our 340B attorneys also participated in the Covered Entities 340B Summit, the Healthcare Compliance Association Conference, the 340B Coalition Summer Conference, the inaugural RWC-340B Conference, and many more.

In June, Ben Tesdahl, Counsel in the healthcare practice, hosted a webinar for association management company executives on common legal pitfalls faced by association management companies when managing nonprofit organizations.

Dan Brozovic and Nick Michiels in the education practice presented at the Central States Private Education Network (CSPEN) Annual Conference on the U.S. Department of Education's state authorization rule.

Peggy Tighe, a Principal in the government relations practice, spoke at various events for the American Association of Kidney Patients (AAKP), including the Global Innovations in Patient-Centered Kidney Care Summit and the National Patient meeting, where she discussed recent drug pricing bills and her work on legislation that would increase transparency in the processes used for prior authorization.

Peggy Tighe
speaking at the
AAKP Summit



Counsel Rebecca Burke presented at both the CTel Spring and Fall Summits, where she spoke on remote patient monitoring and the evolving coverage and reimbursement environment of this rapidly expanding health care delivery model.

Julie Allen coordinated meetings with Health and Human Services Secretary Azar and the U.S. Surgeon General—both to discuss maternal mortality on behalf of her client.



Julie Allen meeting with the U.S. Surgeon General on behalf of her client, the Preeclampsia Foundation

Paul Moorehead, a Principal in the tribal practice, spoke at the U.S. Senate Committee on Indian Affairs 35th Anniversary Roundtable in June. He also moderated a panel at the US Department of Energy's Office of Indian Energy National Tribal Energy Summit entitled "The Next Era in Indian Self-Determination: Fifty Years After Nixon's 1970 Message on Indian Affairs."



Paul Moorehead moderating a panel at the National Tribal Energy Summit at the Department of Energy

FIRM RECOGNITION

As in previous years, Powers was ranked in the top legal guides, such as Super Lawyers, Best Lawyers, and U.S. News and World Report:

- ▶ Principals Diane Millman, Mark Fitzgerald, Ron Connelly and Senior Counsel Mary Susan Philp were listed in Super Lawyers 2019.
- ▶ Ten of our attorneys were recognized in the Best Lawyers in America 2020. Those attorneys were Stan Freeman, Sherry Gray, Mark Fitzgerald, Diane Millman, Barbara Williams, Ron Connelly, Jim Pyles, Bryan Gunn, Paul Moorehead, and Kevin Wadzinski.
- ▶ Powers was ranked among the “Best Law Firms” of 2020 by U.S. News— Best Lawyers for the 10th year in a row. We received a national tier 1 ranking for Native American law and a national tier 2 ranking for health care law. We also received a metropolitan tier 1 ranking for Native American law, health care law and education law.
- ▶ Education Principal Sherry Gray was recognized by Best Lawyers as the Lawyer of the Year for education law in Washington, D.C.

MEMORANDA AND INSIGHTS

In 2019, Powers continued to be a source of insight into the complex legal and regulatory landscape in Washington. Our professionals published a number of blog posts and memoranda to guide their clients and others through new rules and regulations throughout the year.

In January, Principal Barbara Williams published a memorandum on CMS’s revised guidance on hospital price transparency requirements.

Principal Mark Fitzgerald and Associate Megan La Suer summarized a proposed rule released by HHS in January to address the rising cost of prescription drugs.

Our healthcare practice issued a memorandum summarizing key aspects of key end-stage renal disease (ESRD) provisions in a new proposed rule issued by CMS in July.

In March, our 340B practice released a memorandum on the current legal and regulatory landscape surrounding 340B overcharges and what steps covered entities can take to recover those overcharges.

In the fall, the education practice published a series of blogs summarizing the Department of Education’s final regulations on accreditation and state authorization. The blogs discuss how the new rule eases the process for new accrediting agencies seeking recognition and summarize the key changes to state authorization, among other things.

COMMUNITY INVOLVEMENT

In 2019, we continued to find ways to connect with our community and support local nonprofits.

Attorneys Becky Burke, Larry Gondelman, Diane Millman, and Rob Portman continued their tradition of supporting the EverybodyWinsDC reading program at the Marie Reed Elementary School in Adams Morgan. Powers also donates annually to EverybodyWinsDC.

A group of attorneys participated in the Everybody Wins Trivia Contest with over 90 members of the legal community.

In addition, we sponsored numerous local and client causes, including the Disability Rights Education and Defense Fund, the American Trauma Society, the Legal Aid Society, the DC Bar Pro Bono Program, the Fisher House Foundation, the Center for Medicare Advocacy, and more.



Powers participates in the Everybody Wins Trivia Contest

MORE GREAT THINGS TO COME!

2019 was a productive and successful year for Powers and we look forward to carrying this momentum through the new year. Stay tuned for more great things to come in 2020!