

MEDICARE, MEDICAID & REIMBURSEMENT EXPERTISE

Members of Covington's health care group have the distinct ability to understand and anticipate a wide range of Medicare, Medicaid, 340B, managed care, and related legal and strategic issues faced by the health care industry. Anna Kraus, who leads a team focusing on coverage and reimbursement matters as well as HIPAA issues, is a former Deputy General Counsel to the US Department of Health and Human Services, where she worked extensively on issues relating to Medicare and Medicaid.

Working with lawyers in the food and drug practice, pharmaceutical litigation and investigations practice, life sciences industry group, and the government affairs practice, the firm's health care team adopts an interdisciplinary strategic approach to coverage and reimbursement issues. Recent examples of work include: assisting a manufacturer in obtaining Part D coverage of a product that CMS had initially determined to be excluded from Part D coverage, assisting manufacturers in obtaining more favorable reimbursement status in a physician setting, assisting manufacturers in clarifying with CMS the Part B status of various products, and assisting a manufacturer in developing a strategy to ensure immediate coverage of a newly approved product under Medicaid.

In terms of regulatory and legislative advocacy and policy, our team provides valuable advice and counseling in the following ways:

- Provides support materials (e.g. talking points and one-pagers) and advises government relations staff relating to congressional and agency advocacy efforts.
- Analyzes legislative proposals advanced by other stakeholders based on an in-depth understanding of the Medicare environment and PBM and private health plan practices and perspectives.
- Brainstorms with company experts to create viable legislative amendments to Medicare Part D that will improve its overall success and protect company business interests.
- Targets government relations support with specific Members of Congress, committee staff, and agency officials to act as a "force multiplier" to company advocacy efforts.
- Monitors regulatory developments and assists in submitting comments in connection with agency rulemaking.
- Briefs for administration officials issues of specific interest to the client.
- Assists in assessing/modifying internal compliance policies in light of developments, such as expanded drug coverage under Part D and revised average sales price data reporting methodology under Part B, including review of marketing and pricing practices based on current CMS, OIG, and other guidance.

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