



→ Ken Yood

Partner

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Ken is a partner in the Corporate practice group in the firm's Los Angeles office. *Chambers USA* ranks him highly for Healthcare, where he was commended for his "broad-based ability in the regulatory area." Clients appreciate that "his explanations are clear, and he understands the business side of things," notes *Chambers 2016*.

Areas of Practice

Ken represents a wide range of healthcare providers and healthcare companies, including specialty and general acute hospitals (including local district, nonprofit and for-profit facilities), home health agencies, specialty pharmacy and infusion centers, pharmaceutical vendors, nursing facilities, and health information and management providers.

Ken has experience in Medicare and Medicaid reimbursement and certification, state licensing, and federal regulatory compliance.

Additionally, he counsels clients on physician referral law limitations, state and federal fraud and abuse issues, and state and federal false claims and program fraud matters.

Ken helps clients both establish and operate healthcare compliance programs. He has developed corporate compliance programs designed to identify Medicare and Medicaid reimbursement and certification issues, licensing and federal regulatory compliance matters, fraud and abuse issues, as well other regulatory compliance matters. He has assisted clients in both internal and external investigations of healthcare facilities and has experience in advising clients on disclosure and reporting obligations and strategies under the various federal and state false claims laws.

Honors

Healthcare Lawyer of the Year - Los Angeles, *Best Lawyers in America*, 2017-2019

RAVES (Recognizing AHLA Volunteer Engagement and Success) Recipient, American Health Lawyers Association, 2016

Leading Lawyer, *Chambers USA*, 2005-2021

AV® Preeminent Rated, Martindale-Hubbell®

Healthcare, *Legal 500*, 2010, 2011, 2013-2015

Best Lawyer in America, *Best Lawyers*, 2011-2021

Southern California Super Lawyer, *Super Lawyers*, 2009-2021

Articles

- Why Primary Care Could Be the Next Behavioral Health
A long-ignored sector of healthcare could be poised to surge.
C-Suite Quarterly, 12.09.2020
- The Future of the Affordable Care Act
Med Monthly, 02.01.2017
- MSSP ACO Program - Proposed Rule
AHLA, 12.2014
- "The Baucus Health Bill – A Mixed Bag for Drug Makers?" *Corporate Compliance Insights*, January 18, 2010
- "Caution, Scrutiny Ahead: Physician-Hospital Collaboration Drawing More Regulatory Attention," *Modern Healthcare*, May 5, 2006

Healthcare Law Blog Posts

- "CMS' Next Generation Accountable Care Organization (NGACO) Model Set To End in December 2021," June 2, 2021
- "Biden's American Rescue Plan Follows Trend Toward Outpatient Setting, Increase in ASC Investment," May 20, 2021
- "The American Jobs Plan and the American Rescue Plan: The Biden Administration Bets Big on Home and Community-Based Services," April 21, 2021
- "The American Rescue Plan Act of 2021: A New Lease on Life for the Affordable Care Act?" March 26, 2021
- "Senior Living Communities, Liability for COVID-19 Countermeasures, and the PREP Act: Is the Tide Turning for Providers?" March 8, 2021
- "The Honeymoon Phase Is Over: OIG to Audit COVID-19 Part B Telehealth Services," February 12, 2021
- "Secret Rules and Hidden Penalties: Biden Executive Order Takes Aim at the Trump Administration's Efforts to Limit HHS's Use of Guidance Documents in Civil Enforcement Actions," February 3, 2021
- "Medi-Cal Rx: California to Transition Medi-Cal Pharmacy Benefits to Fee-For-Service," January 11, 2021
- "Contract Pharmacies and the 340B Drug Discount Program: New Litigation and an Advisory Opinion Point to Ongoing Skirmishes on the 340B Battlefield," January 8, 2021
- "Medicare Part B Most Favored Nation Drug Pricing Model: New Rules, New Lawsuits, New Tweets," December 21, 2020
- "'Hope Is On The Horizon': California Governor Gavin Newsom Announces COVID-19 Vaccine Distribution Plan," December 10, 2020
- "Eleventh Hour Rulemaking: HHS Eliminates Safe Harbor Protections for PBM Drug Rebates and Creates Two New Safe Harbors for Point-of-Service Discounts and PBM Fixed-Fee Arrangements," December 2, 2020
- "On Your Mark, Get Set, Go: Life Science Companies Face A Challenging Year For Compliance With New Open Payment Program Data Collection And Reporting Requirements," November 25, 2020

- *"Texas v. California: SCOTUS Hears Oral Arguments About the Constitutionality of the ACA,"* November 17, 2020
- *"Primary Care First: CMS's New Value-Based Approach to Primary Care,"* November 11, 2020
- *"And We Have Lift-Off: Improvements in Healthcare Revenue Cycle Management to Address COVID-19 Challenges,"* November 10, 2020
- *"Department of Health and Human Services Releases New Provider Relief Fund FAQs: Reporting, Single Audits and What You Can Do Now,"* October 7, 2020
- *"Maneuvers on the 340B Drug Pricing Program Battlefield: Duplicate Discounts and Contract Pharmacies,"* September 29, 2020
- *"The Next in the Series of Executive Orders Affecting the Pharmaceutical Industry,"* September 17, 2020
- *"President Trump's Executive Order Mandating the Purchase of U.S. Drugs Evokes Criticism,"* August 18, 2020
- *"CMS' Proposed Rule Promoting Value-Based Purchasing for Medicaid-Covered Drugs: The Comments are In!"* August 18, 2020
- *"Venture Capital And Private Equity Investors Take Note: Primary Care May Be The Next Behavioral Health,"* August 5, 2020
- *"Hospitals, Home Health Agencies, and Skilled Nursing Facilities: The Costs of COVID-19 and Federal Relief for Healthcare Providers,"* July 30, 2020
- *"CMS Issues Proposed Home Health Agency Rule On Making Certain Telehealth Flexibilities Permanent, Increasing Medicare Payment Rates And Home Infusion Therapy Service Payment Rates For CY 2021,"* July 10, 2020
- *"Opening Up America: Recent COVID-19 Data And Congressional Hearings Show That Nursing Homes May Be The Last To See "Business As Usual!,"* June 24, 2020
- *"More Help Is On The Way For Accountable Care Organizations: CMS Announces New Relief For ACOs Struggling With The COVID-19 Crisis,"* June 19, 2020
- *"Going Virtual: Clinical Trials, Telemedicine, Electronic Medical Records, And All That." June 8, 2020*
- *"Getting Ahead of California's Post-Pandemic M&A Surge: California Senate Bill 977 Seeks to Expand Attorney General Oversight of Healthcare Acquisitions and Affiliations involving Hospitals, Health Systems, Private Equity Groups, and Hedge Funds,"* May 28, 2020
- *"The Expansion of Cardiovascular Procedures in the ASC Setting,"* May 11, 2020
- *"Nursing Home Liability Waivers and Nursing Home Investigations and Enforcement: A Delicate Balance During the COVID-19 Pandemic,"* May 6, 2020
- *"Data Reporting, Patient Access and Malpractice Liability: Nursing Homes and Long-Term Care Facilities Command Federal and State Attention during the COVID-19 Public Health Emergency,"* April 27, 2020
- *"Elective and Non-Essential Medical Procedures: States React to Federal Recommendations and the Opening Up America Again Guidelines,"* April 23, 2020
- *"Telehealth and Online Prescribing: COVID-19 Triggers Changes to the Prescriber/Patient/Pharmacist Relationship,"* April 21, 2020
- *"Coronavirus Aid, Relief, And Economic Security Act Of 2020: Telehealth Front and Center,"* March 30, 2020
- *"California Health Plans Take Note: California Department of Managed Health Care issues All Plan Letter on Social Distancing and COVID-19,"* March 18, 2020

- "CMS Announces Actions to Address the Threat of Coronavirus," March 6, 2020
- "JUST IN: Fifth Circuit Court of Appeals Reaches Decision on Latest Case Involving Constitutionality of ACA," December 18, 2019
- "340B Program-Participating Hospitals Object to CMS's Proposed Cuts to 340B Program Reimbursement: CMS's Recent Information Collection Request," December 12, 2019
- "Years in the Making: The Health Resources & Services Administration Launches a Website to Increase Pricing Transparency in the 340B Program," April 24, 2019
- "FDA Issues Warning Letter to Lab Marketing Three Laboratory-Developed Tests," April 22, 2019
- "Cybersecurity, Inside Jobs, Outside Jobs, and HIPAA," March 14, 2019
- "HHS Proposes Rule to Eliminate Safe Harbor for PBM Drug Rebates," February 14, 2019
- "California AG Aims to Block County's Purchase of Two San Jose-Area Hospitals," January 18, 2019
- "Pathways to Success Update: CMS Issues Final Rule on Changes to the ACO Program," January 7, 2019
- "WHAT SAY YOU, NEW YORK? Now that Federal Antitrust Regulators Have Approved CVS's Proposed Acquisition of Aetna, Attention Turns to New York State," October 23, 2018
- "Congress Passes "SUPPORT for Patients and Communities Act" – A Rare Example of Bi-Partisanship," October 12, 2018
- "The Merit-Based Incentive Payment System's Targeted Review Deadline is Upon Us: Physicians, Groups, and other Clinicians have until October 15, 2018 to Identify and Report Errors in the Calculation of their 2017 MIPS Final Scores," October 5, 2018
- "No Longer in Suspense: CMS Issues Final Rule Announcing that Risk Adjustment Program Transfers for 2017 will be Distributed in September," July 27, 2018
- American Hospital Association, Et Al. v. Azar" rel="noopener noreferrer" href="https://www.sheppardhealthlaw.com/2018/07/articles/hospitals/340b-drug-pricing-program/">"340B Drug Pricing Program Litigation Update: *American Hospital Association, Et Al. v. Azar*," July 18, 2018
- "Humana, TPG Capital, and Welsh, Carson, Anderson & Stowe Create the Country's Largest Hospice Provider, 'Kindred at Home'," July 12, 2018
- "The VA MISSION Act: Enhancing Healthcare for Veterans," June 12, 2018
- "The Shape of Healthcare: Blockbuster Mergers, Retail Healthcare, and Marcus Welby, M.D." May 30, 2018
- "Direct Primary Care Legislation Continues its Roll Across the Country: Florida Governor Rick Scott signs Florida House Bill 37, Direct Primary Care Agreements," March 30, 2018
- "340B Drug Pricing Program Litigation Update," January 4, 2018
- "CVS Health to Acquire Aetna," December 5, 2017
- "The 340B Drug Pricing Program: New CMS Final Rule Draws a Motion for Preliminary Injunction from Hospital Groups," November 17, 2017
- "Recent Merger Reflects Enhanced Need for Revenue Cycle Management Platforms," October 20, 2017
- "Trump Administration Takes Aim at ACA With AHP Executive Order," October 13, 2017
- "Alert: In a Surprise Decision Issued on October 5, 2017, Honorable John Walter, United States District Judge, Dismissed a Medicare Advantage Risk Adjustment Fraud Suit Against UnitedHealthcare," October 6, 2017

- "Finding Common Ground in the Healthcare Debate: Federal, State, and Local Governments Respond to the Opioid Epidemic," September 29, 2017
- "Disproportionate Share Hospitals Facing Steep Payment Cuts," September 28, 2017
- "MACRA Update: How to Prepare for Changes in MIPS," September 8, 2017
- "More Telemedicine Food for Thought: Exception Five to the Haight Act's In-Person Examination Requirement," July 13, 2017
- "Giving Telemedicine More Room to Breathe: Recent and Pending State and Federal Actions in the World of Online Prescribing," July 10, 2017
- "When your Hospital-of-Choice is In-Network but, SURPRISE, your Anesthesiologist is Not: California's AB-72 and Other State Responses to the Surprise Billing Pandemic," June 20, 2017
- "To Report or Not to Report – Is it Really A Question?" June 5, 2017
- "The Opportunities and Challenges of Freestanding Emergency Departments," May 24, 2017
- "ACA Cost-Sharing Reductions: An Uncertain Future," May 5, 2017
- "Part VI: An Update on the American Health Care Act," May 5, 2017
- "Has the Acquisition of Cigna Corp. by Anthem, Inc. Been Relegated to the Dustbin of History? Stay Tuned!" May 3, 2017
- "Final Market Stabilization Rules – How Stable is Stable?" April 21, 2017
- "Patient Check-Ups Before Checking Out: Partnering to Bring Health Care into the 'One-Stop Shopping' Sector," April 17, 2017
- "Jury Returns Massive Verdict in Hospital Gown Fraud Lawsuit," April 13, 2017
- "Health-Related Programs Face Deep Cuts In President Trump's 'Budget Blueprint to Make America Great Again,'" March 30, 2017
- "CMS Delays Implementation of New Payment Models (Again)," March 29, 2017
- "Part V: A Brief Overview of the American Health Care Act," March 9, 2017
- "New OIG Exclusion Authority Rule Set To Go Into Effect on March 21, 2017," March 8, 2017
- "DOJ Issues New Guidance on the Evaluation of Corporate Compliance Programs in Federal Fraud Investigations," March 2, 2017
- "Physician-Owned Hospitals: Back in the Legislative Saddle Again or 'I'm just a bill, I am only a bill,'" March 1, 2017
- "Justice Department Joins Whistleblower Suit Accusing UnitedHealth Group of Overcharging Medicare by 'Hundreds of Millions,'" February 23, 2017
- "The 340B Program Omnibus Guidance: Not Ready for Prime Time," February 21, 2017
- "Part IV: The ACA, Post-Inauguration," February 7, 2017
- "Part III: Exploring 'Repeal and Replace,'" December 21, 2016
- "Part II: Implications of a Partial Obamacare Repeal," December 6, 2016
- "Part I: How We Got Here: President Obama to Obamacare to President-elect Trump," November 18, 2016
- "Very Opaque to Slightly Transparent: Shedding Light on the Future of Healthcare," November 15, 2016

- "House Republicans Push Back on Medicare's New Mandatory Bundled Payment Models," October 19, 2016
- "The MACRA Final Rule: The Art of the Transition," October 18, 2016
- "The Road to Higher Out-of-Pocket Medical Costs is Paved with Good Intentions: The Unintended Consequences of High Deductible Health Plans," October 5, 2016
- "Vermont to Launch a First-in-the-Nation All-Payer System for All Healthcare Providers," September 30, 2016
- "CMS says to physicians: Pick your pace for MACRA implementation. Physicians say to CMS: Thank you for hearing us." September 26, 2016
- "CMS Releases 2017 Medicare Hospital Payment Rates, Penalties for Poor Performers," September 7, 2016
- "Medicare Board of Trustees Releases 2016 Annual Report: Hospital Trust Fund Insolvency Projected by 2028," July 7, 2016
- "The Supreme Court Upholds The Availability Of Subsidies On The Federal Exchange—Where Do We Go From Here?" June 25, 2015
- "More Risk for All and "Free" Care?" March 20, 2015
- "Stripping the ACA of Both the Carrot and the Stick: Sticking it to Consumers On and Off the Federal Exchange," March 13, 2015
- "Oral Argument in *King v. Burwell* Concludes; Debates Ensur," March 4, 2015
- "On the Eve of Oral Arguments before the U.S. Supreme Court in *King v. Burwell*: Obamacare in the Balance," March 2, 2015
- "The push for greater transparency in healthcare continues," May 14, 2014
- "Enforcement of the Two-Midnight Rule Delayed Again," April 7, 2014
- "Dual Eligibles Coordinated Care Demonstration postponed to July 2013," September 17, 2012
- "Accountable Care Organizations: Payment Options for ACOs Pursuant to the Proposed Rule," May 24, 2011
- Proposed Rule: Legal Structure and Governance of ACOs, April 12, 2011
- "CMS Releases Self-Referral Disclosure Protocol for Stark Violations," November 29, 2010
- "OIG Releases Fiscal Year 2011 Work Plan," November 29, 2010

Speaking Engagements

"HIPAA Third-Party Assurance: Learning Lessons and Moving Forward," HITRUST 2019 Annual Conference, May 22, 2019

"CFO Roundtable: The Sunshine Act," Hardesty LLC, June 18, 2013

"Governmental Disclosure: The Ins and Outs and Ups and Downs," Physician Practice Compliance Conference, Health Care Compliance Association, October 2006

"Fraud and Abuse in the Pharmaceutical Industry," OIG Update, 2005

"Fraud and Abuse in the Pharmaceutical Industry," Best Practices for Using Health Care Professionals as Consultants, 2004

"The Medicare Modernization Act: Medicare Part B," Los Angeles County Bar Association, Healthcare Section, 2004

"The Medicare Modernization Act: A General Review," California Society of Healthcare Attorneys, Annual Meeting, 2004

"Managed Care Contracting and Corporate Compliance," Council of Ethical Organizations, 2003

"The Basics of Managed Care Contracting," American Health Lawyers Association, Hospitals and Health Systems Conference, 2002

"The Other Side of Compliance: Disclosure," Healthcare Financial Management Association, 2001

"Risk Sharing, Gainsharing and Incentive Design: What Can Providers Do Now?," American Health Lawyers Association, Institute on Medicare and Medicaid Payment Issues, 2000 and 2001

"Compliance Programs: Minimizing Risks in an Era of Increasing Enforcement," Healthcare Financial Management Association, 2000

Events

Nursing Home Defense Strategies
Webinar, 06.17.2021

Memberships

Vice Chair, Healthcare Facility Operations Interest Group, 2013-2014
American Health Lawyers Association

Practices

Corporate
Healthcare

Industries

Healthcare
Nonprofit

Education

J.D., State University of New York - Buffalo Law School, 1989
M.P.H., Harvard University, 1990
B.A., Haverford College, 1986

Admissions

California